

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: February 5, 2019

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount:

January 28, 2019
Date Prepared

Agenda Title: **PC-2019-01, ZONING MAP AMENDMENT**, to establish a Neighborhood Conservation Overlay District in an R1-A (Single-Family Low Density Residential) District for Heritage Vineyard Subdivision in the area of Olde Farm Road, for a total of 32 land parcels, City of Oxford, Applicant

Recommendation: **Approval**

Discussion:

The legislation for creating Neighborhood Conservation Overlay Districts was adopted by City Council in 2012. The goal was to protect residential neighborhoods, maintain an attractive community appearance, and to provide a desirable living environment. The ordinance restricts residential properties to be rented to no more than two unrelated individuals. Without the overlay, properties can be rented for up to four unrelated occupants. Families are not limited in number. The process to establish an overlay district begins by a petition with signatures of at least two-thirds of parcel owners within the proposed district. The petition goes before City Council for acceptance and referral to the Planning Commission as a zoning map amendment. There have been seventeen (17) petitions that have come before the City Council since 2014.

There are a total of 32 parcels contained in the proposed overlay (27 for Phase 1 development). No homes have been built but lots do exist for future development. There will be a total of 50 home lots when the second phase moves forward. Streets and utilities construction is underway. The Overlay was not a condition of the planned development approval. However, the developer (Bryan Price) committed that it would be done. This overlay abuts the existing Country Club Drive/Olde Farm/Contreras Road Overlay created in 2015.

The single signature on the letter exceeds the minimum two-thirds requirement at 100% per Oxford Zoning Code Section 1146.03(a)(3). This overlay does not include the typical petition because of sole ownership. There is only one owner of the land at this time. The boundary also meets the block requirements of the overlay Code.

The Planning Commission held a hearing on January 8 and determined that the proposed overlay met the standards of the map amendment as well as the neighborhood overlay. The Commission voted 6-0 to recommend approval to City Council.

Approved by:

	Initial	Date
Department Head:	<u>SP</u>	<u>1/29/19</u>
City Manager:	<u>DRE</u>	<u>2-1-19</u>

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT IN A R-1A (SINGLE FAMILY LOW DENSITY RESIDENTIAL) DISTRICT FOR PARCELS LOCATED WITHIN THE HERITAGE VINEYARD SUBDIVISION IN THE CITY OF OXFORD, OHIO.

WHEREAS, Council finds in accordance with Section 1146.03 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on January 8, 2019 on the City of Oxford's application for a Zoning Map Amendment to establish a Neighborhood Conservation Overlay District in a R-1A (Single Family Low Density Residential) District for parcels located within the Heritage Vineyard Subdivision in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A" and;

WHEREAS, the Oxford Planning Commission, after public hearing and deliberation, recommended granting the Zoning Map Amendment to establish a Neighborhood Conservation Overlay District, and found that the proposed request was in keeping with the intended characteristics of the neighborhood and was an appropriate classification for the parcels in question.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY ORDAINS THAT:

SECTION 1: Council hereby accepts the recommendation of the Oxford Planning Commission, and after deliberation, finds for the granting of the Zoning Map Amendment, to establish a Neighborhood Conservation Overlay District in a R-1A (Single Family Low Density Residential) District for parcels located within the Heritage Vineyard Subdivision in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 2: Council hereby grants the Zoning Map Amendment as requested, incorporating the application and documents submitted with the application as a term and condition of the granting of this Zoning Map Amendment and orders that the official zoning map be amended.

SECTION 3: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2019-01

Date – January 8, 2019

APPLICATION

Applicant:	City of Oxford
Action Request:	ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District for parcels located within the boundaries of the Heritage Vineyard Subdivision, City of Oxford, Applicant

DESCRIPTION

The proposed map amendment is to establish a Neighborhood Conservation Overlay District in an existing R-1A (Single-Family Low Density Residential) District in what will become the Heritage Vineyard Subdivision. This residential development was approved in 2017. The owner is following through with his commitment for the overlay prior to any homes being built. The effect would be an additional restriction on the underlying zoning that would limit the number of unrelated occupants in a rented unit from currently four, to two. Families are not restricted in number.

A request to establish a neighborhood conservation overlay district was filed by the owner, Bryan Price, on October 22, 2018. A resolution was adopted by the City Council on December 4, 2018 accepting the petition and forwarding this request to the Planning Commission. This is the 18th such overlay since 2014. The proposed overlay abuts an existing 2015 overlay covering Country Club Drive and Olde Farm Road. This overlay, if approved, would cover the entire Heritage Vineyard subdivision, which will be 50 home lots, when fully developed.

ZONING CODE

The Oxford Zoning Ordinance Chapter 1146 governs the establishment of the Neighborhood Conservation Overlay District.

COMPREHENSIVE PLAN

In the Overview Section of Chapter 7, Housing, in the Comprehensive Plan, residents echoed the same sentiments that Oxford has a unique housing market involving a large rental population that limits opportunities for family housing options and changes the community character, specifically within the Mile Square. The public input sessions also pointed out the lack of housing opportunities for families and the hope to encourage owner-occupied housing and promote the return of full-time residents to the area. The Comprehensive Plan does not explicitly point to the establishment of an overlay district to encourage owner-occupied neighborhoods, but several objectives and strategies are relevant to this idea of maintaining traditional neighborhoods and owner-occupied residential dwellings.

Objective Expand Housing options

- H2.1 Update development regulations to allow for a variety of housing types in new developments.*
- H2.4 Provide financial assistance to increase homeownership opportunities for low and moderate income residents.*

Objective: Expand homeownership opportunities

- H5.1 Encourage local employers to provide homeownership incentives.*
- H5.2 Encourage rehabilitation of owner-occupied structures within the Mile Square.*
- H5.3 Create an urban homeownership incentive program such as homeownership grants to help offset the cost of housing.*
- H5.4 Develop a revolving loan fund.*

H5.5 *Establish an Oxford Homeownership Office in partnership with Miami University.*

H5.6 *Support the University loan program to increase homeownership opportunities within the Mile Square.*

AGENCY REVIEWS

Requests for review were made to the Police, Fire, Engineering and Economic Development Departments. The following comments have been received:

Police:	Received without comments
Fire:	Received without comments
Engineering:	Received without comments
Econ. Dev.	Received without comments

PUBLIC NOTICE

Notification was placed in the newspaper, mailed to property owners and a sign was placed in the neighborhood. One response to the mailed notice is included.

DECISION CRITERIA

A copy of the Decision Criteria for Overlay District is attached.

ANALYSIS

The idea of the neighborhood conservation overlay district was to preserve neighborhoods from converting to predominately rental property. The Housing Advisory Commission originally recommended the program to Planning and City Council. The Planning Commission went through extensive discussion about the concept for this in 2012. It was designed to provide a mechanism for neighborhoods to initiate a grass roots movement to organize together petitioning City Council for the consideration of placing more restrictions on the underlying district. The additional restriction is to reduce the allowed number of unrelated occupants from four to two. This overlay does not prevent rentals; but it does further restrict rentals. Existing rentals are allowed to continue and rentals to families of unlimited size are not restricted.

The overlay district is not uncommon in the land use arena to put in place a specific set of regulations that are more stringent than the underlying district in order to accomplish specific objectives. The most commonly used overlay district is for historic areas. Others are used for specific design standards to promote some uniformity in certain specific subset areas.

Many neighborhoods have gone through this process since the adoption of this enabling legislation in 2013. As of today, there have been 17 different neighborhoods throughout the City that have obtained the overlay district designation. These neighborhoods are typically located outside of the Mile Square.

Based on the Neighborhood Conversation Overlay District requirements, the City Council accepted the request on December 4, 2018 and forwarded the request to the Planning Commission for Zoning Map Amendment consideration. It was discussed that this request was unusual because it did not take the form of a petition due to no homes existing as of yet. However it was determined by Staff and Law Director that this was acceptable.

There are specific attached decision standards that the Planning Commission should reference in decision making. The Planning Commission also shall consider the purpose and objectives of the overlay district which are to achieve the privacy of residents and to minimum noise, congestion and nuisance impact by excessive renters and to maintain an attractive community appearance and provide a desirable living environment and finally to prevent excessive traffic and parking problems in the neighborhood.

The petition met the boundary requirements as stipulated in the Chapter 1146.03(h). The petition also met the minimum two-thirds requirements of owner signatures within the proposed boundary because there is only one owner of all properties at this time.

Please note that this process is a neighborhood driven process beginning with a petition to the City Council and followed with a public hearing before the Planning Commission for a Map Amendment

recommendation. The City Council may waive certain requirements after a positive recommendation from the Planning Commission. This process is far lengthier than normal map amendment process and has additional decision standard thresholds to meet.

RECOMMENDATION

Staff recommends the Planning Commission approval of this amendment and to forward this request back to City Council for legislative action.

SUBMITTED

BY:

A handwritten signature in cursive script, appearing to read "Sam Perry", written in black ink.

Sam Perry, AICP
Community Development Director

DATE: January 3, 2019

ATTACHMENT

Chapter 1135 Zoning Map Amendment procedures and decision standards

(c) Planning Commission and Council Review. The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

- (1) Decision standards. A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

Map Amendments

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- B. The proposed amendment will make the map conform more closely to the Comprehensive Plan.
- C. There has been a substantial change in area conditions that necessitates the amendment.
- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

Planning Commission must utilize the Chapter 1146 Specific Decision Standards to consider the Neighborhood Conservation Overlay District and they are as follows:

1146.03(2) b Decision Standards for Considering Overlay District:

- 1. The proposed Overlay District meets the boundary criteria.
- 2. The proposed Overlay District will preserve and enhance the neighborhood character.
- 3. The proposed Overlay District will promote the public health, safety and general welfare of the people of the neighborhood.
- 4. The proposed Overlay District will promote and implement the intent of the Comprehensive Plan.
- 5. The proposed Overlay District will satisfy a legitimate need.



4676 Somerville Road • Oxford, Ohio 45056
Office / Fax 513-523-1212 • Cell 513-615-4138

October 22, 2018

Mr. Sam Perry
Community Development Director
15 S. College Avenue
Oxford, Ohio 45056

Re: Heritage Vineyard
Neighborhood Conservation Overlay District

Dear Mr. Perry,

Pursuant to Oxford Zoning Code Chapter 1146, Strait Gate Homes LLC requests City Council to accept this letter as their petition for the initiation of a Zoning Map amendment to create a Neighborhood Conservation Overlay District within the boundaries of the Heritage Vineyard subdivision. Said Overlay District would limit the use of the lots to not more than two unrelated persons per dwelling unit. An exhibit showing the boundary of the Heritage Vineyard Subdivision is enclosed.

Should you have any questions or need any additional information, please do not hesitate to contact us.

Sincerely,

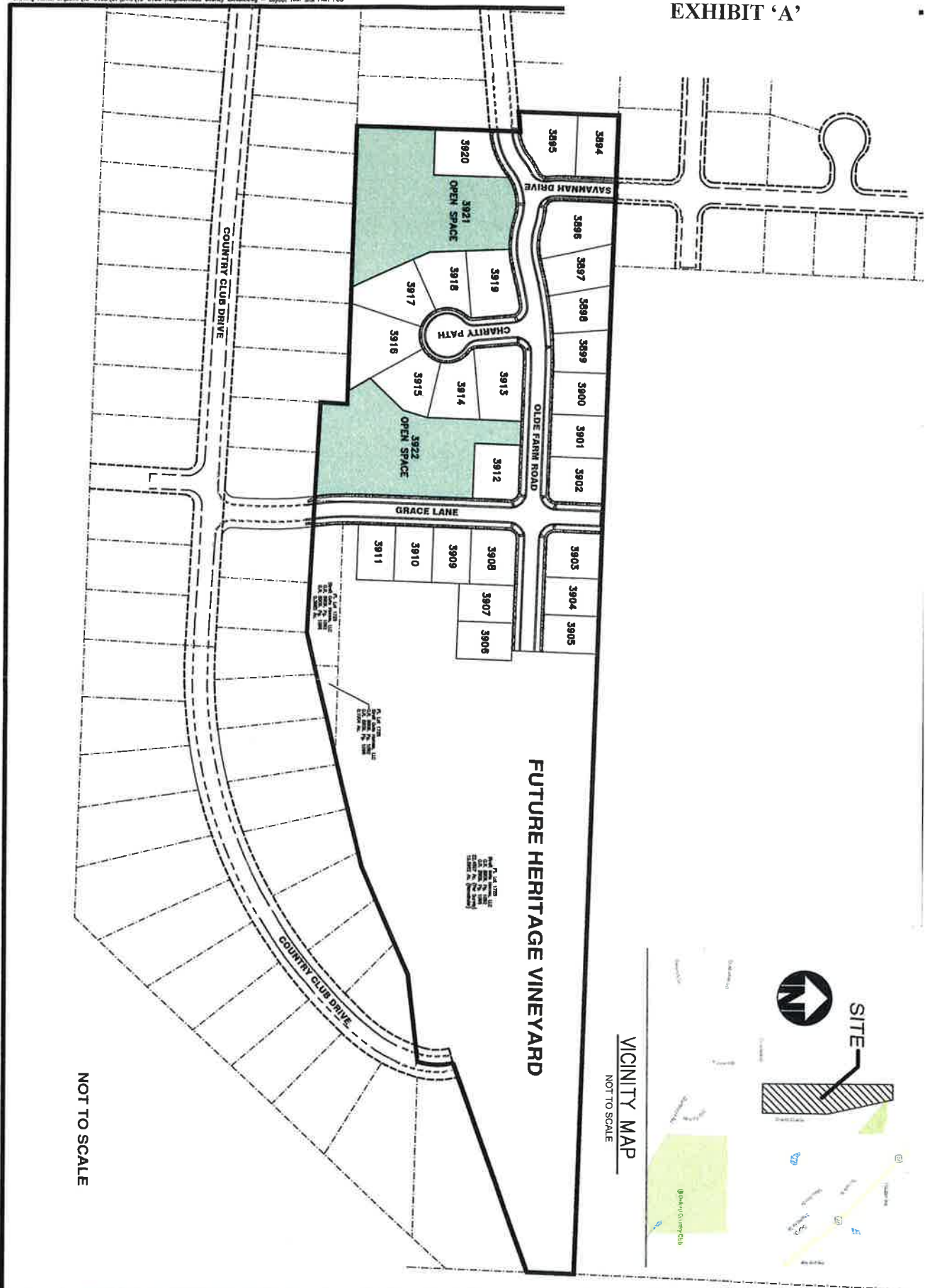
Bryan Price
Strait Gate Homes LLC

Enclosure

Cc: Etta Reed, Bayer Becker

Welcome Home.

EXHIBIT 'A'

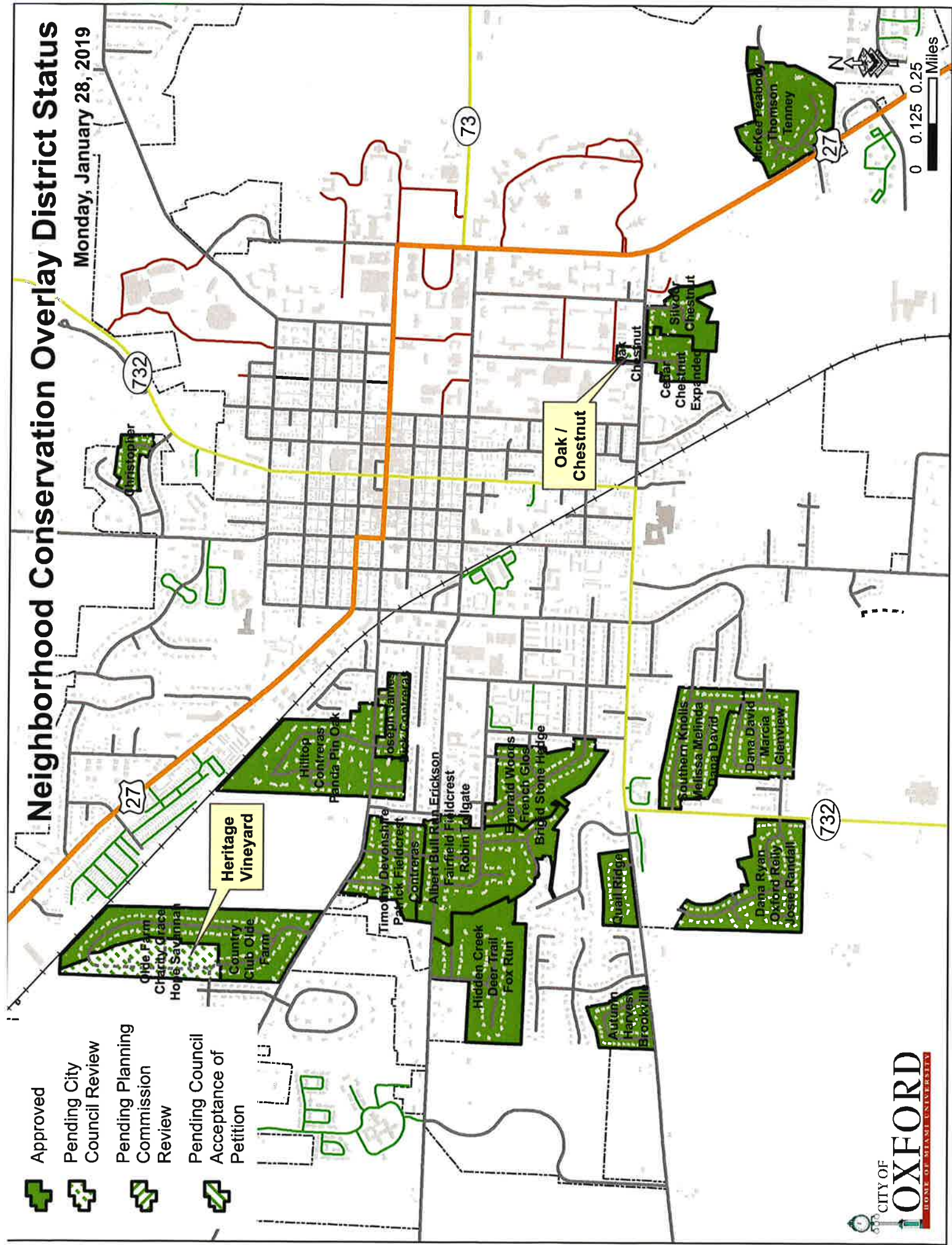


NOT TO SCALE

Neighborhood Conservation Overlay District Status

Monday, January 28, 2019

-  Approved
-  Pending City Council Review
-  Pending Planning Commission Review
-  Pending Council Acceptance of Petition



City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 10, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-01, ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District for parcels located within the boundaries of the Heritage Vineyard Subdivision, **City of Oxford, Applicant**

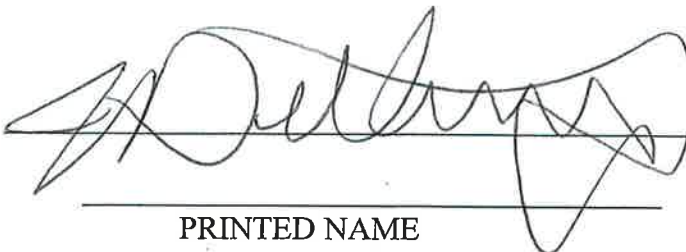
 X Review Revisions Other

Please return no later than: **January 7, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....
Drawings are returned: w/comments

without/comments

Drawings reviewed by:



PRINTED NAME

Date:

12.10.18

City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 10, 2018

To: Fire Department **Engineering Division** Police Department Econ Dev Department

From: Community Development Department

PC-2019-01, ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District for parcels located within the boundaries of the Heritage Vineyard Subdivision, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **January 7, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:

Scott Otto

Date: 12/31/18

Scott Otto

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 10, 2018

To: Fire Department Engineering Division **Police Department** Econ Dev Department

From: Community Development Department

PC-2019-01, ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District for parcels located within the boundaries of the Heritage Vineyard Subdivision, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **January 7, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____



Date: _____

12/17/18

John Jones
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 10, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-01, ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District for parcels located within the boundaries of the Heritage Vineyard Subdivision, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **January 7, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____

Date: 12-17-18

G. Alan Kycor
PRINTED NAME



PC-2019-01 Surrounding Property Owners Notifications Map

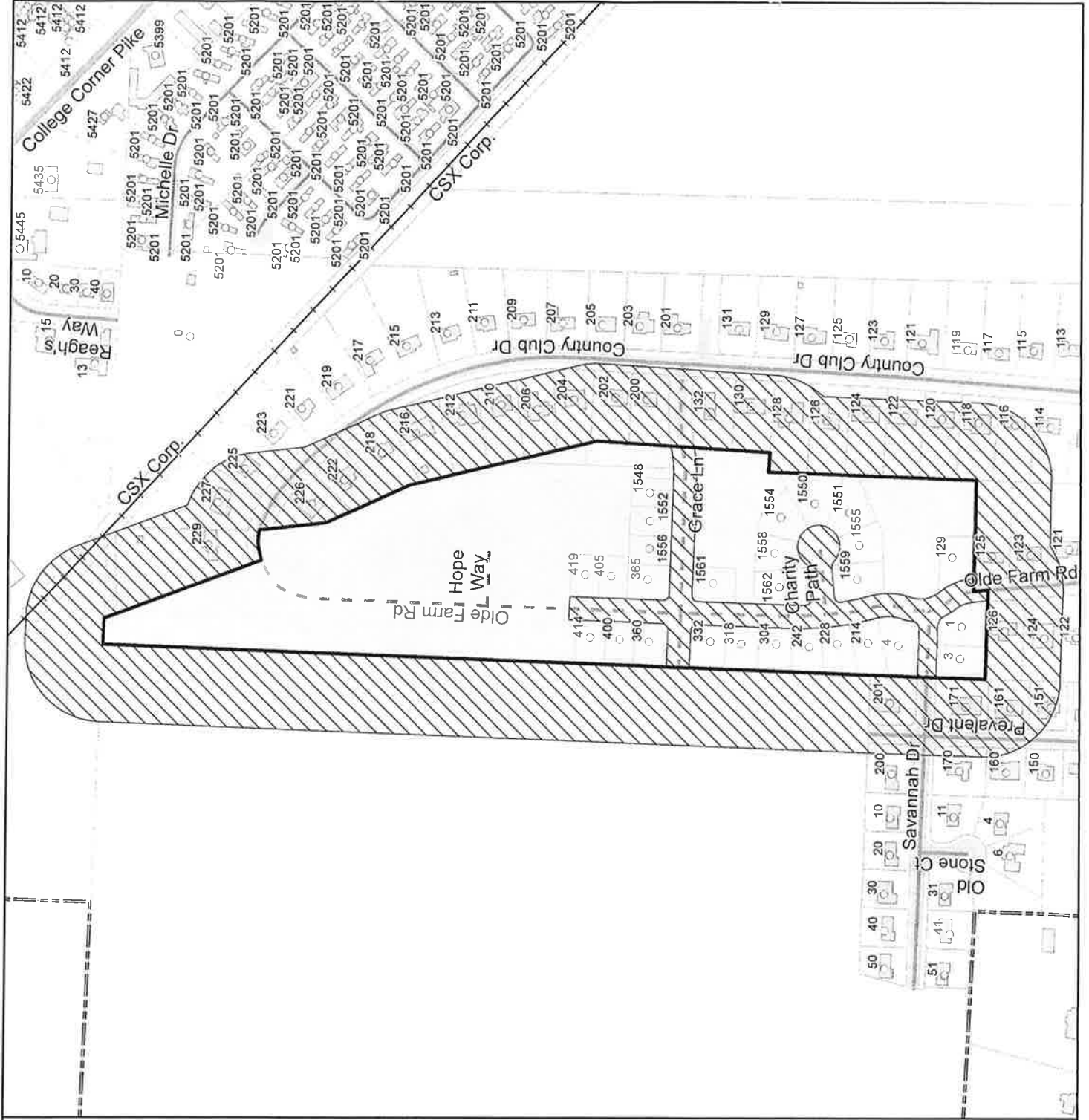
Legend

-  Neighborhood Conservation District Boundary
-  Subject Parcels
-  200 Ft. Buffer
-  Oxford Corp. Limit
-  Address Point
-  Parcel
-  16.5' Vacated ROW
-  Building Footprint
-  Paved Roadway



1 inch = 350 feet

Prepared on Friday, December 21, 2018
The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deeds, plats or a professional survey.





**CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM**

CASE NO.: PC-2019-01

DATE OF HEARING: January 8, 2019 7:00 p.m.

ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District for parcels located within the boundaries of the Heritage Vineyard Subdivision, in the area of Olde Farm Road and Country Club Drive, **City of Oxford, Applicant**

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at your earliest convenience to Lynn Taylor, 15 S. College Avenue, Oxford, OH 45056.

Name: Dwight D. Wyer & Cynthia M. Wyer

(Print)

Address: 126 Olde Farm Rd.

Oxford, Ohio 45056-9003

Telephone: Home: 523-1247

cell
Work: 255-3212

COMMENT:

This is OK

Cynthia M. Wyer
Dwight D. Wyer
Signature

12-28-18
Date

RESOLUTION NO. 7031

RESOLUTION OF COUNCIL ACCEPTING THE PETITION AS REQUIRED BY OXFORD CODIFIED ORDINANCE §1146.03 TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT FOR PARCELS LOCATED WITHIN THE HERITAGE VINEYARD SUBDIVISION AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AND REFERRING THE PETITION TO THE OXFORD PLANNING COMMISSION FOR RECOMMENDATIONS TO CITY COUNCIL.

WHEREAS, the Clerk of Council and the Community Development Director having determined pursuant to Oxford Codified Ordinance §1146.03(b) that the Petition to establish a Neighborhood Conservation Overlay District as set forth on Exhibit "A" attached hereto conforms to the petition requirements of Oxford Codified Ordinance §1146.03 and recommends that the petition be referred to the Oxford Planning Commission to make recommendations to City Council.

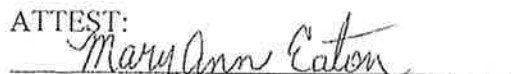
THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOVES THAT:

SECTION 1: City Council accepts the recommendation of the Clerk of Council and the Community Development Director and further refers the petition to establish a Neighborhood Conservation Overlay District as set forth on Exhibit "A" attached hereto to the Oxford Planning Commission to make recommendations to City Council.

SECTION 2: This resolution shall take effect at the earliest date allowed by law.


MAYOR

ADOPTED: December 4, 2018

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)



Internal Use Only:

Case No.

PC-2019-01

Date Filed

11/30/18

Zoning Map Amendment Application

Applicant Information

Attach a Letter of Agency if the Applicant is not the property owner.

Name *

City of Oxford

Mailing Address *

15 S College

City, State & Zip Code *

Oxford, Ohio 45056

Telephone Number(s) *

513-524-5204

Email Address

sperry@cityofoxford.org

Location and Lot Information

Location *

Heritage Vineyard Subdivision

General Description
of Proposed Amendment *

To establish a Neighborhood overlay

Current Zoning *

R1A

Proposed Zone(s) *

R1A/Neighborhood Conservation District

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

- (a) **Initiation.** A map amendment may be initiated by adoption of a motion by Planning Commission, by adoption of a motion by Council, or by application to Planning Commission by at least one owner of the property within the area proposed to be rezoned.
- (b) **Application.** If Planning Commission or Council initiates an amendment, then the Zoning Administrator shall provide information as necessary for proper consideration of the motion. The information provided shall be substantially similar to that required of an application for amendment.

An application for amendment shall be filed with the Zoning Administrator. An application shall be complete prior to being scheduled for a public hearing. An application will be considered complete only if the Zoning Administrator is satisfied that all of the materials required by this chapter are included and are sufficient in their content to satisfy the intent of the application requirements.

- (1) **Contents of application.** The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.
- Application Fee.
 - The name, mailing address, and telephone number of the applicant.
 - A general description of the proposed amendment.
 - A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
 - A statement that identifies potential negative consequences of the proposed amendment.
 - Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
 - A legal description of the area to be rezoned.
 - The proposed zoning of the area.
 - The current zoning of the area.
 - A description of existing uses in the area.

- K. A vicinity map, at a scale approved by the Zoning Administrator, showing property lines, streets, existing and proposed zoning and other items required by the Zoning Administrator.
- L. A list of the names and mailing addresses of all owners of land that is proposed to be rezoned and all land owners within 200 feet of every parcel proposed to be rezoned (see later section).

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The Butler County Auditor Real Estate Search² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number. *Property Owner names will not be provided in the agenda packet.*

Decision Process

From Section 1135.02(c)(1) Decision Standards¹.

A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.
- C. There has been a substantial change in area conditions that necessitates the amendment.
- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

Fees & Receipt

The required fee is \$150.00, plus \$10.00 postage charge. Write a check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *



Sam Perry

Date *

12-4-18

Submit Application, Submission Requirements and Documentation, and Fees

We will not accept incomplete applications and/or plans and documentation.

Send or drop off this application with required documentation as attachments and a check for fee and postage charge made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

Direct questions to the Community Development Dept. at (513) 524-5204. The application will be placed on the next possible agenda.

Note: You must adhere to notification and publication requirements. Submit materials 45 days prior to the proposed Planning Commission meeting on which the action is requested. City Staff will place a public hearing sign on the subject property. **The Applicant is responsible for removing the signage at the completion of the hearing(s).**

¹ City of Oxford Codified Ordinances: <http://www.cityofoxford.org/fees-ordinances-and-charter>

² Butler County Auditor Real Estate Search: <http://www.butlercountyauditor.org/>

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: February 19, 2019

Service Department
Originating Department

Account Code #: N/A

Michael Dreisbach
Prepared By

Budgeted Amount: N/A

February 7, 2019
Date Prepared

Agenda Title:	Amend <i>Urban Tree Management Plan</i> Regulating Permitted Species in Public Rights of Way
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Recommendation:	Approve
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Discussion:

The Ohio Invasive Plant Council (OIPC) has classified *Phellodendron amurense*, also known as Amur Corktree and Chinese Corktree as invasive and is currently in a public comment period to prohibit its propagation and sale in the State of Ohio.

Oxford Codified Ordinance 935.05 and The City of Oxford Urban Tree Management Plan regulates the species permitted to be planted in the public right of way. *Phellodendron amurense* is currently a permitted species in the small tree group of the Plan although Staff knows of no examples of this plant in the City.

At the February 6, 2019 meeting of the Environmental Commission, this issue was discussed and the following motion was approved by the Commission by a vote of 6-0:

Motion:

The Environmental Commission recommends amending Oxford Codified Ordinance Chapter 935.05 (Street Tree Species to be Planted) with the removal of the Amur corktree (Phellodendron amurense) from the official street tree list for small trees.

Staff recommends the Oxford City Council amend the Oxford *Urban Tree Management Plan* to prohibit the planting of *Phellodendron amurense* in the public right of way and remove such from the *Urban Tree Management Plan*.

Approved By:	Department Head: City Manager:	<table><tr><td>Initial</td><td>Date</td></tr><tr><td><u>(Signature)</u></td><td><u>2/7/19</u></td></tr><tr><td><u>DRE</u></td><td><u>2/15/19</u></td></tr></table>	Initial	Date	<u>(Signature)</u>	<u>2/7/19</u>	<u>DRE</u>	<u>2/15/19</u>
Initial	Date							
<u>(Signature)</u>	<u>2/7/19</u>							
<u>DRE</u>	<u>2/15/19</u>							

RESOLUTION NO.

A RESOLUTION AMENDING RESOLUTION NO. 3142 BY REMOVING TREES OF THE GENUS *PHELLODENDRON AMURENSE* ALSO KNOWN AS AMUR CORKTREE AND CHINESE CORKTREE FROM THE APPROVED TREE LIST AND RECLASSIFYING THESE TREES AS “TREES NOT ALLOWED” IN THE URBAN TREE MANAGEMENT PLAN.

Whereas, upon report from the Environmental Commission, the City Manager and the Service Director recommend amending Resolution No. 3142 by removing all trees of the genus *Phellodendron amurense* also known as Amur Corktree and Chinese Corktree from the approved tree list and reclassifying these trees as “Trees Not Allowed” in the Urban Tree Management Plan.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOLVES THAT:

SECTION 1: Council having reviewed the recommendation hereby accepts the recommendation of the Environmental Commission and adopts the recommendation for the revised Street Tree List.

SECTION 2: Council hereby amends Resolution No. 3142 by removing trees of the genus *Phellodendron amurense* also known as Amur Corktree and Chinese Corktree from the approved tree list and reclassifying these trees as “Trees Not Allowed” in the Urban Tree Management Plan and, except as herein amended, Resolution No. 3142 shall remain in full force and effect.

SECTION 3: This resolution shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

SMALL TREES

To be planted no closer than 30 feet apart, in tree lawns or public right-of-way that is at least 3 feet wide. The average 30-year mature tree height less than 30 feet.

<u>Common Name(s)</u>	<u>Scientific Name (Family, Genus, Species)</u>
Hedge Maple (Field Maple)	<i>Aceraceae Acer campestre</i>
Amur Maple	<i>Aceraceae Acer ginnala</i>
Paperbark Maple	<i>Aceraceae Acer griseum</i>
Tartarian Maple	<i>Aceraceae Acer tartaricum</i>
American Smoketree N	<i>Anacardiaceae Cotinus obovatus</i>
American Hop-Hornbeam C, N	<i>Betulaceae Ostrya virginiana</i>
Cornelian Cherry Dogwood (tree form) N	<i>Cornaceae Cornus mas</i>
Pagoda Dogwood (tree form) C, N, S (Alternate Leaf Dogwood or Green Osier)	<i>Cornaceae Cornus alternifolia</i>
Amur Maackia	<i>Fabaceae Maackia amurensis</i>
Saucer Magnolia	<i>Magnoliaceae Magnolia soulangeana</i>
Star Magnolia	<i>Magnoliaceae Magnolia stellate</i>
Fringetree (white fringetree) SE U.S.	<i>Oleaceae Chionanthus virginicus</i>
'Ivory Silk' Japanese Tree Lilac	<i>Oleaceae Syringa reticulata</i> 'Ivory Silk'
Thornless Cockspur Hawthorn C, N, S	<i>Rosaceae Crataegus crusgalli</i> 'Inermis'
Centurion Crabapple (tree form) <i>Malus</i> is C, N, S	<i>Rosaceae Malus</i> 'Centzam'
Harvest Gold Crabapple (tree form) <i>Malus</i> is C, N, S	<i>Rosaceae Malus</i> 'Hargozam' Prairiefire
Crabapple (tree form) <i>Malus</i> is C, N, S	<i>Rosaceae Malus</i> 'Prairiefire'
Sugar Tyme Crabapple (tree form) <i>Malus</i> is C, N, S	<i>Rosaceae Malus</i> 'Sutyzam'
Amur Cork (Chinese Cork), male only	<i>Rutaceae Phellodendron amurense</i>
Two-Winged Silverbell (Snowdrop Tree) Native to US	<i>Syracaceae Halesia diptera</i>

OXFORD'S URBAN TREE MANAGEMENT PLAN (**Pending Revision Approval, 02-19-19**)

C: Considered "Common" in Ohio Department of Natural Resources, Division of Forestry (ODNR)" Index of Ohio Trees"

N: Considered a generally "Native" tree species by the ODNR

S: Suggested by ODNR in "Selecting Trees for Your Needs" January, 2009

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas R. Elliott, Jr.

Police

Originating Department

Council Meeting Of: February 19, 2019

John Jones

Account Code No. #: 130.710.52340.000

Prepared By

Budgeted Amount: \$32,576.00

February 13, 2019

Date Prepared

Agenda Title: Annual Hosted uParkCampus Tier 1 Subscription and Consumer Parking App

Recommendation: Approve the Resolution

Discussion: OPD purchased new parking software in 2018 in order to continue to improve the necessary operations of the Parking Unit. This resolution will authorize the City Manager to enter into an agreement with Passport for the annual software subscription and parking enforcement app for mobile devices at a cost not to exceed \$32,576.00 this year and an increase of 5% each year hereafter.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JAB 2-13-19

DRE 2-15-19

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PASSPORT, INC. FOR THE ANNUAL SOFTWARE SUBSCRIPTION AND PARKING ENFORCEMENT APP FOR MOBILE DEVICES AT A COST NOT TO EXCEED \$32,576.00 FOR 2019 WITH OPTION YEARS CONTINUING AT A 5% INCREASE ANNUALLY.

WHEREAS, the Oxford Division of Police purchased new parking equipment in 2018 in order to continue to improve the necessary operations of the Parking Unit; and

WHEREAS, the Automated License Plate Reader (ALPR) system integrates with parking management software to effectively manage parking as a public resource and enhances the Police Division's ability to improve customer service and enforcement; and

WHEREAS, the City Manager and the Police Chief recommend that Council authorize the City Manager to enter into an agreement with Passport, Inc. for the annual software subscription and parking enforcement app for mobile devices at a cost not to exceed \$32,576.00 for 2019 with option years continuing at a 5% increase annually.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOLVES THAT:

SECTION 1: Council accepts the recommendation of the City Manager and the Police Chief and authorizes the City Manager to enter into an agreement with Passport, Inc. for the annual software subscription and parking enforcement app for mobile devices at a cost not to exceed \$32,576.00 for 2019 with option years continuing at a 5% increase annually.

SECTION 2: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)



Quote

NuPark
912 Petaluma Dr
Cedar Park, TX 78613

Date	01/05/18
Quote #	OXF0118
Valid Until	03/15/18

Customer	Location
City of Oxford	Oxford, Ohio

Line	Item	Qty	Price	Year 1	Year 2	Year 3
Hosted uParkCampus Tier 1* Subscription-Includes						
uParkCampus Back Office Software, E-Commerce Site, Unlimited						
1	Seat Licenses, Implementation, Travel, Project Management, Integration, Support, Hosting, Upgrades	1	N/A	\$28,125.00	\$29,531.00	\$31,007.00
2	Consumer Parking App-(iOS & Android)	1	N/A	\$2,900.00	\$3,045.00	\$3,197.25
Total Software				\$31,025.00	\$32,576.00	\$34,204.25
License Plate Recognition Cameras						

Mobile LPR Cameras

4	Mobile LPR Enforcement Bundle- Two Camera Genetec SharpX XGA System, In-Vehicle Rugged Tablet, Mounting Hardware, PlateScout Software, One Year Warranty	1	\$ 29,500.00	\$ 29,500.00	N/A	N/A
5	Mobile LPR Enforcement Hardware Installation- Includes onsite vehicle installation, training and testing.	1	\$ 3,250.00	\$ 3,250.00	N/A	N/A

*Tier 1 = less than 18,750 transactions (permits + citations) *Tier 2 above 18,751-37,500 transactions (permits + citations) and yearly subscription increases to \$56,251

Terms: 50% of year one total (hardware and software) due at signed contract
50% of year one total (hardware and software) due at "go live date"

*Renewal due on anniversary of contract date
**Option Years continue at 5% increase

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to City Manager

Council Meeting Of :

2/5/2019

Account Code No. :

see below

Budgeted Amount :

Finance

Originating Department

Joe Newlin

Prepared By

2/12/2019

Date Prepared

Agenda Title:	2019 Supplemental Budget #2
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Recommendation:	Approve
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Issue 1

To make adjustment to budget for grant revenue and equipment purchases from unencumbered balance

Action Needed:

Revenue Side

Life Squad (210)	6,154.00	EMS Grant
------------------	----------	-----------

Expense Side

Life Squad (210)	6,154.00	Expenditures for equipment purchase
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Net Effect on Fund Balance/(s)
Increase/(Decrease)

-

Issue 2

To make adjustment to budget for a proposed settlement agreement for the Law Department from unencumbered balance

Action Needed:

Revenue Side

N/A

Expense Side

General (110)	50,000.00	Expenditures for proposed settlement agreement
---------------	-----------	--

Net Effect on Fund Balance/(s)
Increase/(Decrease)

(50,000.00)

Issue 3

To make adjustment to budget for a receipt of a cash bond for Northridge III Subdivision and subsequent release for the release of a cash bond from unencumbered balance

Action Needed:

Revenue Side

General (110)	28,000.00	Cash Bond
---------------	-----------	-----------

Expense Side

General (110)	28,000.00	Expenditures for the release of a cash bond
---------------	-----------	---

Net Effect on Fund Balance/(s)
Increase/(Decrease)

-

Total Net Effect on Fund Balance/(s)
Increase/(Decrease)

(50,000.00)

Breakdown by Fund

General (110)	(50,000.00)
Life Squad (210)	-

Net Effect on Fund Balance/(s)
Increase/(Decrease)

(50,000.00)

Approved By:

Department Head:

City Manager:

Initials

Date

DL, 2/14/19
DRE, 2/15/19

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO.3493. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 2 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2019.

WHEREAS, additional appropriations are needed for the current fiscal year and monies are available for appropriation in those funds, and changes to estimated revenues.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY ORDAINS THAT:

SECTION 1: Additional appropriations are needed for the current fiscal year and monies are available for appropriation in those funds, and changes to estimated revenues;

SECTION 2: The following increase/(decrease)in revenues be made:

Life Squad Fund 210	6,154.00
General Fund 110	28,000.00

SECTION 3: The following increase/(decrease)in appropriations from unencumbered balances be made:

Life Squad Fund 210	6,154.00
General Fund 110	50,000.00
General Fund 110	28,000.00

SECTION 4: In all other respects, Ordinance No. 3493 shall remain in full force and effect.

SECTION 5: This ordinance shall take effect immediately upon its adoption.

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas R. Elliott, Jr.

Police

Originating Department

Council Meeting Of: February 19, 2019

John Jones

Account Code No. #: 110.110.52320.000

Prepared By

Budgeted Amount: \$26,280.00

February 7, 2019

Date Prepared

Agenda Title: Lease Agreement for two (2) Canon ImageRunner Advance C5535i II Color Copiers.

Recommendation: Approve the Resolution

Discussion: The Canon ImageRunner Advance C5535i II Color Copier from Canon Solutions America will replace our current Ricoh MP C3503 color copier from Woodhull USA, in which the lease expires in June.

The current lease for the Ricoh copier is \$318.75 per month, which includes 18,000 black & white copies and 3,000 color copies per quarter, with overage costs at \$.009 per black & white copy and \$.056 per color copy. With overages on color copies, our lease payment averages \$335.75 per month. With the police department undergoing renovations, it seems logical to end our lease agreement early with Woodhull, negating having to pay a moving fee to move the old copier into the new facility.

With the new police department occupying three floors, we propose to lease two (2) Canon copiers. A new 60 month lease for both Canon copiers would be \$438.00 per month, which includes 6,500 black & white copies per month (19,500 quarterly) and 1,700 color copies per month (5,100 quarterly). The cost per copy after the allowance would be \$.0059 per black & white copy and \$.042 per color copy.

Canon Financial Services would provide us with a check for \$1600.00 to cover the cost of our remaining payments on our lease agreement with Woodhull. Canon Solutions America would then pick up, store, and eventually return the Ricoh copier at the end of the lease.

Please note, this copier and vendor fall under the National IPA Contract, with whom we are a member.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JNJ 2-7-19

DRE 2-15-19

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CANON SOLUTIONS AMERICA, INC. IN A FORM APPROVED BY THE LAW DIRECTOR FOR A 60-MONTH LEASE OF TWO (2) CANON IMAGERUNNER ADVANCE C5535i II COLOR COPIERS THROUGH THE NATIONAL INTERGOVERNMENTAL PURCHASING ALLIANCE (NATIONAL IPA) CONTRACT PRICING.

WHEREAS, the City Manager and the Police Chief have reviewed information submitted for the replacement of the existing copier equipment in the Police Division and has recommended that the current copier equipment be replaced with two (2) Canon ImageRunner Advance C5535i II color copiers; and

WHEREAS, the City Manager and the Police Chief recommend that the City enter into a 60-month lease agreement as approved by the City Attorney with Canon Solutions America, Inc. for two (2) Canon ImageRunner Advance C5535i II color copiers through the National IPA contract pricing at a monthly cost of \$438.00 with overage costs of \$ 0.0059 per black and white copy and \$ 0.042 per color copy.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOLVES THAT:

SECTION 1: Council hereby accepts the recommendation of the City Manager and the Police Chief and authorizes the City Manager to enter into an agreement in a form approved by the Law Director with Canon Solutions America, Inc. for a 60-month lease of two (2) Canon ImageRunner Advance C5535i II color copiers.

SECTION 2: Funds have been appropriated in an amount in excess of the annual cost authorized.

SECTION 3: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)



CANON SOLUTIONS AMERICA
Canon Solutions America, Inc. ("CSA")
One Canon Park, Melville, NY 11747
(800)-613-2228

UNIFIED LEASE AGREEMENT

#ULF S0927524.01

Salesperson: Jonathan James Gaffney

Order Date: 2/11/2019

Customer ("You"): Customer Account: 1669548		Organization Information	
Company Legal Name: CITY OF OXFORD		Federal Tax Identification Number (TIN):	
Doing Business As: DIVISION OF POLICE		☐ Corporation ☐ Limited Liability Company	
Billing Address: 11 SOUTH POPLAR STREET		☐ Partnership ☐ Limited Liability Partnership	
City: OXFORD County: BUTLER		☐ Non-Profit Corporation ☒ State or Local Government	
State: OH Zip: 45056 Phone: 513.524.5240		☐ Sole Proprietorship If selected, complete Date of Birth _____	
Contact: AMY GABBARD Fax:		Chief Executive Office and address for notices:	
E-Mail: AGABBARD@CITYOFOXORD.ORG		Address:	
Lease Information		City: State: Zip:	
Lease Term 60 Months	# of Payments 60	Payment * \$ 438.00 (* Plus applicable taxes)	Amount Due at Signing # of Payments in Advance: 0 TOTAL DUE AT SIGNING * \$ 0.00
Payment Frequency ☒ Monthly ☐ Quarterly		Check must accompany agreement	
End of Lease Term Purchase Option * ☒ Fair Market Value ☐ \$1.00 ☐ Other _____ (estimated)		Tax Exempt ☒ Yes (Attach certificate)	
Equipment Description: See Schedule A			
Equipment Maintenance	Select 1 option: ☒ Included for all Equipment ☐ Included, except for Equipment excluded on Schedule A ☐ Declined ☐ Under separate agreement		
Excess Per Image Charge Billing Cycle ☒ Monthly ☐ Quarterly ☐ Other _____		Coverage Plan ☐ Per Unit ☒ Fleet If adding to existing fleet, applicable contract # _____ ☐ Aggregate If adding to an existing Aggregate, provide either a contract # or serial # under Aggregate.	
Consumables Inclusive ☒ Toner (excludes clear) ☒ Other Staples		Toner Fulfillment Method Customer order unless noted for Equipment on Schedule A**	PO Required ☐ Yes PO# _____ ☒ No
Charges See Schedule A			
Personal Guaranty			
The undersigned (whether one or more are specified, "Guarantor(s)"), in consideration of CANON SOLUTIONS AMERICA, INC. ("CSA") entering into a unified lease agreement (together with any schedules or supplements thereto, "Agreement") with the customer identified above ("Customer"), irrevocably and unconditionally, jointly and severally, guarantee to Lessor (as defined in the Agreement) and its successors and assigns, the payment when due of all amounts owed under the Agreement (whether at maturity or upon the occurrence of an event of default or otherwise) and the performance by Customer of all terms of the Agreement and any other transaction between Customer and Lessor (or CSA as assigned to Lessor) (collectively, "Liabilities"). If Customer shall fail to pay or perform any Liabilities when due, Guarantors shall, upon demand, pay any amounts which may be due from Customer and take any action required of Customer under the Agreement. This is an absolute and continuing guaranty and Guarantors' liability under this Guaranty is primary and will not be affected by any settlement, extension, renewal or modification of the Agreement or any discharge or release of Customer's obligations, whether by agreement or operation of law. If any payment applied by Lessor on the Liabilities is thereafter set aside, recovered or required to be returned for any reason (including without limitation the bankruptcy, insolvency or reorganization of Customer or any other person), the Liabilities to which such payment was applied shall for the purposes of this Guaranty be deemed to have continued in existence, notwithstanding such application, and this Guaranty shall be enforceable as to such Liabilities as fully as if such application had never been made. This Guaranty may be terminated only upon sixty (60) days' prior written notice to CSA and Lessor, and such termination shall be effective only as to Liabilities arising under schedules, supplements, or agreements entered into after the effective date of termination and shall not affect Lessor's rights under this Guaranty arising out of the Agreement or other agreements entered into prior to such date. Guarantors waive all damages, demands, presentments and notices of every kind and nature, any rights of set-off, and any defenses available to a guarantor (other than the defense of payment and performance in full) under applicable law. Guarantors further waive any (i) notice of the incurring of indebtedness by Customer and the acceptance of this Guaranty, (ii) right to require suit against Customer or any other party before enforcing this Guaranty and (iii) right of subrogation to Lessor's rights against Customer until the Liabilities are satisfied in full. Any (a) renewals and extensions of time of payment, (b) release, substitution or compromise of or realization upon the Equipment, other guaranties or any collateral security and (c) exercise of any other right under this or any other agreement between Lessor (or CSA as assigned by Lessor) and Customer or any third party, may be made, granted and effected by Lessor without notice to Guarantors and without in any manner affecting Guarantors' liability under this Guaranty. Guarantors shall pay all expenses (including attorneys' fees and legal expenses) paid or incurred by Lessor in endeavoring to collect the Liabilities or any part thereof and in enforcing the Guaranty. THIS GUARANTY SHALL FOR ALL PURPOSES BE DEEMED A CONTRACT ENTERED INTO IN THE STATE OF NEW JERSEY. THE RIGHTS OF THE PARTIES UNDER THIS GUARANTY SHALL BE GOVERNED BY THE LAWS OF THE STATE OF NEW JERSEY WITHOUT REFERENCE TO CONFLICT OF LAW PRINCIPLES. ANY ACTION BETWEEN GUARANTORS AND LESSOR SHALL BE BROUGHT IN ANY STATE OR FEDERAL COURT LOCATED IN THE COUNTY OF CAMDEN OR BURLINGTON, NEW JERSEY, OR AT LESSOR'S SOLE OPTION, IN THE STATE WHERE ANY GUARANTOR, CUSTOMER OR EQUIPMENT IS LOCATED. GUARANTORS, BY THEIR EXECUTION AND DELIVERY HEREOF, IRREVOCABLY WAIVE OBJECTIONS TO JURISDICTION OF SUCH COURTS AND OBJECTIONS TO TO VENUE AND CONVENIENCE OF FORUM. GUARANTORS, BY THEIR EXECUTION AND DELIVERY HEREOF, AND CSA AND LESSOR, BY THEIR ACCEPTANCE HEREOF, HEREBY IRREVOCABLY WAIVE ANY RIGHT TO A JURY TRIAL IN ANY SUCH PROCEEDINGS. Guarantors agree that CSA and Lessor may accept a facsimile or other electronic transmission of this Guaranty as an original, and that facsimile or electronically transmitted copies of Guarantors' signatures will be treated as an original for all purposes.			
Printed Name: _____		Signature: _____ (no title) Date: _____	
Address: _____		Phone: _____	
Printed Name: _____		Signature: _____ (no title) Date: _____	
Address: _____		Phone: _____	
BY YOUR SIGNATURE BELOW, YOU AGREE TO LEASE THE ITEMS LISTED ON SCHEDULE A OR IN ANY ADDENDUM(S) TO THIS AGREEMENT. YOU ACKNOWLEDGE RECEIPT OF A COPY OF THIS AGREEMENT, INCLUDING THE GENERAL TERMS AND CONDITIONS, WHICH ARE INCORPORATED HEREIN BY REFERENCE. The undersigned and CSA have each caused this Agreement to be executed as of the date first written below.			
Customer's Authorized Signature: _____		Date: _____	
Printed Name: _____		Title: _____	
CSA Authorized Signature: _____		Date: _____	
Printed Name: _____		Title: _____	

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 2/19/2019

Joe Newlin
Prepared by

Account Code No. #: N/A

Budgeted Amount: _____

2/14/2019
Date Prepared

Agenda Title: CONSOLIDATION OF TWO BOND ISSUE ORDINANCES

Recommendation: Approve

Discussion:

This final action will consolidate the \$2,600,000 Southpointe Roadway Project with the \$4,800,000 Aquatic Center Bonds. This will improve the marketability of the Bond issue due to the increased size of the issuance.

Approved By:

Department Head:
City Manager:

Initial Date

[Signature] 2/14/19
[Signature] 2/15/19

ORDINANCE NO.

ORDINANCE CONSOLIDATING TWO BOND ISSUES OF THE CITY OF OXFORD, OHIO, AND DECLARING AN EMERGENCY

WHEREAS, this Council of the City of Oxford of the County of Butler, Ohio has adopted two (2) ordinances (collectively, the "Bond Ordinances"), which authorized two (2) bond issues in an aggregate principal amount of not to exceed \$7,400,000 (collectively, the "Bonds") as follows: (1) \$2,600,000 Southpointe Roadway Project Bonds and (2) \$4,800,000 Aquatic Center Bonds; and

WHEREAS, this City Council desires to consolidate the two (2) issues of Bonds into a single bond issue for sale to achieve certain cost savings.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, WITH THREE FOURTHS OF ITS MEMBERS CONCURRING, HEREBY ORDAINS THAT:

SECTION 1: Pursuant to the provisions of Section 133.30 of the Ohio Revised Code (the "Revised Code"), the two (2) separate issues of Bonds shall be consolidated into a single issue which shall be known as "Various Purpose Bonds" (the "Bonds").

SECTION 2: The Bonds shall be issued in said principal sum of not to exceed \$7,400,000 for the above-described purposes under authority of the general laws of the State of Ohio, particularly the Uniform Public Securities Law of the Revised Code. The provisions of the Bond Ordinances are incorporated herein by reference.

SECTION 3: The proceeds of the sale of the Bonds shall be apportioned, deposited and credited in accordance with Section 133.32 of the Revised Code, to the respective purposes and funds in accordance with the amounts of each of the issues of Bonds authorized by the separate Bond Ordinances.

SECTION 4: The City covenants that it will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the interest in the Bonds under Section 103(a) of the Internal Revenue Code of 1986, as amended (the "Code"). The City will not directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the City, or take or omit to take any action that would cause the Bonds to be "arbitrage bonds" within the meaning of Sections 103(b)(2) and 148 of the Code. To that end, the City will comply with all requirements of Sections 103(b)(2) and 148 of the Code to the extent applicable to the Bonds. In the event that at any time the City is of the opinion that for purposes of this Section 4 it is necessary to restrict or limit the yield on the investment of any moneys, the City shall take such action as may be necessary. The City Council, or any other officer having responsibility with respect to the issuance of the Bonds, is authorized and directed to given an appropriate certificate on behalf of the City, on the date of delivery of said Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections

103(b)(2) and 148 and regulations thereunder, and to execute and deliver on behalf of the City an IRS Form 8038-G in connection with the issuance of the Bonds.

SECTION 5: The Clerk of this Council is hereby directed to forward a copy of this ordinance and the Bond Ordinances to the Butler County Auditor.

SECTION 6: It is found and determined that all formal actions of this City Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council; and that all deliberations of this City Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements included in Section 121.22 of the Revised Code.

SECTION 7: This ordinance is hereby declared to be an emergency measure for the immediate preservation of the public peace, health, safety, morals or welfare in order to realize savings by promptly consolidating the two (2) separate issues of Bonds into a single issue to retire existing Aquatic Center notes and proceed with the Southpointe Roadway Project, therefore this ordinance shall take effect immediately upon its passage.

PASSED: March 5, 2019

Mayor

ATTEST:

Clerk of Oxford City Council

APPROVED AS TO FORM:

City Attorney

Prepared By: Dinsmore & Shohl LLP

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance
No. _____.

Clerk of Council

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing ordinance was certified this
day to the Butler County Auditor.

Dated: March ____, 2019

Clerk of Council

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing
ordinance.

County Auditor
Butler County, Ohio

Dated: March ____, 2019

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Oxford, Ohio, met in regular session, at _____ p.m., on the 19th day of February, 2019, at _____, Oxford, Ohio, with the following members present:

There was presented and read to Council by title Ordinance No. _____, entitled:

ORDINANCE CONSOLIDATING TWO BOND ISSUES OF THE
CITY OF OXFORD, OHIO, AND DECLARING AN
EMERGENCY

The Council of the City of Oxford, Ohio, met in regular session, at _____ p.m., on the 5th day of March, 2019, at _____, Oxford, Ohio, with the following members present:

There was presented and read to Council Ordinance No. _____, entitled:

ORDINANCE CONSOLIDATING TWO BOND ISSUES OF THE
CITY OF OXFORD, OHIO, AND DECLARING AN
EMERGENCY

_____ then moved that Ordinance No. _____ be passed. _____ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

The ordinance was declared passed March 5, 2019.

CERTIFICATE

The undersigned, Clerk of Council of said City, hereby certifies that the foregoing is a true and correct extract from the minutes of meetings of the Council of said City, held on the 19th day of February and the 5th day of March, 2019 to the extent pertinent to consideration and passage of the above-entitled legislation.

Clerk of Council

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: February 19, 2019

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount:

February 11, 2019
Date Prepared

Agenda Title: Final Plat approval, Rolling Meadows Section One, 15 Acres at University Park Boulevard and U.S. 27 South, Tom Kacachos, Calista Enterprises, LLC

Recommendation: Approval

Discussion:

The 73.5 Acre Rolling Meadows Preliminary Plat was approved by City Council in 2006 as an area for future office *and* residential development. The Preliminary Plat has not expired therefore a Final Plat has to be approved prior to any land being divided or built upon. The front 40.7 Acres is zoned Office Industrial (OI) and the rear 32.7 is zoned Single Family Residential (R1A).

The owners have an interested buyer for a 15 Acre portion of the OI land that fronts on two public roadways – U.S. 27 South and University Park Boulevard. No development plans or buildings permits have been submitted for review; only the Final Plat to create the lot. Per meetings with the owner's consultants, the buyer is able to access the lot from University Park Boulevard, so no roadways need to be constructed prior to development.

Per the Subdivision Code, a review by the Planning Commission is not required. Staff has reviewed the Final Plat, the approved Preliminary Plat and the approval ordinance #2933 dated November 21, 2006. Staff finds that the Final Plat meets the requirements of 1101.203 which is that "The Final Plat must substantially correspond to the approved Preliminary Plat." – The boundary of this proposed "Section One" Final Plat does not alter the geometry of approved Preliminary Plat, nor does it prevent the future extension of roadways as previously approved. The Preliminary Plat detailed 61 Residential lots but did not specify a number of Office/Industrial lots. The amount of land needed for an individual Office/Industrial development was unknown at the time.

The approval of this Final Plat will allow the transfer of property to take place so that the buyer can move forward with the development process. Staff recommends approval of the Final Plat as the code requirements have been met.

Approved by:

Department Head: SP / 2-13-19

City Manager: DRE / 2-15-19

ORDINANCE NO.

AN ORDINANCE APPROVING THE FINAL SUBDIVISION APPLICATION
AND PLAT FOR ROLLING MEADOWS SUBDIVISION, SECTION ONE.

WHEREAS, in accordance with Oxford Codified Ordinance Section 1101.203, the City of Oxford's Community Development Department received the Final Subdivision Application and Final Plat for Rolling Meadows Subdivision, Section One (Exhibit "A") on February 5, 2019 consisting of 15.0000 acres; and

WHEREAS, the Community Development Director has reviewed the Final Plat, the approved Preliminary Plat and the preliminary approval Ordinance No. 2933 dated November 21, 2006; and

WHEREAS, the Community Development Director finds that the Final Plat meets the requirements of Oxford Codified Ordinance Section 1101.203 and further finds the Final Plat substantially corresponds to the approved Preliminary Plat; and

WHEREAS, the City Manager and the Community Development Director recommend Council approve the Final Subdivision Application and Plat attached hereto as Exhibit "A" for Rolling Meadows Subdivision, Section One as submitted.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY ORDAINS THAT:

SECTION 1: Council hereby accepts the recommendation of the City Manager and the Community Development Director and further approves the Final Subdivision application and plat for Rolling Meadows Subdivision, Section One consisting of 15.000 acres as submitted.

SECTION 2: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)



Internal Use Only:	
Case No.	PC-2019-09-ADM
Date Filed	2/4/19

Final Subdivision Application

Applicant Information

Attach a Letter of Agency if the Applicant is not the property owner.

Name *	Calista Enterprises LLC
Mailing Address *	116 E. High Street
City, State & Zip Code *	Oxford, Ohio 45056
Telephone Number(s) *	513-839-0344
Email Address	tkacachos@parkplacerealestate.net

Engineer/Surveyor Information

Name *	Bayer Becker
Mailing Address *	110 South College Ave, Suite 101
City, State & Zip Code *	Oxford Ohio 45056
Telephone Number(s) *	513-523-4270
Email Address	brianjohnson@bayerbecker.com

Location and Lot Information

Name of Subdivision *	Rolling Meadows Section One		
Location of Property *	4137 Millville Oxford Road, Parcel H4100-134-000-004		
Legal Description *	Part of Lot 2802		
Date of Planning Commission Preliminary Approval *	11/21/2006	Zoning District *	OI
Number of Lots *	1	Total Area *	16.0381 Acres

Requirements and Documentation

Plat

Fifteen (15) copies of the plat on bond. Drawing size must be at least 18x24" and should never exceed 24x36." The plat must be prepared in accordance with Chapter 1101, Subdivision Regulations and Chapters 1121-1137, Zoning Code of the City of Oxford¹. Scale should not exceed 1" = 100.' Plats containing less than three lots are exempted from the provisions of this section. The following information must appear on the plat:

- Boundary lines of the area being subdivided with accurate distances and bearings. Each section which is presented for final plat approval must have all of the required improvements extended to the property lines where necessary in order that future final plat sections may connect with them to maintain the continuity of the approved preliminary plan.
- A statement dedicating all proposed streets and alleys with their widths and names.

- C. The accurate outline of any portions of the property to be dedicated or granted for public use.
- D. The lines of adjoining streets and alleys with their widths and names.
- E. All lot lines together with an identification system for all lots and blocks. Lot numbers shall be secured from the County Auditor.
- F. The locations of all building lines and easements provided for public use, services or utilities.
- G. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements and any other areas for public or private use. Linear dimensions are to be given to the nearest one hundredth of a foot.
- H. The radii, arcs, lengths, points of tangency and central angles for all curvilinear streets and the radii and lengths for rounded corners.
- I. The location of all survey monuments and benchmarks together with their descriptions. There shall be a minimum of four permanent markers in each subdivision section located at or near the outer corner.
- J. The name of the subdivision, the scale of the plat, points of the compass and name of owner or owners and subdivider if other than the owner and name of the surveyor and engineer preparing the plat.
- K. The certificate of the surveyor attesting to the accuracy of the survey and to the correct locations of all monuments shown.
- L. Any private restrictions and trusteeships and their duration. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable, thus necessitating the preparation of a separate instrument, reference to such instrument shall be made on the plat.
- M. Acknowledgement by the owner or owners of the plat restrictions.
- N. One tracing cloth or comparable material of the approved final plat, for the City records.
- O. The names and record owners of all adjoining subdivisions and the names of recorded owners of adjoining parcels of un-subdivided land.
- P. A receipt showing that all legally due taxes have been paid.
- Q. North arrow, scale and date.
- R. The location of all present property lines, streets, alleys, rights-of-way, buildings, easements, lakes, watercourses, and drainage ways.
- S. Any existing water mains, culverts, water or sewer lines, easements, buildings and streets, within the tract or immediately adjacent thereto.
- T. Size of the tract in acres and lots in square feet and the boundary lines along with the linear measurement thereof.
- U. The proposed location and width of streets, alleys lots and easements.
- V. The seal, registry number and signature of the public surveyor who prepared the plat.
- W. Any portion of the floodplain as delineated by the Butler County Flood Insurance Rate Maps (FIRM), effective December 17, 2010, must be clearly illustrated and labeled on the plat.

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The [Butler County Auditor Real Estate Search](#)² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number.

Fees & Receipt

The required fee for final plan is \$470.00 plus \$10.00 per lot, plus \$10.00 postage charge.

Sign and Date

Applicant Signature *

Tom Kachos for Collette Entegon (Tom Kachos)

Date *

2/9/2019

Submit Application, Plans and Documentation, and Fees

We will not accept incomplete applications and/or plans and documentation.

Send or drop off this application with required copies of the plat containing all required information as attachments and a check for fees and postage charge made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

Direct questions to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

[illegible]

ORDINANCE NO.2933

ORDINANCE APPROVING THE PLANNING COMMISSION'S RECOMMENDATION FOR PRELIMINARY APPROVAL OF THE ROLLING MEADOWS SUBDIVISION.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: Council finds that the Planning Commission held a public hearing on July 11, 2006 the purpose of which was to accept public comment on the proposed preliminary Rolling Meadows Subdivision application. Council further finds that the Planning Commission after accepting public comment at the public hearing did table the matter until October 10, 2006 to allow the applicant to amend the application and after comment and deliberation of the amendment and by motion duly adopted, the Planning Commission recommended Council approve the amended preliminary Rolling Meadows Subdivision.

SECTION 2: Council hereby accepts the action of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and applicant's application and all documents filed by applicant and incorporates the same herein and hereby approves the amended application of the applicant for the preliminary Rolling Meadows Subdivision, subject to the following conditions:

- a. Roadways shall be installed as per drawings prepared on August 31, 2006 and submitted on September 11, 2006.
- b. Applicant shall file a petition requesting a portion of the new right-of-way, specifically Addison Drive connecting to U.S. 27 South be annexed into the City.
- c. A Traffic Impact Study shall be conducted and accepted by the City as per the Ohio Department of Transportation's letter dated July 7, 2006.
- d. A separate lot shall be created to accommodate the proposed lift station and the lot shall be deeded to the City. The lot size shall be a minimum of 6,000 square feet as required by the Sanitary Sewer Pump Station requirements. Additionally, an access easement shall be granted to the City to access the lift station for maintenance and operation purpose.
- e. The cost of maintaining and operating the lift station shall be the responsibility of the subdivision property owners.
- f. A Homeowner Association shall be created, acceptable to the City, for the maintenance, repair and upkeep of the detention basin and open space area and access provided to the City for inspection and maintenance purposes.

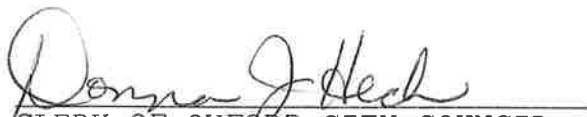
- g. The applicant is required to install signage of adequate size and shape located at the terminus of stubbed streets indicating the streets will be through streets.

SECTION 3: This Ordinance shall take effect at the earliest time allowed by law.


MAYOR

ADOPTED: November 21, 2006

ATTEST:


CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: DAVE PROWS

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: February 19, 2019

Service Department
Originating Department

Account Code #: N/A

Michael Dreisbach
Prepared By

Budgeted Amount: N/A

February 7, 2019
Date Prepared

Agenda Title:	Reduction of Public Improvement Bond for Northridge III Subdivision
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Recommendation:	Approve
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Discussion:

The Oxford City Council approved the Northridge III subdivision in 2004 (Ordinance No. 2807) requiring a \$1,300,000 public improvement bond. In 2007, many of the public improvements were completed and accepted by the City. The required bond was reduced to a sum of \$100,000 (Resolution No. 4276) and the City accepted liens on two parcels, each lien valued at \$50,000, on lots # 3550 and #3551, both at the end of Honor Lane.

The subdivision is now substantially complete and the developer has requested to post a cash bond for any outstanding improvements and for the City to release the liens currently held on both parcels stated above.

The City has calculated current outstanding items have a value of \$28,000. This amount will ensure the completion of the sidewalk system, planting of street trees, and construction of a semi-permanent turnaround at the end of Honor Lane. The developer has stated the intention to continue development to the north and connecting the current stub streets of Honor Lane and Dufour Lane.

Staff recommends the Oxford City Council release the liens on both Lot #3550 and Lot #3551 in the Northridge III subdivision and to reduce the required bond from the current level of \$100,000 to a new amount of \$28,000. Staff recommends the acceptance of a cash bond in the amount of \$28,000 to ensure completion of public improvements in this subdivision.

Approved By:	Department Head:	Initial	Date
	City Manager:	<u>MBD</u>	<u>2/7/19</u>
		<u>DRE</u>	<u>2/15/19</u>

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE BOND CONSISTING OF LIENS ON NORTHRIDGE III SUBDIVISION LOT #3550 AND LOT #3551 RECORDED IN VOLUME 7920, PAGES 2247 AND 2248 OF THE RECORDS OF THE BUTLER COUNTY, OHIO, RECORDER'S OFFICE FOR NORTHRIDGE III SUBDIVISION, AND ACCEPTANCE OF A CASH BOND IN THE AMOUNT OF TWENTY EIGHT THOUSAND AND 00/100 DOLLARS (\$28,000.00).

WHEREAS, Northridge III Subdivision is now substantially complete and the developer has requested to post a cash bond for any outstanding public improvements and for the City to release the liens currently held on Northridge III Subdivision Lot #3550 and Lot #3551.

WHEREAS, the City Manager and the Service Director recommend Oxford City Council release the performance bond consisting of liens on both Lot #3550 and Lot #3551 in the Northridge III subdivision and reduce the required bond from the current level of One Hundred Thousand and 00/100 dollars (\$100,000.00) to a new amount of Twenty Eight Thousand and 00/100 dollars (\$28,000.00).

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOLVES THAT:

SECTION 1: The developer has met the terms and conditions of a performance bond, dated June 28, 2005 and later recorded in the Record of Liens, Volume 7920, Pages 2247 and 2248 of the Butler County, Ohio Recorder's Office in the amount of One Hundred Thousand and 00/100 dollars (\$100,000.00). This performance bond consists of liens on Northridge III Subdivision Lot #3550 and Lot #3551 and the bond and liens are hereby released by Council.

SECTION 2: The City Manager and the Clerk of Council are hereby authorized to execute the necessary paperwork, releasing the performance bond and the liens on Northridge III Subdivision Lot #3550 and Lot #3551 and to cause the developer to record the same and submit the recorded release back to the City. The release of the performance bond and the liens on Northridge III Subdivision Lot #3550 and Lot #3551 is conditioned upon the applicant providing a cash bond in the amount of Twenty Eight Thousand and 00/100 dollars (\$28,000.00) to ensure the completion of public improvements in Northridge III Subdivision.

SECTION 3: This release is hereby given upon report of the City Engineer that the work secured by the performance bond has been satisfactorily completed.

SECTION 4: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

ORDINANCE NO. 2807

ORDINANCE APPROVING THE FINAL SUBDIVISION APPLICATION FOR
NORTHRIDGE III SUBDIVISION.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER
COUNTY, STATE OF OHIO, THAT:

SECTION 1: In accordance with Oxford Code Section 1101.03, Oxford Planning Commission held a public hearing on August 12, 2003 on the application of Ray Day, Dennis Day and Coe Potter for approval of a final subdivision for Northridge III located west of Northridge Drive, east of Hester Road and north of Westgate Drive.

SECTION 2: The Planning Commission, after due deliberation recommended the approval of the Final Subdivision application for Northridge III with conditions. The Planning Commission recommends the following conditions be incorporated as terms of Council's final approval:

- a) Permanent control in ownership of the multi-use paths and storm water retention basins will be the responsibility of a homeowner's association.
- b) That all other City requirements are met, specifically that the annexation, the elements of the Charter and Charter amendments, all engineering, and other requests are met as presented by the City.
- c) Traffic calming measures that were agreed upon in the October 30, 2002 meeting of neighborhoods and developers would be included. This would consist of Hester and State Route 27, Miami Trail and North Ridge (in the vicinity) and the ones identified at the October 30, 2002 meeting.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and further approves the Final Subdivision application for Northridge III, subject to these additional conditions:

- a) Decisions regarding the nature and placement of traffic calming shall be after receiving input from the public.
- b) Off-site traffic calming improvements shall be made prior to street connection to Hester Road.

Further, this approval is conditioned on the applicant recording, with the Butler County Recorder's Office, a subdivision plat within six (6) months of the date of this Ordinance and upon the applicant meeting all the terms and conditions recommended by the Planning Commission and Council, which terms and conditions are hereby made a condition of this approval.

SECTION 4: This Ordinance shall take effect at the earliest time allowed by law.


MAYOR

ADOPTED: January 20, 2004

ATTEST:


CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: DAVE PROWS

PREPARED BY: LAW(STAFF)

RESOLUTION NO. 4276

A RESOLUTION AUTHORIZING RELEASE OF A PERFORMANCE BOND IN THE AMOUNT OF \$1,300,000.00 FOR NORTHRIDGE SUBDIVISION SECTION III AND ACCEPTANCE OF A NEW PERFORMANCE AND MAINTENANCE BOND.

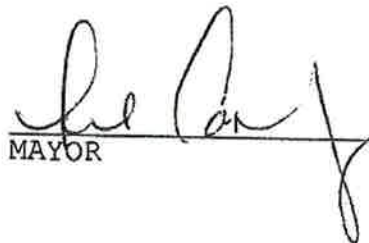
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: The lien provider, having met the terms and conditions for which a performance bond, dated March 17, 2004 in the amount of \$1,300,000.00 was given, is hereby released by Council.

SECTION 2: The Clerk of Council and City Manager are hereby authorized to execute the necessary paperwork, releasing the performance bond and to cause the developer to record the same and submit the recorded release back to the City. The release of the performance bond is conditioned upon the applicant issuing and recording a new performance and maintenance bond in the amount of \$100,000.00 to the City.

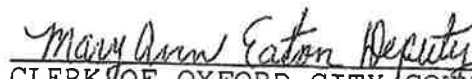
SECTION 3: This release is hereby given upon report of the City Engineer that the work secured by the performance bond has been satisfactorily completed.

SECTION 4: This resolution shall take effect at the earliest date allowed by law.


MAYOR

ADOPTED: July 17, 2007

ATTEST:


CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: JEROME CONLEY

PREPARED BY: LAW (STAFF)

PERFORMANCE BOND

Know All Men By These Presents, That **Mary L. Day, Successor Trustee of the Ray Day Trust U/A dated June 28, 2005**, and **Dennis Day and Barbara Day**, husband and wife, hereinafter together called "Obligors", are held and firmly bound unto the **City of Oxford**, hereinafter called "Obligee", in the amount of One Hundred Thousand and No/100 Dollars (\$100,000.00), for the payment whereof Obligors are bound, expressly binding their heirs and assigns, jointly and severally, by these presents:

Whereas, Obligors are the developers of North Ridge Subdivision, Section 3, in the City of Oxford, Butler County, Ohio; and

Whereas, Obligors remains obligated to complete 4000 lineal feet of sidewalk required for North Ridge Subdivision, Section 3;

Now, Therefore, the condition of this obligation is that Obligors shall complete the other said improvements in North Ridge Subdivision, Section 3 by May 1, 2008.

Obligors, for themselves, their heirs and assigns, pledge the following described real estate as security for this obligation, hereby warranting and covenanting, that title to said real estate is vested solely in Obligors, and that the same is free, clear and unencumbered, and that this pledge constitutes a first and best lien upon said real estate, and upon failure of Obligors to fully and completely perform the required obligations, Oblige may levy execution or foreclosure, so as to cause said real estate to be sold and the proceeds applied to the satisfaction of this monetary obligation in the principal sum of One Hundred Thousand and No/100 Dollars (\$100,000.00) plus interest, and all costs of Court, including the costs of proceedings necessary to enforce collection, to-wit:

Lot numbered Three Thousand Five Hundred Fifty (3550) as the same is known and designated on the recorded plat of North Ridge Subdivision, Section 3, in the City of Oxford, County of Butler and State of Ohio.

Lot numbered Three Thousand Five Hundred Fifty-one (3551) as the same is known and designated on the recorded plat of North Ridge Subdivision, Section 3, in the City of Oxford, County of Butler and State of Ohio.

If Obligors shall well and truly perform the obligations hereof, then this Instrument shall be void; otherwise the same, notwithstanding any default or failure of performance on the part of Obligors, shall remain in full force and effect until canceled of record of Oblige. Further, Obligors agree that said premises not be used as security on any further obligations without written approval of the City of Oxford.



Image ID: 000006826268 Type: OFF
Kind: PERF BOND
Recorded: 07/24/2007 at 11:12:33 AM
Fee Amt: \$28.00 Page 1 of 2
Workflow# 1740219
Butler County, Ohio
Dan Crank COUNTY RECORDER
File# 2007-00044108

BK 7920 PG 2247

In Witness Whereof, Obligors have hereunto set their hands this tenth (10th) day of July, 2007.

Signed and acknowledged in the presence of:



Image ID: 000006826269 Type: OFF
Kind: PERF BOND

Page 2 of 2
File# 2007-00044108

BK 7920 PG 2248

Mary L. Day, Successor Trustee of the Ray Day
Trust U/A dated June 28, 2005

Dennis Day

Barbara Day

State of Ohio, County of Butler, ss.

Be It Remembered, That on this tenth day of July, 2007, before me, a notary public in and for said State, personally came Mary L. Day, Successor Trustee of the Ray Day Trust U/A dated June 28, 2005, Dennis Day and Barbara Day, the Obligors in the foregoing instrument, and acknowledged the signing thereof to be their voluntary act and deed.

In Testimony Thereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforementioned.



KELLY M. FRIES
Notary Public, State of Ohio
My Commission Expires Dec. 21, 2011

Notary Public, State of Ohio.

This instrument was prepared by Dan E. Huss, Attorney at Law, Oxford, Ohio.

Proposed
Lot for Release
#3550

LOT 3551

Honor Lane



1"=60'

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 2/19/2019

Joe Newlin
Prepared by

Account Code No. #: N/A

Budgeted Amount: _____

2/14/2019
Date Prepared

Agenda Title: SOUTHPOINTE ROADWAY IMPROVEMENT BONDS ORDINANCE

Recommendation: Approve

Discussion:

This is the final action item resulting from the agreement entered into by the City with 4-Leaf Development LLC and OXO1 Ltd. on May 23, 2006. On May 16, 2017, the City adopted legislation resulting in five TIF Districts being formed (1 TIF and 4 RID). These five districts will bring in \$328,128.06 per year based on the City receiving 75% of the total property taxes based on the increased value due to the construction of the ANNEX project. The remaining 25% will be distributed to all the taxing entities based on the effective millage rate just as it normally would.

The not to exceed value \$2,600,000 is based on a preliminary estimated interest rate environment. The final value may vary but will be based on our annual TIF revenue being sufficient to cover the yearly debt service. These payments will take into account the issuance cost, reimbursement of the \$200,000 advance for engineering cost paid by the City prior to construction. The left over bond revenue will be the basis of how much construction of the improvements can be completed.

The City is being diligent to insure that there is no short fall in revenue to pay off the bonds, since in the original 4-Leaf Development LLC and OXO1 Ltd. agreement made the City responsible for any shortages.

Approved By:

Department Head:
City Manager:

Initial Date
12/15/19
DRE 12/15/19

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,600,000 SOUTHPOINTE ROADWAY PROJECT BONDS FOR THE PURPOSE OF PAYING PART OF THE COST OF CONSTRUCTING THE SOUTHPOINTE ROADWAY PROJECT, INCLUDING ROADWAY, PAVEMENT, DRAINAGE, EROSION CONTROL, WATER, SEWER, LIGHTING, TRAFFIC CONTROL AND OTHER MISCELLANEOUS IMPROVEMENTS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the fiscal officer has heretofore certified to this Council that the estimated life of the improvements hereinafter described is at least five (5) years; and that the maximum maturity of bonds issued to pay the cost thereof is not less than twenty (20) years, which shall be reduced to ten (10) years by action of Council.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, WITH THREE FOURTHS OF ITS MEMBERS CONCURRING, HEREBY ORDAINS THAT:

SECTION 1: It is necessary to issue and sell bonds of the City in the principal sum of not to exceed \$2,600,000 (the "Bonds") for the purpose of paying part of the cost of constructing the Southpointe Roadway Project, including roadway, pavement, drainage, erosion control, water, sewer, lighting, traffic control and other related miscellaneous improvements, together with all necessary appurtenances thereto, which costs may include the costs of printing the Bonds, expenses of delivery of the Bonds, registering the Bonds, service charges of the paying agent, Depository Trust Company charges, legal services, underwriting, redemption premium, OMAC fees, capitalized interest and obtaining an approving legal opinion, under authority of the general laws of the State of Ohio, particularly the Uniform Public Securities Law of the Ohio Revised Code. The Bonds shall have a maximum maturity of ten (10) years.

SECTION 2: The Bonds shall be issued in such principal amount for the purpose aforesaid. The Bonds shall be dated their date of issuance, numbered from R-1 upwards in order of issuance, in the form of Various Purpose Bonds of the denomination of \$5,000 or any integral multiple thereof provided that each such Various Purpose Bond shall be of a single maturity, and the Bonds shall bear interest payable December 1, 2019 and semiannually thereafter on June 1 and December 1 in each year until maturity, maturing on December 1 of each year, in principal amounts, each as stated in the bond purchase agreement (the "Bond Purchase Agreement") which the Finance Director of the City is hereby authorized to sign.

The Bonds shall be sold together with one (1) other issue of general obligation limited tax bonds for the Aquatic Center, and designated Various Purpose Bonds ("Various Purpose Bonds") pursuant to Section 133.30 of the Ohio Revised Code.

The principal amount of Bonds shall be payable in such principal amounts such that in any fiscal year principal is payable, the total principal and interest payable shall not be more than three times the amount of such principal and interest payments in any other such fiscal year.

SECTION 3: The Various Purpose Bonds, representing two (2) issues of general obligation, limited tax bonds (including the Bonds which shall mature in the principal amounts and on the dates as set forth in the Bond Purchase Agreement, and bear interest at the rates payable as stated in the Bond Purchase Agreement) will have a combined maturity schedule and bear interest at the rates, all as stated in the Bond Purchase Agreement, provided the net aggregate interest cost for the Bonds shall not exceed six percent (6%) per annum. Each of the combined issues may be designated by series.

SECTION 4: The Various Purpose Bonds shall express upon their faces the purposes for which they are issued and that they are issued in pursuance of this ordinance. The Various Purpose Bonds shall be in fully registered form. They shall bear the signatures of the City Manager and the Finance Director, provided that any or both such signatures may be facsimile signatures, and shall bear the manual authenticating signature of an authorized representative of U.S. Bank, Cincinnati, Ohio as the paying agent, registrar and transfer agent (the "Paying Agent and Registrar") for the Various Purpose Bonds. The principal amount of each Various Purpose Bond shall be payable at the office of the Paying Agent and the Registrar and interest thereon shall be made on each interest payment date to the person whose name appears on the record date (May 15 for June 1 and November 15 for December 1) on the Various Purpose Bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at this address as it appears on such registration records.

The Various Purpose Bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the principal office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer any Various Purpose Bond during the 15-day period preceding any interest payment date, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new Various Purpose Bond or Bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefor.

The City and the Paying Agent and Registrar may deem and treat the registered holders of the Various Purpose Bonds as the absolute owners thereof for all purposes, and neither the City nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

The Various Purpose Bonds shall be initially issued only to a securities depository that is a clearing agency under federal law operating and maintaining, with its participants or otherwise, a book entry system to record ownership of beneficial interests in Various Purpose Bonds, and to effect transfers of beneficial interests in Various Purpose Bonds, and includes and means initially The Depository Trust Company (a limited purpose trust company) New York, New York ("Depository") for use in a form or system under which the physical Various Purpose Bond certificates in fully registered form are issued only to a Depository or its nominee as registered owner, with the certificated Various Purpose Bonds held and "immobilized" in the custody of the Depository, and the book entry system, maintained by and the responsibility of the Depository and not maintained by or the responsibility of the City is the record that identifies, and records the transfers of the beneficial interests of the owners of the Various Purpose Bonds (the "Book Entry System" or "Book Entry Form" and: (i) those Various Purpose Bonds shall be registered in the

name of the Depository or its nominee as registered owner, and immobilized in the custody of the Depository; and (ii) those Various Purpose Bonds shall be transferable or exchangeable in accordance with this ordinance, provided that so long as a Book Entry System is used for the Various Purpose Bonds, the Various Purpose Bonds may only be transferred to another Depository or to another nominee or a Depository without further action by the City pursuant to this section. The City may, and may require the Paying Agent and Registrar to, transfer the Bonds from one Depository to another Depository at any time.

Notwithstanding any other provision of this ordinance ("Ordinance") or any Various Purpose Bond to the contrary, with the approval of the City, the Paying Agent and Registrar may enter into an agreement with a Depository, or the nominee of a Depository, that is the registered owner of a Various Purpose Bond in the custody of that Depository providing for making all payments to that registered owner of principal of and interest and any premium on that Various Purpose Bond or any portion of that Various Purpose Bond (other than any payment of its entire unpaid principal amount) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Various Purpose Bond, upon any conditions which shall be satisfactory to the Paying Agent and Registrar and the City. That payment in any event shall be made to the person who is the registered owner of that Various Purpose Bond on the date that principal and premium is due, or, with respect to the payment of interest, as of the applicable Interest Payment Date or other date agreed upon, as the case may be. The Paying Agent and Registrar will furnish a copy of each of those agreements, certified to be correct by an officer of the Paying Agent and Registrar to the City. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

If any Depository determines not to continue to act as a Depository for the Various Purpose Bonds in a Book Entry System, the City may attempt to have established a securities depository/Book Entry System relationship with another qualified Depository under this Ordinance. If the City does not or is unable to do so, the City and the Paying Agent and Registrar, after the Paying Agent and Registrar has made provision for notification of the beneficial owners by appropriate notice to the then Depository, shall permit withdrawal of the Various Purpose Bonds from the Depository, and authenticate and deliver Various Purpose Bond certificates in fully registered form, in denominations of \$5,000 or integral multiples thereof, to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing or otherwise preparing, and delivering, replacement Various Purpose Bonds) of those persons requesting that authentication and delivery, unless City action or inaction shall have been the cause of the termination of the Book Entry System, in which event such cost and expense shall be borne by the City.

The Finance Director is authorized to execute the letter of representations with the Depository and is authorized to execute an agreement with the Paying Agent and Registrar in connection with the issuance of the Various Purpose Bonds.

SECTION 5. For the payment of the Various Purpose Bonds and the interest thereon, the full faith, credit, and revenue of the City of Oxford are hereby irrevocably pledged, and for the purpose of providing the necessary funds to pay the interest on the Various Purpose Bonds promptly when and as the same falls due, and also to provide a fund sufficient to discharge the

Various Purpose Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City within applicable limitations, in addition to all other taxes, a direct tax annually during the period the Various Purpose Bonds are to run in an amount sufficient to provide funds to pay interest upon the Various Purpose Bonds as and when the same falls due and also to provide a fund for the discharge of the principal of the Various Purpose Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Constitution of Ohio.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years and certified, extended or collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which, together with all interest collected on the same, shall be irrevocably pledged for the payment of the interest on and the principal of the Various Purpose Bonds when and as the same shall fall due; provided, that in each year to the extent that revenues from other sources, including general fund revenues, or payments in lieu of taxes (as applicable) are available for the payment of the Various Purpose Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

SECTION 6: Said Various Purpose Bonds shall be sold to RBC Capital Markets, Cincinnati, Ohio (the "Purchaser"), in the manner provided by law at not less than 97% of par value and accrued interest provided the net interest cost for the Various Purpose Bonds does not exceed six percent (6%) per annum. The proceeds from the sale of the Various Purpose Bonds, except as any premium and accrued interest received, shall be deposited in the proper funds as required by law, and used for the purposes aforesaid, including reimbursement to the general fund of funds advanced for the Southpointe Roadway Project, and for no other purpose; and may include any expenses relating to the issuance of the Various Purpose Bonds, for which purposes and proceeds are hereby appropriated, and any premium and accrued interest received from such sale shall be transferred to the bond retirement fund to be applied to the payment of the principal and interest of the Various Purpose Bonds in the manner provided by law.

The Finance Director is hereby authorized to execute and deliver a Bond Purchase Agreement for the Various Purpose Bonds in substantially the form submitted to this Council with such changes, including adjustments in principal payment dates and amounts payable and such final interest rates and other terms necessary to facilitate sale of the Various Purpose Bonds to the Purchaser pursuant to the terms hereof, as may be approved by the Finance Director, his execution thereof on behalf of the City to be conclusive evidence of such authorization and approval.

SECTION 7: The Various Purpose Bonds may be subject to mandatory sinking fund redemption, and/or redemption at the option of the City, upon the terms provided for in the Bond Purchase Agreement.

SECTION 8: This Council hereby authorizes the Finance Director to prepare, correct, revise, execute together with the City Manager and deliver, on behalf of the City to appropriate persons, preliminary and final drafts of a Preliminary Official Statement deemed final for purposes of Securities and Exchange Commission Rule 15c2-12 and an Official Statement relative to the

sale of the Various Purpose Bonds and copies thereof are hereby authorized to be furnished to the Underwriter for distribution to prospective purchaser of the Various Purpose Bonds and other interested persons.

SECTION 9: This Council hereby covenants that it will restrict the use of the proceeds of the Bonds hereby authorized in such manner and to such extent, if any, as may be necessary after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Code and the regulations prescribed thereunder, including any expenditure requirements, investment limitations or rebate requirements. The Finance Director or any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed to give an appropriate certificate on behalf of this City on the date of delivery of the Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

The Bonds are hereby designated as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code. The City does not expect to issue more than \$10,000,000 of such obligations in calendar year 2019.

SECTION 10: This Council hereby authorizes the Finance Director to take all steps necessary to obtain one or more municipal bond ratings for the Bonds, and a municipal bond insurance policy to facilitate sale of the Bonds.

SECTION 11: This Council hereby covenants and agrees that it will execute, comply with and carry out all of the provisions of a continuing disclosure certificate dated the date of issuance and delivery of the Bonds (the "Continuing Disclosure Certificate") in connection with the issuance of the Bonds. Failure to comply with any such provisions of the Continuing Disclosure Certificate shall not constitute a default on the Bonds; however, any holder of the Bonds may take such action as may be necessary and appropriate, including seeking specific performance, to cause this Council to comply with its obligations under this section and the Continuing Disclosure Certificate.

SECTION 12: The Finance Director is hereby directed to forward a certified copy of this ordinance to the Butler County Auditor.

SECTION 13: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 14: This ordinance is hereby declared to be an emergency measure for the immediate preservation of the public peace, health, safety, morals or welfare, in order to fix a favorable interest rate therefore, this ordinance shall take immediately upon its passage.

PASSED this 5th day of March, 2019.

Mayor

ATTEST:

Clerk of Oxford City Council

APPROVED AS TO FORM:

City Attorney

Prepared By: Dinsmore & Shohl LLP

CERTIFICATE OF MEMBERSHIP

The undersigned, Finance Director of the City of Oxford, Ohio, hereby certifies that the following were the officers and members of Council during the period proceedings were taken authorizing the issuance of not to exceed \$7,400,000 Various Purpose Bonds:

(Please type names here)

City Manager

Finance Director

Mayor

Vice-Mayor

Council Member

Council Member

Council Member

Council Member

Council Member

City Attorney

Clerk of Council

Finance Director

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of said City, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above-identified obligations.

Clerk of Council

CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS

Based upon information provided by the Council of the City of Oxford (herein the "City"), Butler County, Ohio, the fiscal officer of the City within the meaning of Section 133.01 of the Uniform Public Securities Law of the Ohio Revised Code, hereby certifies that the estimated life of the improvements to be acquired with the proceeds of the sale of not to exceed \$2,600,000 Southpointe Roadway Bonds for the purpose of paying part of the cost of constructing the Southpointe Roadway Project, including roadway, pavement, drainage, erosion control, water, sewer, lighting, traffic control and other miscellaneous improvements, together with all necessary appurtenances thereto is at least five (5) years, and that the estimated useful life is not less than twenty (20) years, assuming \$940,000 is spent on drainage, water and sewer improvements for which I estimate a useful life of thirty (30) years, \$1,310,000 is spent on roadway construction for which I estimate a useful life of twenty (20) years, and \$350,000 is spent on various related improvements and equipment for which I estimate a useful life of ten (10) years; and that the maximum maturity of said bonds, calculated in accordance with Section 133.20 of the Uniform Public Securities Law of the Ohio Revised Code, is not less than twenty (20) years which shall be reduced to ten (10) years by action of Council.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of March, 2019.

Finance Director

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance
No. _____, passed on March 5, 2019.

Clerk of Council

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing ordinance was certified this
day to the Butler County Auditor.

Dated: March ____, 2019

Clerk of Council

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing
ordinance.

County Auditor
Butler County, Ohio

Dated: March ____, 2019

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Oxford, Ohio, met in regular session, at _____ p.m., on the 19th day of February, 2019, at _____, Oxford, Ohio, with the following members present:

There was presented and read to Council by title Ordinance No. _____, entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,600,000 SOUTHPOINTE ROADWAY PROJECT BONDS FOR THE PURPOSE OF PAYING PART OF THE COST OF CONSTRUCTING THE SOUTHPOINTE ROADWAY PROJECT, INCLUDING ROADWAY, PAVEMENT, DRAINAGE, EROSION CONTROL, WATER, SEWER, LIGHTING, TRAFFIC CONTROL AND OTHER MISCELLANEOUS IMPROVEMENTS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

The Council of the City of Oxford, Ohio, met in regular session, at _____ p.m., on the 5th day of March, 2019, at _____, Oxford, Ohio, with the following members present:

There was presented and read to Council Ordinance No. _____, entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,600,000 SOUTHPOINTE ROADWAY PROJECT BONDS FOR THE PURPOSE OF PAYING PART OF THE COST OF CONSTRUCTING THE SOUTHPOINTE ROADWAY PROJECT, INCLUDING ROADWAY, PAVEMENT, DRAINAGE, EROSION CONTROL, WATER, SEWER, LIGHTING, TRAFFIC CONTROL AND OTHER MISCELLANEOUS IMPROVEMENTS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

_____ then moved that Ordinance No. _____ be
passed. _____ seconded the motion and, the roll being called upon the question,
the vote resulted as follows:

The ordinance was declared passed March 5, 2019.

CERTIFICATE

The undersigned, Clerk of Council of said City, hereby certifies that the foregoing is a true and correct extract from the minutes of meetings of the Council of said City, held on the 19th day of February and the 5th day of March, 2019, to the extent pertinent to consideration and passage of the above-entitled legislation.

Clerk of Council

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: February 19, 2019

Service Department
Originating Department

Account Code #: N/A

David Treleaven
Prepared By

Budgeted Amount: N/A

February 7, 2019
Date Prepared

Agenda Title: Environmental Commission Meeting of February 6, 2019

Recommendation: For Review and Consideration

Discussion:

Environmental Commission members present at the Wednesday, February 6, 2019 meeting were: Chair, Mr. Wright Gwyn; Vice-Chair, Ms. Madeline Maurer; City Council Representative, Ms. Chantel Raghu; Mr. Vince Hand, Mr. Andor Kiss, and Mr. Jon Ralinovsky. A quorum was present. Planning Commission Representative, Ms. Shana Rosenberg, had previously notified the Commission that she was unable to attend the February 2019 meeting. Also in attendance was Miami University (MU) Institute for the Environment and Sustainability (IES) graduate students Mr. Archer Hill and Ms. Joycelyn Swamidoss; Ms. Molly O'Donnell, MU Associate Student Government Secretary for Sustainability, and Mr. Patrick Keck, MU undergraduate student and reporter for the *Oxford Observer*.

The minutes from the January 2, 2019 Environmental Commission meeting was unanimously approved as presented.

The IES Graduate Students provided Commissioners with a status report of their activities associated with conducting a Professional Service Project (PSP), with the Environmental Commission as the client. The PSP is to inventory the greenhouse gas (GHG) emissions associated with the Oxford community in general, and municipal operations specifically, to quantify Oxford's carbon footprint. The students are part of a four-person team, that spent January investigating requirements and needs associated with a GHG inventory, boundaries for the inventory, and choices of software programs to assist in compiling data from the GHG inventory and forecasting potential effects of changes to existing conditions. The community GHG inventory and carbon footprint would be a continuation and the next step in last year's IES PSP investigating Oxford's formal participation with the Global Covenant of Mayors for Climate and Energy. Determining the GHG inventory/carbon footprint would establish a reference baseline for the community's carbon dioxide-equivalent emissions, and would be necessary for Oxford's participation with any of several sustainability programs identified during last year's PSP. The GHG inventory is to be completed by May 2019.

Councilor Raghu informed the Commission that at the February 1, 2019 City Council retreat, Councilors chose sustainability as the most pressing issue facing Oxford, with affordable housing next in urgency.

(Continued)

Approved By:

Department Head:
City Manager:

Initial	Date
<u>MPD</u>	<u>2/8/19</u>
<u>DRE</u>	<u>2/15/19</u>

The sub-committee (consisting of Mr. Gwyn, Ms. Mauer, and Mr. Ralinovsky) investigating options for the pending refuse and recycling contract specifications summarized their January 2019 meeting. The sub-committee concluded not to recommend mandatory recycling at apartment complexes during the upcoming contract cycle. It is proposed that a single apartment complex be contacted and a pilot recycling program be designed for the complex, with coordination by Miami University, Butler County Recycling and Solid Waste District, and Oxford. The sub-committee was requested to prepare their recommendations for the residential trash and recycling contract specifications, and an outline of the proposed apartment complex recycling pilot program.

Mr. Kiss informed the Commission that on behalf of Oxford, he had re-applied for the Tesla electric vehicle charger(s) installation program in early January 2019. As of this meeting, Mr. Kiss had not been contacted by Tesla regarding the request. Also, on February 13th, the Ohio Environmental Protection Agency is holding a meeting at OKI offices in Cincinnati to discuss implementation of the Volkswagen Settlement Program which includes potential grants for deployment of electrical vehicle charging stations in 26 local eligible counties.

Mr. Kiss informed the Commission that he had contacted Oxford for information regarding the bicycle lane designation and intersection boxes recently installed on South Locust Street. Mr. Kiss indicated that he intended the information to assist MU with its on-campus bicycle lanes. Mr. Kiss stated Oxford's Streets and Maintenance Division promptly provided him with the information. Discussion of the bicycle intersection boxes suggested confusion in the community regarding the proper use and expected bicycle and vehicle behavior at the boxes. It was suggested that perhaps Mr. Keck could prepare an article in the *Oxford Observer* providing information and guidance from the MU and Oxford Police Departments regarding proper use of the bicycle boxes.

Staff updated the Commission regarding status of the pilot food scraps composting project. A printing company is currently preparing public educational pieces and flyers, utilizing informational handouts provided by the Northwest Vermont Solid Waste District for its food scrap composting program and incorporating guidelines provided by Go Zero Services, the local food courier. The anticipated start of the drop-off program is tentatively scheduled for Saturday, April 6, 2019 at Oxford's Streets and Maintenance Garage facility, 945 South Main Street.

Staff informed the Commission that the Ohio Invasive Plant Council (OIPC) was considering the classification of a tree on Oxford's official street tree planting list as "invasive". The Amur corktree (or Chinese corktree, *Phellodendron amurense*) met the OIPC's minimum determination of "invasiveness". Staff informed the Commission that Oxford was not aware of the presence of any public corktrees in the community. The following motion removing the corktree from the official street tree list was made by Mr. Hand. Mr. Gwyn seconded the motion.

Motion:

The Environmental Commission recommends amending Oxford Codified Ordinance Chapter 935.05 (Street Tree Species to be Planted) with the removal of the Amur corktree (Rutaceae Phellodendron amurense) from the official street tree list for small trees.

The Motion was adopted by the following roll call: Aye: Mr. Gwyn, Ms. Mauer, Ms. Raghu, Mr. Hand, Mr. Kiss, Mr. Ralinovsky (6); Nay: (0); Absent: Ms. Rosenberg (1).

Commissioners concluded discussions at 8:25 p.m. The next Environmental Commission meeting is tentatively scheduled for 7:00 pm on Wednesday, March 6, 2019, in the Municipal Building's First Floor Conference Room.

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager: Douglas R. Elliott, Jr.

Police
Originating Department

Council Meeting Of: February 19, 2019

John A. Jones
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

February 7, 2019
Date Prepared

Agenda Title: Resolution authorizing the Police Division of the City of Oxford to donate certain unclaimed items in its possession.

Recommendation: Approve

Discussion: The property listed in the attached memo from Property Custodian Perry Gordon was seized property that was turned over to the Oxford Police Division by court order. These women's clothing items were never worn and still have some value. However, due to the nature of some of the items, holding an auction would likely bring in less money than what the administrative time would be worth. These items are of no use to the Police Division, however they are able to be donated to the Dove House, a program that assists women dealing with family issues, including domestic abuse. The Dove House serves families in Butler, Hamilton, Warren, and Montgomery Counties and would benefit from the donation.

Therefore, it is the request of the Police Chief that these items be donated to the aforementioned program.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

[Signature] 2/7/19
DRE 2/15/19

RESOLUTION NO.

A RESOLUTION DECLARING CERTAIN UNCLAIMED PROPERTY AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO NO LONGER OF VALUE TO THE CITY AS SURPLUS AND AUTHORIZING THE DONATION OF SAME TO THE DOVE HOUSE IN HAMILTON, OHIO, FOR CHARITABLE USE.

WHEREAS, pursuant to Oxford Codified Ordinance Section 127.11, certain property as set forth on Exhibit "A" attached hereto is currently in the custody of the Police Division, and is hereby declared surplus and not needed for any municipal purpose; and

WHEREAS, the City Manager and the Police Chief recommend the items set forth on Exhibit "A" attached hereto be donated to the Dove House in Hamilton, Ohio, for charitable use.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOLVES THAT:

SECTION 1: Council hereby accepts the recommendation of the City Manager and the Police Chief and authorizes the donation of surplus property as set forth on Exhibit "A" attached hereto to the Dove House in Hamilton, Ohio, for charitable use.

SECTION 2: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

John Jones

From: Perry Gordon
Sent: Wednesday, February 06, 2019 11:03 AM
To: John Jones
Subject: Donation of women's clothing and items to Dove House

Importance: High

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Chief John A. Jones
Oxford Police

Good morning, Chief—

As a follow-up to our conversation earlier this week regarding the disposition of women's clothing and accessories seized in case 2015-OPD-0981, I recommend that we petition the Oxford City Council to authorize a donation to the Dove House, located at 244 Dayton Street (YWCA), Hamilton, Ohio, rather than send the items to our on-line property auction (www.GovDeals.com).

I spoke with a staff member at Dove House, and apprised her of our interest in donating the items, and she seemed receptive to our idea. I advised her that I would speak with you to finalize a recommendation to City Council and will contact her with the results of that recommendation.

The items are both numerous and varied, as follows:

EXHIBIT 'A'

Two 20-gallon storage bins:

- Jackets
- Sweaters

Four 35-gallon storage bins:

- Dresses/skirts/shorts
- Dresses/skirts/tunics
- Leggings/jeans/yoga and exercise pants
- Shorts/blouses/tunics

Fifteen banker's boxes:

- Accessories: handbags/purses (3 boxes)
- Accessories: hosiery/belts/scarves
- Accessories: purse/leggings
- Accessories: scarves
- Accessories: scarves/gloves
- Accessories: scarves/hats
- Accessories: scarves/hosiery
- Dresses/lingerie
- Dresses/lingerie/leggings
- Jackets/sweaters
- Shoes

- Sleepwear/lingerie
- Sweaters

I believe such a donation is a reasonable and worthy approach to the disposition of this property:

- Most important, supporting a program that assists women dealing with family issues, including domestic abuse, is in the best interests of the community. Dove House serves women and families in four counties (Butler, Hamilton, Warren, and Montgomery) and no doubt could benefit from our donation;
- From an operational standpoint, sending these items to auction might realize some financial gain for the City, but separating the clothing into smaller saleable parcels would be both time- and storage space-consuming—I would estimate that we have over 500 individual pieces of clothing and accessories;
- With few exceptions, the clients bidding on GovDeals items during our last auction were men, hence I do not believe that there is a viable female market for the online auction, despite the condition of the aforementioned items (almost all new, never worn, and with store tags still attached to most items)

I strongly recommend the donation of these items to Dove House.

Please let me know if I can provide further information.

Thanks.

Perry

*Perry Gordon
Properties Custodian
City of Oxford, Division of Police
11 South Poplar Street
Oxford, OH 45056
513-839-0082 (cell)
513-524-5255 (office)
513-524-9111 (fax)
pgordon@cityofoxford.org*

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: February 5, 2019

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount:

January 28, 2019
Date Prepared

Agenda Title: PC-2019-03, ZONING TEXT AMENDMENT, Chapter 1145, Planned Developments, updating application requirements and clarifying the 2008 Comprehensive Plan goals for housing type diversity and affordability, City of Oxford, Applicant

Recommendation: Approval

Discussion:

This text amendment is part of an ongoing effort to promote housing type diversity and affordability of housing in Oxford. The 2008 Comprehensive Plan includes a chapter on "Housing" which highlights a goal of "Livable, attractive and affordable housing for a diverse population." However, some recent developments have focused on one housing type and market segment to the exclusion of others. The Housing Advisory Commission developed the proposed language to make housing diversity more explicit within Chapter 1145 Planned Developments goals, application, and site planning requirements. Specifically, the text amendment addresses the following:

- Makes explicit the purpose to "Facilitate the construction of a variety of dwelling types to serve Comprehensive Plan goals of diverse and affordable housing"
- Require applicants to supply a written statement regarding "How the proposed mix of dwelling types and/or commercial uses advances community goals of diversity and affordability"
- Indicate location and distribution of dwelling types and/or commercial uses on their site plan
- Three other modernizations to the code: design professional licensing, digital submittal requirement and limits of waivers to code

The Planning Commission held a hearing on January 8 and determined that the proposed text amendment met the standards of Chapter 1135. The Commission made minor changes to the wording and then voted 6-0 to recommend approval to City Council.

Approved by:

Initial Date
Department Head: _____ / _____

City Manager: DRE / 2-1-19

ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE CHAPTER 1145 ENTITLED PLANNED DEVELOPMENTS, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE CHAPTER 1145 ENTITLED PLANNED DEVELOPMENTS TO UPDATE THE APPLICATION REQUIREMENTS AND TO CLARIFY THE COMPREHENSIVE PLAN GOALS FOR HOUSING TYPE DIVERSITY AND AFFORDABILITY.

WHEREAS, Council finds in accordance with Section 1135.02 of the Codified Ordinances of the City of Oxford, Ohio, the City of Oxford Planning Commission held a public hearing on January 8, 2019, and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Chapter 1145 entitled Planned Developments, and adopting new Oxford Codified Ordinance Chapter 1145 entitled Planned Developments to update the application requirements and to clarify the Comprehensive Plan goals for housing type diversity and affordability.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY ORDAINS THAT:

SECTION I: Council hereby accepts the recommendation of the Planning Commission repeals Oxford Codified Ordinance Chapter 1145 entitled Planned Developments, and adopts new Oxford Codified Ordinance Chapter 1145 Planned Developments to update the application requirements and to clarify the Comprehensive Plan goals for housing type diversity and affordability as follows: (additions are highlighted)

1145.01 PURPOSE.

(a) Purpose. Planned developments incorporate land uses and development patterns that are intended to permit and encourage creative and flexible land development that is not permitted by-right under the administrative regulations of underlying zoning districts. The planned development is particularly well suited to address two distinct goals of the Comprehensive Plan: to provide for environmentally sensitive and cohesive developments that are an attractive alternative to traditional subdivision and infill development that fully utilizes available land and existing utility resources where they already exist.

(1) Planned developments share these common goals:

A. Protect the neighbors of a planned development and the City in general to at least the same degree normally inherent in the Zoning Code.

B. Produce a development equal to or better than that resulting from single-use or traditional subdivision

C. Facilitate the construction of a variety of dwelling types to serve Comprehensive Plan goals of diverse and affordable housing.

D. Have a site and situation that permits comprehensive planning both on the site and relative to its immediate surroundings

E. Result in a design in which the placement, height, and uses of buildings, vehicle management areas, and open spaces efficiently utilize potentials of the site

E. Include covenants, easements, and other private measures that will help ensure the long-term administrative viability of a development

F. Be functional within a time period that helps ensure a viable development

(2) Infill development also satisfies the following goals:

A. Fully utilize sites that could not be fully utilized because of their shape or because of their location relative to available public access.

B. Increase geographic efficiencies of existing utilities such as public streets, water, sewer, electric, telephone, and cable by using them where they are already available.

C. Help keep development from sprawling to and beyond the municipal boundaries of Oxford.

(3) Open Space development also satisfies the following goals:

- A. Retain natural areas and landscapes.
- B. Protect environmentally sensitive land and water features.
- C. Retain or create active and passive open spaces that serve the recreation needs of the development or the City generally.
- D. Lessen the land area devoted to vehicle management.
- E. Preserve natural scenic views that contribute to the Oxford setting.

1145.05 APPLICATION.

The application requirements for a preliminary and final planned development are different. The final planned development application requires a greater degree of accuracy and completeness than does the preliminary planned development application. This section describes the application content requirements for each step of the process.

Thirteen (13) complete sets of all information shall be submitted with each preliminary and final application. The Zoning Administrator may modify this requirement based upon the type of materials included. The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement.

If any information is submitted in color or on non-standard paper, more copies may be required.

(a) Preliminary Plan.

(1) Application fee.

(2) The name, mailing address, and telephone number of the applicant and all property owners.

(3) If the applicant is not the owner, or if there are multiple owners within the proposed area, a statement from all owners that the applicant is entitled to apply on their behalf, and that they agree to be legally bound to any decision reached according to this Chapter.

(4) The name, mailing address, and telephone number of any planner, engineer, surveyor, or other design professional who assisted with preparation of the plans.

(5) Description of use and site. A written, detailed description shall include the following information. A separate response is required for each subsection.

A. A legal description of the site, including all separate lots.

B. A description of the existing uses of the site.

C. The zoning districts in which the site is located.

D. A description of the proposed planned development.

1. The number of housing units by size and type proposed within each phase.

2. A description of any nonresidential operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.

3. The hours of operation of any nonresidential use.

4. A phased development schedule, if applicable, that indicates the location and timing of phases and demonstrates that each completed phase would form a reasonably independent unit if succeeding phases were abandoned.

E. A narrative statement that evaluates the compatibility of the proposed planned development with the general vicinity and adjacent properties.

1. How the proposed uses are similar to or different from existing area uses and if there will be any interaction between the proposed site and adjacent sites.

2. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites.

3. If the proposed uses will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions.

4. How any potential negative effects on adjacent land will be mitigated.

F. A statement about why the location proposed is appropriate for the planned development.

G. A statement of the necessity or desirability of the proposed planned development to the neighborhood or community.

H. How the proposed mix of dwelling types and/or commercial uses advances community goals of diversity, affordability and market changes (e.g. adaptability of flats versus townhomes)

I. Proposals for the provision of public utilities and services, if insufficient or not available for the planned development, or for the provision of suitable private utilities and services.

J. A general analysis of expected traffic impact, including vehicular and pedestrian safety, resulting from the proposed development.

K. The substance of proposed covenants, easements, and other restrictions on the land and structures.

L. A list of the names and mailing addresses of all landowners within 200 feet of the site.

M. Such other information regarding the proposed uses, site design, or surrounding area as may be pertinent to the application or required by Planning Commission or Council.

(6) Site plan. A scaled site plan prepared by a surveyor or engineer licensed in the State of Ohio shall include the following information in detail. The required information may be submitted on multiple site plans if inclusion of all information on a single plan makes it illegible or difficult to understand.

A. North arrow.

B. Scale.

C. Vicinity map.

D. All existing and proposed lot lines within the site.

E. Dimensions of all lots and of the entire site and any adjacent rights-of-way.

F. The location and intended purpose of all open spaces

G. Approximate location, height, dimensions, and use of all proposed and existing structures.

H. Approximate location and number of different uses (i.e. dwelling types and/or commercial uses).

I. Approximate location and design of all proposed vehicle and pedestrian routes and nonresidential vehicle management areas.

J. Approximate location and size of all existing and proposed utilities that will serve the planned development.

K. Approximate location, size, and type of all proposed signs.

L. Approximate location, height, and type of all proposed screening and landscaping.

M. Distances to residential zoning districts if within 1,000 feet.

N. The use of land and location of structures on adjacent property and across adjacent rights-of-way.

O. The location of any nearby schools and commercial facilities.

P. Other information as required by the Planning Commission or Council.

(7) Elevations. Elevations of proposed structures or typical elevations if structures are not yet designed.

(8) Other. Photographs of the existing site and its surroundings.

(9) Digital Submittal. Adobe PDF version of all information submitted to also be submitted on a current digital format.

(b) Final Plan.

(1) The same items and information as required for the preliminary plan, except that the

approximations shall be refined to specific locations, dimensions, and descriptions.

(2) A detailed traffic impact analysis, including all modes of transportation, prepared by a qualified professional engineer

(3) Any additional description or information requested by the Planning Commission or Council during the preliminary plan approval process.

(4) Detailed agreements, contracts, deed restrictions, and sureties that will be used to guarantee performance of the development during and after construction.

1145.06 PLANNING COMMISSION AND COUNCIL REVIEW.

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval.

The Planning Commission shall base its review of a proposed planned development upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

The general decision standards for approval of a preliminary and final planned development are substantially similar. The final plan requires greater detail and is subject to additional decision standards.

If, at any time, the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

(a) Burden of Proof. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a planned development. This Zoning Code assumes that a planned development is appropriate only if an applicant proves that the proposed uses and design will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.

Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.

(b) General Decision Standards. All planned developments shall satisfy these general decision standards:

(1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed.

(2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.

(3) The uses and site plan will satisfy the general intent of this Zoning Code.

(4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan.

(5) The size and shape of the site are sufficient for the proposed planned development.

(6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.

(7) The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.

(8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.

(9) The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.

(10) Development of the site and operation of the use will not require substantial public

expenditure for additional infrastructure or services.

(11) The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.

(12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.

(13) Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

(c) Additional Final Plan Decision Standards.

(1) The final planned development shall substantially conform to the preliminary plan.

(2) Any substantial changes from the preliminary plan improve the plan or were requested by Planning Commission or Council as a part of the preliminary plan approval process.

(3) If the final plan seeks approval of only a portion of the approved preliminary plan, the elements of the proposed phase are sufficient to stand alone if the remainder of the planned development is abandoned.

1145.07 ACTION BY PLANNING COMMISSION AND COUNCIL.

(a) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.

(b) The Planning Commission shall base its recommendation and Council its decision upon how well the application satisfies the Decision Standards. Planning Commission, in its recommendation, and Council in its decision may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code. **Dwelling unit density cannot be waived.**

(c) Council may require the developer to file performance bonds with the City to guarantee completion of any public utilities associated with the planned development and any elements of the plan that are necessary to its success, if abandoned by the developer.

1145.12 DESIGN.

(a) **Arrangement.** The physical arrangement of a planned development is not subject to the specific dimensional regulations that apply in the underlying zoning district, except as specifically noted in this Chapter. Land uses may be distributed throughout the site and throughout individual buildings in whatever manner is best suited to a particular planned development. Structures, vehicle management areas, open spaces, landscaping, and other elements may be distributed throughout the site in whatever manner is best suited to a particular planned development and the surrounding area.

(b) **Land Area.** A planned development shall be a minimum of 1 (one) contiguous acre or more.

(c) Land Use.

(1) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing residential zoning district:

A. Any land use permitted in any residential zoning district in this Code, except Mobile Homes.

B. Institutional, public, and semi-public land uses that serve the planned development or the general public.

C. Commercial land uses, if the total land area of the planned development is greater than 10 acres and if the commercial land use is intended to serve the planned development only.

Such commercial land uses shall be limited as follows:

1. No signs that are visible from outside of the development.
2. No direct vehicular access to a public thoroughfare.
3. No less than 95 percent of the total land area shall be devoted to residential land uses.
4. No separate structure intended to be used, in whole or part, for commercial land uses shall be constructed prior to the construction of not less than 50 percent of the dwelling units.

(2) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing commercial zoning district:

- A. Any land use permitted in the underlying zoning district.
- B. Any land use permitted in any residential zoning district in this Code, except Mobile Homes.

(3) The following land uses are permitted only in the portions of a planned development that overlay an existing industrial zoning district:

- A. Any land use permitted in the underlying zoning district.

(4) The land uses permitted in a planned development may be distributed as follows:

A. If a single planned development overlays more than one zoning district, then the land uses permitted according to this Section may be distributed throughout the entire planned development site.

B. If a planned development includes land uses permitted only in an industrial zoning district, then those land uses may only be located in that portion of the planned development that overlays the industrially zoned land.

(d) Residential Density. Residential density shall not exceed 110 percent of the density permitted in the underlying zoning district. Residential land uses in a planned development that overlays a commercial zoning district shall not exceed the density of the R1B Single-Family Medium-Density Residential Zoning District. Area devoted entirely to non-residential land uses, including buildings, vehicle management areas, and other associated land use elements shall be excluded from the area used to calculate residential density.

(e) Dimensional Regulations.

(1) Building Heights shall be limited as in the underlying zoning district, regardless of land use.

(2) Front setbacks shall be limited as in the underlying zoning district.

(3) All buildings and vehicle management areas shall be setback from the perimeter of a planned development no less than:

- A. Residential zoning district - 25 feet.
- B. Commercial zoning district - 25 feet.
- C. Industrial zoning district - 50 feet.

(f) Open Space.

(1) No planned development shall have less than 20 percent open space, which includes any area not less than 50 by 50 feet, not including the required setbacks, and includes nothing other than natural area.

(2) Lot coverage shall be regulated according to the underlying zoning district, except that lot coverage for the residential portion of any planned development shall not exceed 40 percent.

(g) Sensitive Development Area.

A. A Sensitive Development Area is defined as any land(s) or soil(s) proposed to be developed that, if subjected to improper use or management, is otherwise determined to be incapable or unsuitable of urban use. Sensitive Development Areas can also be considered those lands that pose special hazards to development or the environment, consisting of lands or soils of such sensitive character that they may require special use, design and engineering restrictions.

B. For the Preliminary Planned Development, the applicant must create an inventory of sensitive environmental area identified in subsection (g)D.(1) to (8) from publicly available resources such as Butler County Soil and Conservation District, OKI, OEPA, ODNR, HAPC,

FEMA, USFWS, OHPO and other public entities. This information shall be provided with the preliminary application. Design of the site shall be based on site information obtained from those public entities. An existing landscape plan shall be submitted with each application. The landscape plan shall identify existing trees, natural features and other landscaping elements.

C. After the approval of the Preliminary Planned Development, the applicant must develop a detailed site analysis of sensitive environmental areas on the site, conducted by firm(s) specialized in the areas, at a minimum: Ecological Survey, and Environmental Site Assessment. Other documentation may be required based on the site and the discretion of the Planning Commission, including, but not limited to: Stream and Wetland Mitigation, Water Way Permits, Archaeological Inventory, Historic Architecture Inventory. The applicant must also provide reports of the analyses following current professional norms for the discipline. It will be the Planning Commission's role to review information submitted by the applicant on each discipline to make the recommendations to City Council.

D. Design of the proposed Planned Development site shall be based on the site information obtained from those public entities. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alterations of natural features. The following specific areas shall be preserved as undeveloped open space, and in accordance with the U.S. and Ohio Constitutions and state or federal regulations:

(1) Unique and/or fragile areas, including wetlands, as may be defined in Section 404, Federal Clean Water Act, as amended; and in Ohio Environmental Protection Agency standards.

(2) Land in the floodway as identified and mapped using the Federal Emergency Management Agency's Flood Hazard Boundary Maps. Federal Emergency Management Agency in scientific and engineering reports entitled 'Flood Insurance Study for Butler County, Ohio and Incorporated Areas' effective 12/17/2010, with accompanying Flood Insurance Rate Maps for Butler County, Ohio and Incorporated Areas effective 12/17/2010 and any revisions thereto are hereby adopted by reference and declared to be part of this chapter.

a. 100 foot natural buffer shall be maintained adjacent to all permanent and natural surface waters, springs, and wetlands. Development of this area is regulated as follows:

1. Natural vegetation shall be maintained.

2. No structures shall be built or improvements made, except as follows:

(a). Walking paths, bicycling paths, and the like, including infrastructure necessary to facilitate their development are permitted anywhere within the buffer.

(b). Roads and associated infrastructure are permitted in the buffer to facilitate crossing such water elements.

(c) Any improvements approved in a final plan.

(d). Any public safety or public utility improvements not associated with the planned development, but deemed necessary by the Service Director, Police Chief or Fire Chief.

(3) Steep slopes fifteen (15%) percent or more, unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken into account.

(4) Habitats of endangered wildlife, as identified on federal and state lists.

(5) Historically and culturally significant structures and sites, as listed on, but not limited to, the National Register of Historical Places or on the local inventory of historic places maintained by the City of Oxford's Historic Architectural Preservation Commission.

(6) Aquifers and tributary drainage systems.

(7) Tree growth areas or urban forested areas as defined in Chapter 935, of the Codified Ordinances of Oxford.

(8) Any area as identified on Map 3.3 of the Comprehensive Plan.

E. The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce excavation and embankment; to avoid unnecessary impervious cover; to

prevent flooding; to provide adequate access to lots and sites; and, to mitigate adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties.

The placement of buildings shall take into consideration topography, building height, orientation and drainage. Storm water Best Management Practices in Low Impact Development Designs are desirable and encouraged. City guidelines for these practices and designs can be found in the City of Oxford Storm Water Management Design Manual

F. If the Planning Commission, or its designated representative, may require the applicant to submit a statement in order to demonstrate that satisfactory efforts have been made to mitigate any special hazards posed to the site if these sensitive lands are subjected to improper use or management. The statement, if required, shall be submitted in one or more of the following forms:

(1) The statement shall describe in detail the extent of encroachment on any Sensitive Development Area, the extent and nature of the proposed alteration, the environmental impacts resulting from the proposed alteration, and the proposed methods of mitigation.

(2) A Geotechnical Report and/or a Wetlands Assessment/Delineation, prepared by a professional engineer, licensed in the State of Ohio, or by a specialist in Streams and Wetland. This report can be in lieu of a development narrative.

(h) Landscaping and Screening.

(1) A planned development shall satisfy all landscaping elements required by other sections of this Code.

(2) The required perimeter setback area shall be retained in natural woods or suitably landscaped with grass, ground cover, shrubs, trees, or earthen mound.

(3) A planned development that overlays a commercial or industrial zoning district that is adjacent to a residential zoning district shall be screened from the residential zoning district by a dense evergreen hedge a minimum of 8 feet tall and 10 feet wide at planting and that will maintain at least 90 percent opacity over time.

(i) Access and Mobility.

(1) At residential densities greater than would be permitted in the R-1A District, have direct and principal access from a collector or arterial road.

(2) Bicycle rack spaces shall be provided at all planned developments that overlay a commercial zoning district at a rate of 3 per acre.

(3) Adequate pedestrian connectivity shall be provided to and through a planned development.

(j) Utilities and Infrastructure. Electric and telephone facilities, street light wiring, and other wiring conduits and similar facilities shall be located underground.

(k) Plan-Specific. Any other design elements deemed necessary by Planning Commission and Council to ensure that a planned development satisfies the decision criteria of this Chapter.

SECTION II: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2019-03

Date – January 8, 2019

APPLICATION

Applicant:	City of Oxford
Action Request:	PC-2019-03, ZONING CODE TEXT AMENDMENT , Chapter 1145, Planned Developments, updating application submittal requirements and clarifying the 2008 Comprehensive Plan goals of housing type diversity and affordability , City of Oxford, Applicant

DESCRIPTION

This application is part of an ongoing effort to promote housing type diversity and affordability of housing in Oxford. The Comprehensive Plan includes a chapter on “Housing” which highlights a goal of “Livable, attractive and affordable housing for a diverse population.” However, some recent developments have focused on one housing type and market segment to the exclusion of others. The Housing Advisory Commission developed the proposed language to make housing diversity more explicit within Chapter 1145 Planned Developments goals, application, and site planning requirements.

ZONING CODE

The attached text amendment illustrates changes to Chapter 1145 Planned Developments, including 1145.01 Purpose and 1145.05 Application.

2008 COMPREHENSIVE PLAN

Land Use Element:

Goal: Managed growth to ensure small town character, green areas and preserved farmland.

- Objective 9: Create new residential areas with traditional neighborhood qualities
 - LU 9.4 Create standards or modify existing standards, to allow for a mix of housing types within neighborhoods.

Housing Element

Goal: Livable, attractive and affordable housing for a diverse population.

- Objective 2: Expand housing options. (See full text)
- Objective 6: Provide diverse housing opportunities. (See full text)

AGENCY REVIEWS

Police:	Received without comment
Engineering:	Received with comments attached
Econ. Dev.	Received with comments attached
Fire:	Received without comment

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

The Comprehensive Plan of 2008 includes a goal of “Livable, attractive and affordable housing for a diverse population.”

The Housing Advisory Commission (HAC) has the stated mission “to foster an environment in which all current and future residents of Oxford will have an opportunity to own or rent a home. The Commission will accomplish this through research, education and advocacy, focusing on: affordable housing, intergenerational housing, senior housing, rental housing, other diverse housing opportunities, and encouraging the use of sustainable building Practices to provide an improved quality of life in Oxford, especially the Mile Square.”

While these are longstanding goals, to date there are few mechanisms within the City of Oxford Planning and Zoning Code to influence diversity and affordability in housing provision, beyond that intrinsic to different zoning districts (e.g. single family, multi-family, etc.). Market forces have typically generated developments targeting a single market segment, most often focused on student rental housing. As a result, new developments often include a narrow range of dwelling types, some of which (e.g. four bedroom, four bathroom) are adapted only to a limited market demographic. Lack of diversity in dwelling types poorly serves the need for diverse housing options, now and in the future.

Oxford City Council in its 2018 Strategic Priorities emphasizes “Increase Diversity in Residential and Commercial Property,” including through efforts to “ensure diverse housing offerings in new developments.”

To advance the goal of diversity in housing, and indirectly that of affordability, the HAC proposes to modify Chapter 1145 Planned Developments. It proposes relatively minor changes that will:

- Make explicit the purpose to “Facilitate the construction of a variety of dwelling types to serve Comprehensive Plan goals of diverse and affordable housing”
- Require applicants to supply a written statement regarding “How the proposed mix of dwelling types and/or commercial uses advances community goals of diversity and affordability”
- Indicate location and distribution of dwelling types and/or commercial uses on their site plan.

No specific formula is proposed, but this minor change will encourage conversation between applicants and the City around housing diversity, and provide a basis for modifying, approving, or perhaps denying particular proposals based on their compliance with the goals, application and site planning requirements of the revised code.

In addition to the recommendations from the Housing Advisory Commission, staff has inserted suggested changes that clarify requirements and update the application submittal requirements to current industry standards:

- Licensed engineer or surveyor requirement for site plan preparation
- Digital record submittal requirement – Adobe PDF format
- Clarify that waivers of code do not apply to dwelling unit density – follow up from a previous case (Stadium Apartments)

RECOMMENDATION

Deliberation of any zoning code change must follow the decision standards as outlined in Chapter 1135. Staff recommends that the Planning Commission review the proposed language, with any suggested revisions and forward to City Council for legislation.

SUBMITTED BY:



Sam Perry, AICP
Community Development Director

DATE: January 3, 2019

ATTACHMENT

(c) Planning Commission and Council Review. The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

If the Planning Commission or Council finds that the information provided is insufficient in making a determination, it may suspend its review until sufficient information has been provided.

- (1) Decision standards. A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

Text Amendments

- A. The proposed amendment will make the Code conform more closely to the Comprehensive Plan.
- B. The proposed amendment will improve the public health, safety, and general welfare of Oxford.
- C. The proposed amendment will clarify the intent of the Code.
- D. The proposed amendment will better implement the intent of the Code.
- E. The proposed amendment will improve enforcement of the Code.

Objective 8

Expand urban green space

Strategies

- LU 8.1 Continue the city's street tree program.
- LU 8.2 Require trees and landscaping in future subdivisions and commercial properties.
- LU 8.3 Beautify major corridors.
- LU 8.4 Continue to encourage new urban park spaces.

Objective 9

Create new residential areas with traditional neighborhood qualities

Strategies

- LU 9.1 Require all new subdivisions to complete a master plan, with an emphasis on protecting natural areas and creating new parks and open spaces.
- LU 9.2 Consider permitting small-scale neighborhood commercial services as part of large-scale master plan developments.
- LU 9.3 Create standards that require high quality pedestrian streets with sidewalks, street trees, adequate lighting, and tree lawns in newly developed residential areas.
- LU 9.4 Create standards, or modify existing standards, to allow for a mix of housing types within neighborhoods.
- LU 9.5 Encourage connections among neighborhoods via roads, sidewalks and multi-use paths.

Traditional Neighborhood Qualities include:

- A diversity and mix of uses – uses should support a range of daily activities – living, learning, working, playing, creating and worshipping
- Edges and gateways – traditional neighborhoods should include well defined and discernible edges
- Walkable size – traditional neighborhoods are built around the idea of a quarter mile walking shed
- Civic spaces – traditional neighborhoods are anchored by neighborhood schools or other civic spaces
- Parks – traditional neighborhoods incorporate a range of park and open space opportunities
- Connectivity – traditional neighborhoods are characterized by the utilization of connected street systems or grid patterns that incorporate alleys or rear lanes
- Neighborhood businesses – traditional neighborhoods include neighborhood centers that meet the daily needs of residents and promote walkability

Objective 10

Be a leader in environmental stewardship

Strategies

- LU 10.1 Continue to promote sound environmental practices through public education programs.
- LU 10.2 Support programs which encourage the community to learn about and experience nature and natural resources (e.g., agricultural or watershed resource center).
- LU 10.3 Support and promote green building standards as part of public and private developments.
- LU 10.4 Explore opportunities to build a gray water system or retrofit the existing system to accommodate the adaptive reuse of gray water.

C. OBJECTIVES AND STRATEGIES

Outlined below are eight objectives and 33 strategies created to help maintain and improve the housing conditions in the city. The objectives indicate a specific policy direction, while the strategies are detailed actions necessary to initiate or complete an objective such as a program, policy or a project.

Objective 1

Improve housing conditions in the Mile Square

Strategies

- H1.1 Ensure a quality residential environment through improved housing standards.
- H1.2 Establish alternative code enforcement procedures and programs to help preserve the historic small town character
- H1.3 Partner with local organizations to support property improvements.
- H1.4 Encourage the development of housing that is accessible to community resources such as employment, bicycle and pedestrian infrastructure, public transit, open space, and commercial districts.

Objective 2

Expand housing options

Strategies

- H 2.1 Update development regulations to allow for a variety of housing types in new developments.
- H 2.2 Create incentives to make it desirable for developers to construct moderately priced housing developments.
- H 2.3 Establish incentives and/or requirements to include a number of new units for low to moderate income residents.
- H 2.4 Provide financial assistance to increase homeownership opportunities for low to moderate income residents (CDBG funds for first time homeowner grants).
- H 2.5 Incorporate a variety of housing types and prices as part of mixed-use development.
- H 2.6 Investigate opportunities to improve conditions and modernize manufactured home parks

Objective 3

Improve rental housing

Strategies

- H 3.1 Improve and expand code enforcement.
- H 3.2 Increase student involvement in property maintenance and neighborhood stabilization.



Alternative code enforcement programs would help to preserve the historic small town character of the Mile Square.



Affordable housing should have access to commercial districts and employment opportunities.



Neighborhood Improvement Districts would provide increased enforcement and resources to enhance predominantly rental neighborhoods.

- H 3.3 Continue to support community efforts to improve neighborhoods such as collaborating with Miami University's Student Government annual Spring Clean and Make-A-Difference Day.
- H 3.4 Create a Neighborhood Improvement District to heighten code enforcement and support neighborhood improvements.
- H 3.5 Encourage rental units to meet the needs of the year-round resident population.
- H 3.6 Encourage redevelopment/ revitalization of existing under-utilized student and non-student rental housing developments within the City over construction of new rental housing and urban sprawl.

Objective 4

Expand senior housing options

Strategies

- H 4.1 Encourage the development of affordable senior housing and assisted living developments.
- H 4.2 Create incentives for developers to build accessible units that comply with the Americans with Disabilities Act (ADA).
- H 4.3 Support the development of new senior housing with community resources and services.

Objective 5

Expand homeownership opportunities

Strategies

- H 5.1 Encourage local employers to provide homeownership incentives.
- H 5.2 Encourage rehabilitation of owner-occupied structures within the Mile Square.
- H 5.3 Create an urban homeownership incentive program such as homeownership grants to help offset the cost of housing.
- H 5.4 Develop a revolving loan fund.
- H 5.5 Establish an Oxford Homeownership Office in partnership with Miami University.
- H 5.6 Support the University loan program to increase homeownership opportunities within the Mile Square.

Objective 6

Provide diverse housing opportunities

Strategies

- H 6.1 Encourage diverse and affordable housing choices (condos, apartments and live-work units).
- H 6.2 Encourage new housing options for young professionals in the Uptown.
- H 6.3 Support "move-down" housing options for residents.



Oxford is recognized as attractive retirement option. Additional development of multiple housing options for seniors should be encouraged.



The Kentlands in Gaithersburg, Maryland integrates multiple housing types and commercial structures into one neighborhood. (Source: DPZ)

Move-down housing opportunities provide options for residents that want to remain in the community, but no longer want to maintain a large residence. Move-down options may include smaller single-family homes, townhomes or condominiums.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 10, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-03, ZONING CODE TEXT AMENDMENT, to revise Chapter 1145, Planned Developments, updating application submittal requirements and clarifying the 2008 comprehensive plan goals of housing type diversity and affordability, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **January 7, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by:



Date:

12-10-18

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 10, 2018

To: Fire Department **Engineering Division** Police Department Econ Dev Department

From: Community Development Department

PC-2019-03, ZONING CODE TEXT AMENDMENT, to revise Chapter 1145, Planned Developments, updating application submittal requirements and clarifying the 2008 comprehensive plan goals of housing type diversity and affordability, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **January 7, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....
Drawings are returned: w/comments without/comments

see memo dated 12/31/18

Drawings reviewed by: *Scott Otto* Date: 12/31/18
 Scott Otto
PRINTED NAME



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Scott Otto, P.E.
Acting City Engineer

RE: PC-2019-03
Zoning Code Text Amendment – City of Oxford

DATE: December 31, 2018

The following is our comment:

- It is recommended the proposed change for 1145.05 (a) (6) (H) should read:
“prepared by a surveyor or engineer licensed in the State of Ohio”

City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 10, 2018

To: Fire Department Engineering Division **Police Department** Econ Dev Department

From: Community Development Department

PC-2019-03, ZONING CODE TEXT AMENDMENT, to revise Chapter 1145, Planned Developments, updating application submittal requirements and clarifying the 2008 comprehensive plan goals of housing type diversity and affordability, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **January 7, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____



John A. Jones

PRINTED NAME

Date: _____

12/17/18

$\frac{1}{2}$

Econ Dev Department

11

.....



1-3-2018

G. ALAN KYGER

PRINTED NAME



Internal Use Only:	PC - 2019 - 03
Case No.	
Date Filed	11/30/18

Zoning Code Text Amendment Application

Applicant Information

Attach a Letter of Agency if the Applicant is not the property owner.

Name * Sam Perry / City of Oxford

Mailing Address * 15 S. College Ave

City, State & Zip Code * _____

Telephone Number(s) * 513-524-5204

Email Address sperry@cityofoxford.org

Amendment Description * Planned Development Chapter Revisions

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

- (a) **Initiation.** A text amendment may be initiated by the Chair of the Planning Commission, by adoption of a motion by Council or the Planning Commission, or by application to Planning Commission by a landowner or a resident of the City of Oxford.
- (b) **Application.** If Planning Commission or Council initiates an amendment, then the Zoning Administrator shall provide information as necessary for proper consideration of the motion. The information provided shall be substantially similar to that required of an application for amendment.

An application for amendment shall be filed with the Zoning Administrator. An application shall be complete prior to being scheduled for a public hearing. An application will be considered complete only if the Zoning Administrator is satisfied that all of the materials required by this chapter are included and are sufficient in their content to satisfy the intent of the application requirements.

- (1) **Contents of application.** The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.

- A. Application Fee.
- B. The name, mailing address, and telephone number of the applicant.
- C. A general description of the proposed amendment.
- D. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
- E. A statement that identifies potential negative consequences of the proposed amendment.
- F. Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
- G. Any existing section number and text that is proposed to be deleted or amended.
- H. Any new or amended text as it is proposed to be codified including its proposed location in the Code. section numbers)
- I. A narrative statement that describes the expected effects of the proposed text.
- J. A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

Decision Process

From Section 1135.02(c)(1) Decision Standards¹.

A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

- A. The proposed amendment will make the Code conform more closely with the Comprehensive Plan.
- B. The proposed amendment will improve the public health, safety, and general welfare of Oxford.
- C. The proposed amendment will clarify the intent of the Code.
- D. The proposed amendment will better implement the intent of the Code.
- E. The proposed amendment will improve enforcement of the Code.

Planning Commission and Council Review

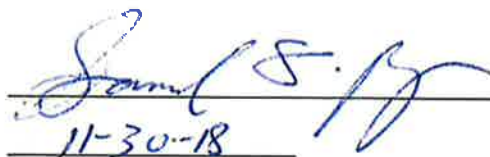
The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall consider the Planning Commission recommendation. If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

Fees & Receipt

The required fee is \$150.00. Write a check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *



Date *

11-30-18

Submit Application, Submission Requirements and Documentation, and Fees

We will not accept incomplete applications and/or plans and documentation.

Send or drop off this application with required documentation as attachments and a check for the fee made payable to **City of Oxford**, to Community Development Director, 101 East High Street, Oxford, OH 45056.

Direct questions to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

Note: You must adhere to notification and publication requirements. Submit materials 45 days prior to the Planning Commission meeting on which the action is requested.

For Staff Use Only

Fee Paid Date *

Receipt Number *

¹ City of Oxford Codified Ordinances: <http://www.cityofoxford.org/fees-ordinances-and-charter>

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: February 5, 2019

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount:

January 28, 2019
Date Prepared

Agenda Title: **PC-2019-02, ZONING MAP AMENDMENT**, to establish a Neighborhood Conservation Overlay District for 10 land parcels located at the northeast corner of Chestnut and Oak Streets, **City of Oxford, Applicant**

Recommendation: **Approval**

Discussion:

The legislation of creating the Neighborhood Conservation Overlay District was adopted by the City Council in 2012 to protect residential neighborhoods, maintain an attractive community appearance, and to provide a desirable living environment. The ordinance restricts residential properties to be rented to no more than two unrelated individuals. Without the overlay, properties can be rented for up to four unrelated occupants. Families are not limited in number. The process to establish an overlay district begins by a petition with signatures of at least two-thirds of parcel owners within the proposed district. The petition goes before City Council for acceptance and referral to the Planning Commission as a zoning map amendment. There have been seventeen (17) petitions that have come before the City Council since 2014.

There are a total of 10 parcels contained in the proposed overlay. The underlying zoning district is MU. A map of the proposed area is attached. The signatures in this petition exceed the two-thirds requirement at 90% per Oxford Zoning Code Section 1146.03(a)(3). The boundary also meets the block requirements of the overlay Code and the minimum land parcel number of 10 parcels. The proposed overlay is the third in this part of Oxford (see attached map). There are two on the south side of Chestnut Street, which fit together seamlessly.

The Planning Commission held a hearing on January 8 and determined that the proposed overlay met the standards of the map amendment as well as the neighborhood overlay. The Commission voted 6-0 to recommend approval to City Council.

Approved by:

	Initial	Date
Department Head:	<u>SP</u>	<u>1/29/19</u>
City Manager:	<u>DRE</u>	<u>2-1-19</u>

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT IN THE MU (MIAMI UNIVERSITY) DISTRICT FOR 10 PARCELS LOCATED ON CHESTNUT STREET AND ON OAK STREET IN THE CITY OF OXFORD, OHIO.

WHEREAS, Council finds in accordance with Section 1146.03 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on January 8, 2019 on the City of Oxford's application for a Zoning Map Amendment to establish a Neighborhood Conservation Overlay District in the MU (Miami University) District for 10 parcels located on Chestnut Street and on Oak Street in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A" and;

WHEREAS, the Oxford Planning Commission, after public hearing and deliberation, recommended granting the Zoning Map Amendment to establish a Neighborhood Conservation Overlay District, and found that the proposed request was in keeping with the intended characteristics of the neighborhood and was an appropriate classification for the properties in question.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY ORDAINS THAT:

SECTION 1: Council hereby accepts the recommendation of the Oxford Planning Commission, and after deliberation, finds for the granting of the Zoning Map Amendment, to establish a Neighborhood Conservation Overlay District in the MU (Miami University) District for 10 parcels located on Chestnut Street and on Oak Street in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 2: Council hereby grants the Zoning Map Amendment as requested, incorporating the application and documents submitted with the application as a term and condition of the granting of this Zoning Map Amendment and orders that the official zoning map be amended.

SECTION 3: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2019-02

Date – January 8, 2019

APPLICATION

Applicant:	City of Oxford
Action Request:	ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District for 10 parcels located at the northeast corner of Chestnut and Oak Streets, City of Oxford, Applicant

DESCRIPTION

The proposed map amendment is to establish a Neighborhood Conservation Overlay District in an existing MU (Miami University) District. The MU district is a district that contains a mixture of University-owned land and private property near University-owned land. The proposed district of 10 parcels contains 5 homes. The effect of this overlay would be an additional restriction on the underlying zoning that would limit the number of unrelated occupants in a rented unit from currently four, to two. Families are not restricted in number.

A petition to establish a neighborhood conservation overlay district was filed by one of the residents, Jim Michael, on October 15, 2018. Nine of the ten parcel owners signed the petition, which exceeds the two-thirds requirement. A resolution was adopted by the City Council on December 4, 2018 accepting the petition and forwarding this request to the Planning Commission. This is the 19th such overlay request since 2014. There are two existing neighborhood overlays across the street, which are located on the south side of East Chestnut Street.

ZONING CODE

The Oxford Zoning Ordinance Chapter 1146 governs the establishment of the Neighborhood Conservation Overlay District.

COMPREHENSIVE PLAN

In the Overview Section of Chapter 7, Housing, in the Comprehensive Plan, residents echoed the same sentiments that Oxford has a unique housing market involving a large rental population that limits opportunities for family housing options and changes the community character, specifically within the Mile Square. The public input sessions also pointed out the lack of housing opportunities for families and the hope to encourage owner-occupied housing and promote the return of full-time residents to the area. The Comprehensive Plan does not explicitly point to the establishment of an overlay district to encourage owner-occupied neighborhoods, but several objectives and strategies are relevant to this idea of maintaining traditional neighborhoods and owner-occupied residential dwellings.

Objective Expand Housing options

- H2.1 Update development regulations to allow for a variety of housing types in new developments.*
- H2.4 Provide financial assistance to increase homeownership opportunities for low and moderate income residents.*

Objective: Expand homeownership opportunities

- H5.1 Encourage local employers to provide homeownership incentives.*
- H5.2 Encourage rehabilitation of owner-occupied structures within the Mile Square.*
- H5.3 Create an urban homeownership incentive program such as homeownership grants to help offset the cost of housing.*
- H5.4 Develop a revolving loan fund.*
- H5.5 Establish an Oxford Homeownership Office in partnership with Miami University.*

H5.6 Support the University loan program to increase homeownership opportunities within the Mile Square.

AGENCY REVIEWS

Requests for review were made to the Police, Fire, Engineering and Economic Development Departments. The following comments have been received:

Police:	Received without comments
Fire:	Received without comments
Engineering:	Received without comments
Econ. Dev.	Received without comments

PUBLIC NOTICE

Notification was placed in the newspaper, mailed to property owners and a sign was placed in the neighborhood. No written responses were received as of this date.

DECISION CRITERIA

A copy of the Decision Criteria for Overlay District is attached.

ANALYSIS

The idea of the neighborhood conservation overlay district was to preserve neighborhoods from converting to predominately rental property. The Housing Advisory Commission originally recommended the program to Planning and City Council. The Planning Commission went through extensive discussion about the concept for this in 2012. It was designed to provide a mechanism for neighborhoods to initiate a grass roots movement to organize together petitioning City Council for the consideration of placing more restrictions on the underlying district. The additional restriction is to reduce the allowed number of unrelated occupants from four to two. This overlay does not prevent rentals; but it does further restrict rentals. Existing rentals are allowed to continue and rentals to families of unlimited size are not restricted.

The overlay district is not uncommon in the land use arena to put in place a specific set of regulations that are more stringent than the underlying district in order to accomplish specific objectives. The most commonly used overlay district is for historic areas. Others are used for specific design standards to promote some uniformity in certain specific subset areas.

Many neighborhoods have gone through this process since the adoption of this enabling legislation in 2013. As of today, there have been 17 different neighborhoods throughout the City that have obtained the overlay district designation. These neighborhoods are typically located outside of the Mile Square.

Based on the Neighborhood Conversation Overlay District requirements, the City Council accepted the petition on December 4, 2018 and forwarded the petition to the Planning Commission for Zoning Map Amendment consideration.

There are specific attached decision standards that the Planning Commission should reference in decision making. The Planning Commission also shall consider the purpose and objectives of the overlay district which are to achieve the privacy of residents and to minimum noise, congestion and nuisance impact by excessive renters and to maintain an attractive community appearance and provide a desirable living environment and finally to prevent excessive traffic and parking problems in the neighborhood.

Please note that this process is a neighborhood driven process beginning with a petition to the City Council and followed with a public hearing before the Planning Commission for a Map Amendment recommendation. The City Council may waive certain requirements after a positive recommendation from the Planning Commission. This process is far lengthier than normal map amendment process and has additional decision standard thresholds to meet. It is a process that the neighborhood has taken seriously and the neighbors have demonstrated their commitment to preserve their neighborhood and to maintain their neighborhood character by going through this extra step to initiate.

RECOMMENDATION

Staff recommends the Planning Commission approval of this amendment and to forward this request back to City Council for legislative action.

SUBMITTED

BY:

A handwritten signature in black ink, appearing to read "Sam Perry", with a long horizontal flourish extending to the right.

Sam Perry, AICP
Community Development Director

DATE: January 3, 2019

ATTACHMENT

Chapter 1135 Zoning Map Amendment procedures and decision standards

(c) Planning Commission and Council Review. The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

- (1) Decision standards. A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

Map Amendments

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- B. The proposed amendment will make the map conform more closely to the Comprehensive Plan.
- C. There has been a substantial change in area conditions that necessitates the amendment.
- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

Planning Commission must utilize the Chapter 1146 Specific Decision Standards to consider the Neighborhood Conservation Overlay District and they are as follows:

1146.03(2) b Decision Standards for Considering Overlay District:

1. The proposed Overlay District meets the boundary criteria.
2. The proposed Overlay District will preserve and enhance the neighborhood character.
3. The proposed Overlay District will promote the public health, safety and general welfare of the people of the neighborhood.
4. The proposed Overlay District will promote and implement the intent of the Comprehensive Plan.
5. The proposed Overlay District will satisfy a legitimate need.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 10, 2018

To: **Fire Department** Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-02, ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in an MU (Miami University) District, in the area of Northeast Corner of Chestnut and Oak Streets, for a total of 10 parcels, City of Oxford, Applicant

 X Review Revisions Other

Please return no later than: **January 7, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:



PRINTED NAME

Date:

12-10-18

City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 10, 2018

To: Fire Department **Engineering Division** Police Department Econ Dev Department

From: Community Development Department

PC-2019-02, ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in an MU (Miami University) District, in the area of Northeast Corner of Chestnut and Oak Streets, for a total of 10 parcels, City of Oxford, Applicant

 X Review Revisions Other

Please return no later than: **January 7, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: Scott Otto Date: 12/31/18

Scott Otto
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 10, 2018

To: Fire Department Engineering Division **Police Department** Econ Dev Department

From: Community Development Department

PC-2019-02, ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in an MU (Miami University) District, in the area of Northeast Corner of Chestnut and Oak Streets, for a total of 10 parcels, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **January 7, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____



Date: _____

12/17/18

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 10, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-02, ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in an MU (Miami University) District, in the area of Northeast Corner of Chestnut and Oak Streets, for a total of 10 parcels, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **January 7, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:



Date:

12-17-18

G. Brown/Ku, 2018
PRINTED NAME



PC-2019-02

Surrounding Property Owners Notifications Map

Legend

 Neighborhood
Conservation District
Boundary

 Subject Parcels

 200 Ft. Buffer

 Oxford Corp. Limit

 Address Point

 Parcel

 16.5' Vacated ROW

 Building Footprint

 Paved Roadway



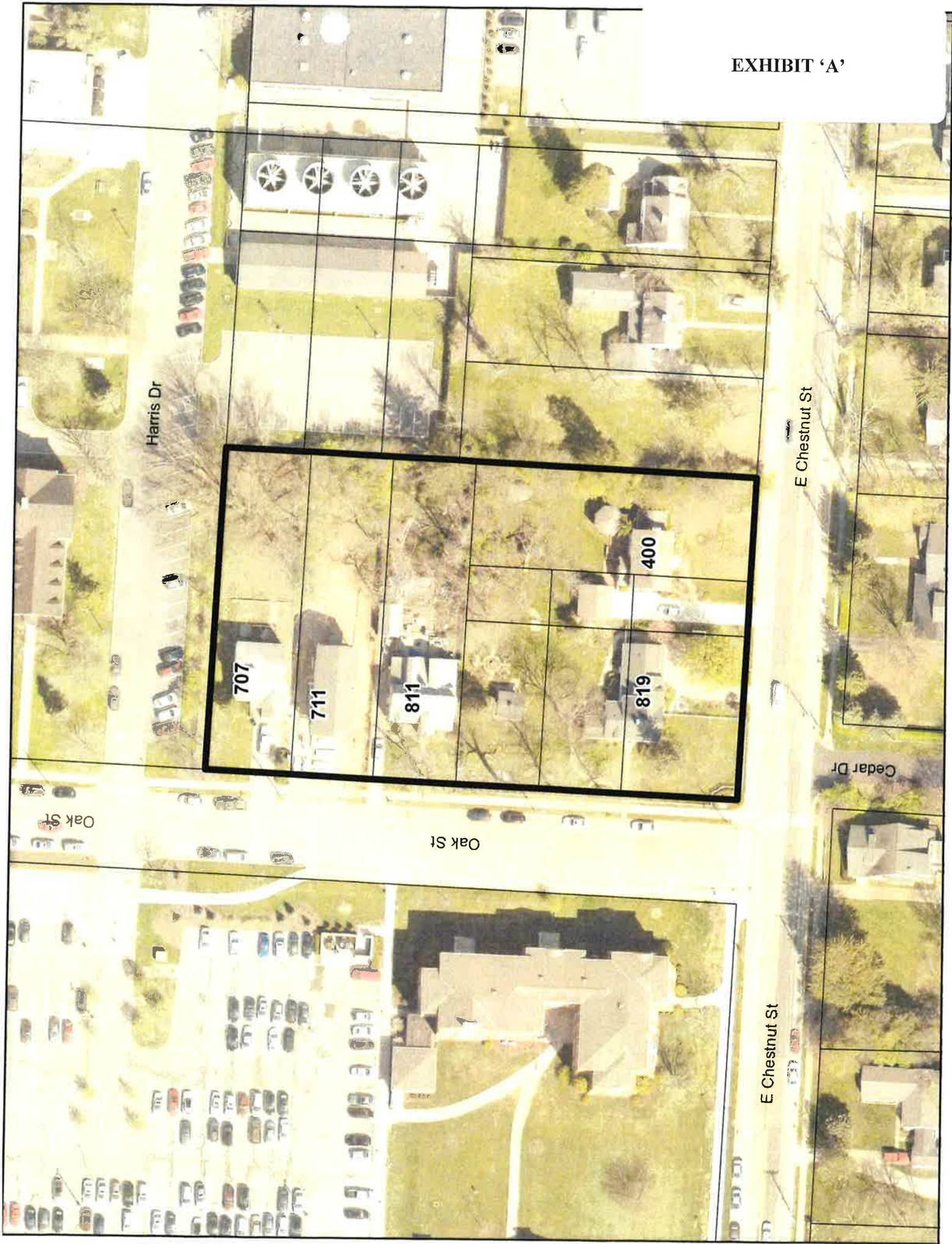
1 inch = 150 feet

Prepared on Friday, December 21, 2018

The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deeds, plats or a professional survey.



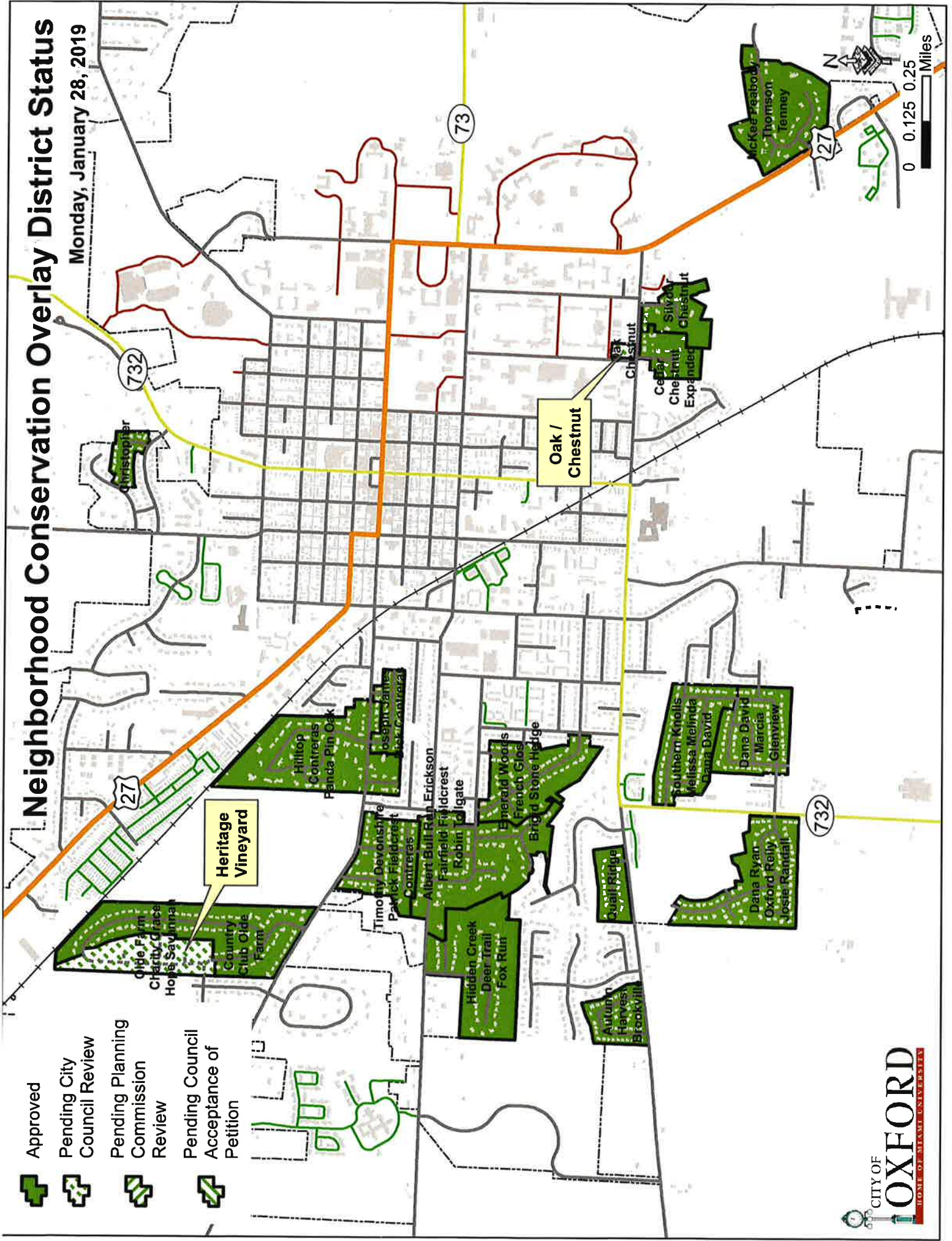
EXHIBIT 'A'



Neighborhood Conservation Overlay District Status

Monday, January 28, 2019

-  Approved
-  Pending City Council Review
-  Pending Planning Commission Review
-  Pending Council Acceptance of Petition



RESOLUTION NO. 7030

RESOLUTION OF COUNCIL ACCEPTING THE PETITION AS REQUIRED BY OXFORD CODIFIED ORDINANCE §1146.03 TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT FOR PARCELS ON CHESTNUT STREET AND ON OAK STREET AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AND REFERRING THE PETITION TO THE OXFORD PLANNING COMMISSION FOR RECOMMENDATIONS TO CITY COUNCIL.

WHEREAS, the Clerk of Council and the Community Development Director having determined pursuant to Oxford Codified Ordinance §1146.03(b) that the Petition to establish a Neighborhood Conservation Overlay District as set forth on Exhibit "A" attached hereto conforms to the petition requirements of Oxford Codified Ordinance §1146.03 and recommends that the petition be referred to the Oxford Planning Commission to make recommendations to City Council.

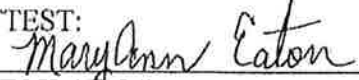
THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOVES THAT:

SECTION 1: City Council accepts the recommendation of the Clerk of Council and the Community Development Director and further refers the petition to establish a Neighborhood Conservation Overlay District as set forth on Exhibit "A" attached hereto to the Oxford Planning Commission to make recommendations to City Council.

SECTION 2: This resolution shall take effect at the earliest date allowed by law.


MAYOR

ADOPTED: December 4, 2018

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

TO: Oak / Chestnut Corner Property Owners

RE: PETITION FOR RESIDENTIAL CONSERVATION OVERLAY

DATE: OCTOBER 2018

PROPOSED: That Oak / Chestnut Corner Property Owners apply for a change of zoning to apply a neighborhood conservation overlay district. **This proposed zoning limits the number of persons in a dwelling to no more than two unrelated individuals.** If the zoning is approved, homeowners may rent property but **are limited to two unrelated persons who may live in the house.** This would still allow ownership or rental of the property to a large family, a couple, one person, or two unrelated persons.

The purposes of the Conservation Neighborhood Overlay Zoning as set forth in the ordinance are:

1. To protect the privacy of residents and to minimize noise, congestion and nuisance impacts by regulating the types of rental properties, particularly high-occupancy properties, occupied by unrelated persons.
2. To maintain an attractive community appearance and provide a desirable living environment for residents by preserving the owner-occupier character of the neighborhood.
3. To prevent excessive traffic and parking in the neighborhoods.

Current zoning: The current zoning for our area is "single family residence", defined as no more than FOUR unrelated people living in a dwelling.

Process for a neighborhood to achieve overlay zoning:

1. In order for our neighborhood to achieve this zoning, we must submit a petition bearing signatures of the owners of at least **2/3 of the parcels (7 of 10 parcels) within 6 months of the earliest signature.**
2. If the City Clerk and the Community Development Department find the petition to be sufficient, the petition is placed before City Council for acceptance and referral to the Planning Commission.
3. If the Planning Commission recommends approval of the petition, it is returned to City Council for review and approval.
4. The entire process takes about three months.

A neighborhood resident will be contacting you soon with the opportunity to sign the petition. The signer of the petition must be the homeowner (if jointly owned, only one needs to sign). You may contact the following for information.

James E. Michael, 819 Oak Street, 523-3129

Petition for Oak Chestnut Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Jim Michael, 819 Oak Street

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
10/2/18	400 E CHESTNUT ST/ H4100107000018	JEFFREY J AND MOLLY J WANKO	Molly J. Wanko	
10/2/18	E CHESTNUT ST/ H4100107000019	JEFFREY J AND MOLLY J WANKO	Molly J. Wanko	
10/2/18	E CHESTNUT ST/ H4100107000022	JEFFREY J AND MOLLY J WANKO	Molly J. Wanko	
10/2/18	400 E CHESTNUT ST/ H4100107000023	JEFFREY J & MOLLY J WANKO	Molly J. Wanko	
10/3/18	707 OAK ST/ H4000107000036	PRESIDENT & TRUSTEES OF THE MIAMI UNIVERSITY OXFORD OHIO		Did not Sign
10-12-18	711 OAK ST/ H4000107000035	CLAWSON PROPERTIES II LLC	Clawson Properties II LLC Barbara B. Clawson	
10-2-18	811 OAK ST/ H4100107000034	JOAN E PARKS	Joan E. Parks	
10-2-18	819 OAK ST/ H4100107000017	JAMES E & SARAH K MICHAEL TRS	Sarah K. Michael TTEE	
10-2-18	OAK ST/ H4100107000021	JAMES E & SARAH K MICHAEL TRS	Sarah K. Michael TTEE	
10-2-18	OAK ST/ H4100107000020	JAMES E & SARAH K MICHAEL TRS	Sarah K. Michael TTEE	

OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT

THE PETITION IS SUBMITTED PURSUANT TO OXFORD ZONING CODE CHAPTER 1146 TO REQUEST CITY COUNCIL TO INTRODUCE AN ORDINANCE ACCEPTING A PETITION WHICH WOULD ALLOW THE INITIATION OF A ZONING MAP AMENDMENT TO CREATE A DISTRICT WITHIN THE DESCRIBED BOUNDARIES WHICH WOULD RESTRICT THE ABILITY OF PROPERTY OWNERS TO RENT THEIR PROPERTY TO MORE THAN TWO UNRELATED INDIVIDUALS.

THIS PETITION, IF ADOPTED, WOULD ALLOW THE PETITIONER TO INITIATE A ZONING MAP AMENDMENT TO RESTRICT ANY PROPERTY WITHIN THE DISTRICT TO BE RENTED TO NO MORE THAN TWO UNRELATED INDIVIDUALS. THIS PETITION WILL NOT AFFECT PROPERTIES ALREADY LICENSED.

PLEASE SEE THE ATTACHED MAP FOR EXACT BOUNDARIES:

EAST BOUNDARY: East sides of 400 E. Chestnut and 707, 711 and 811 Oak Street

NORTH BOUNDARY: North side of 707 Oak Street

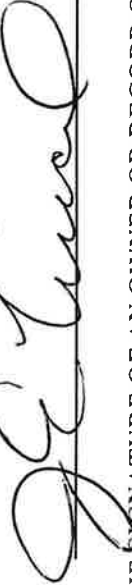
WEST BOUNDARY: Oak Street

SOUTH BOUNDARY: Chestnut Street

CIRCULATOR'S FULL NAME: James E. Michael

CIRCULATOR'S ADDRESS: 819 Oak Street

CIRCULATOR'S SIGNATURE:



DATE SUBMITTED: 10/15/18

(THE PETITION MUST CONTAIN THE SIGNATURE OF AN OWNER OR RECORD OF AT LEAST TWO-THIRDS OF THE PARCELS WITHIN THE PROPOSED DISTRICT. SIGNATURES OVER SIX MONTHS OLD ARE VOID.)



Internal Use Only:	PC-2019-02
Case No.	
Date Filed	11/30/18

Zoning Map Amendment Application

Applicant Information

Attach a Letter of Agency if the Applicant is not the property owner.

Name *

City of Oxford

Mailing Address *

15 S. College

City, State & Zip Code *

Oxford OH 45056

Telephone Number(s) *

513-524-5204

Email Address

Sperry@cityofoxford.org

Location and Lot Information

Location *

NE Corner of Chestnut and Oak Streets

General Description
of Proposed Amendment *

To establish a neighborhood overlay

Current Zoning *

MU District

Proposed Zone(s) *

MU / Neighborhood Conservation District

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

- (a) Initiation. A map amendment may be initiated by adoption of a motion by Planning Commission, by adoption of a motion by Council, or by application to Planning Commission by at least one owner of the property within the area proposed to be rezoned.
- (b) Application. If Planning Commission or Council initiates an amendment, then the Zoning Administrator shall provide information as necessary for proper consideration of the motion. The information provided shall be substantially similar to that required of an application for amendment.

An application for amendment shall be filed with the Zoning Administrator. An application shall be complete prior to being scheduled for a public hearing. An application will be considered complete only if the Zoning Administrator is satisfied that all of the materials required by this chapter are included and are sufficient in their content to satisfy the intent of the application requirements.

- (1) Contents of application. The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.

- A. Application Fee.
- B. The name, mailing address, and telephone number of the applicant.
- C. A general description of the proposed amendment.
- D. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
- E. A statement that identifies potential negative consequences of the proposed amendment.
- F. Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
- G. A legal description of the area to be rezoned.
- H. The proposed zoning of the area.
- I. The current zoning of the area.
- J. A description of existing uses in the area.

- K. A vicinity map, at a scale approved by the Zoning Administrator, showing property lines, streets, existing and proposed zoning and other items required by the Zoning Administrator.
- L. A list of the names and mailing addresses of all owners of land that is proposed to be rezoned and all land owners within 200 feet of every parcel proposed to be rezoned (see later section).

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The Butler County Auditor Real Estate Search² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number. *Property Owner names will not be provided in the agenda packet.*

Decision Process

From Section 1135.02(c)(1) Decision Standards¹.

A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.
- C. There has been a substantial change in area conditions that necessitates the amendment.
- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

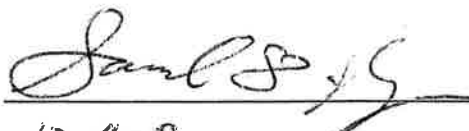
Fees & Receipt

The required fee is \$150.00, plus \$10.00 postage charge. Write a check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *

Date *

 Sam Perry
12-4-18

Submit Application, Submission Requirements and Documentation, and Fees

We will not accept incomplete applications and/or plans and documentation.

Send or drop off this application with required documentation as attachments and a check for fee and postage charge made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

Direct questions to the Community Development Dept. at (513) 524-5204. The application will be placed on the next possible agenda.

Note: You must adhere to notification and publication requirements. Submit materials 45 days prior to the proposed Planning Commission meeting on which the action is requested. City Staff will place a public hearing sign on the subject property. **The Applicant is responsible for removing the signage at the completion of the hearing(s).**

¹ City of Oxford Codified Ordinances: <http://www.cityofoxford.org/fees-ordinances-and-charter>

² Butler County Auditor Real Estate Search: <http://www.butlercountyauditor.org/>

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 2/19/2019

Joe Newlin
Prepared by

Account Code No. #: N/A

Budgeted Amount: _____

2/14/2019
Date Prepared

Agenda Title: **AQUATIC CENTER BONDS ORDINANCE**

Recommendation: **Approve**

Discussion:

This bond issue is a result of the City, with Council's authorization on May 15, 2018, issuing \$4,800,000 of Bond Anticipation Notes to commence the construction of a new Aquatic Center. We will come in a bit lower since we sold the notes at a premium and have had interest income for the account holding the note proceeds. We also have received donations to help offset the costs and costs are coming in lower than anticipated.

By the Bond pricing date we will have a firm estimate of the amount we will issue. The City is being diligent to insure that we issue only the amount necessary to complete the Aquatic Center on time for the May 25th opening.

Approved By:

Department Head:
City Manager:

Initial Date

DN 2/15/19
DBE 2/15/19

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$4,800,000 AQUATIC CENTER BONDS FOR THE PURPOSE OF CONSTRUCTING AND EQUIPPING AN AQUATIC CENTER, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

WHEREAS, the fiscal officer has heretofore certified to this Council that the estimated life of the improvements hereinafter described is at least five (5) years; and that the maximum maturity of bonds issued to pay the cost thereof is not less than twenty-five (25) years; and

WHEREAS, this Council desires to pay outstanding notes (the "Refunded Obligations") maturing in the principal amount of \$4,800,000, dated June 12, 2018.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, WITH THREE FOURTHS OF ITS MEMBERS CONCURRING, HEREBY ORDAINS THAT:

SECTION 1: It is necessary to issue and sell bonds of the City in the principal sum of not to exceed \$4,800,000 (the "Bonds") for the purpose of paying outstanding bond anticipation notes issued for the purpose of constructing and equipping an aquatic center, including activity and competition pools, diving boards, water slides, lazy river, bath house building, concessions, filtration/filter and storage rooms, indoor multi-purpose spaces, pool deck, shade structures, fencing, landscaping and parking areas, together with all necessary appurtenances, which costs may include the costs of printing the Bonds, expenses of delivery of the Bonds, registering the Bonds, service charges of the paying agent, Depository Trust Company charges, legal services, underwriting, redemption premium, OMAC fees, capitalized interest and obtaining an approving legal opinion, under authority of the general laws of the State of Ohio, particularly the Uniform Public Securities Law of the Ohio Revised Code. The Bonds shall have a maximum maturity of twenty-five (25) years.

SECTION 2: The Bonds shall be issued in such principal amount for the purpose aforesaid. The Bonds shall be dated their date of issuance, numbered from R-1 upwards in order of issuance, in the form of Various Purpose Bonds of the denomination of \$5,000 or any integral multiple thereof provided that each such Various Purpose Bond shall be of a single maturity, and the Bonds shall bear interest payable December 1, 2019 and semiannually thereafter on June 1 and December 1 in each year until maturity, maturing on December 1 of each year, in principal amounts, each as stated in the bond purchase agreement (the "Bond Purchase Agreement") which the Finance Director of the City is hereby authorized to sign.

The Bonds shall be sold together with one (1) other issue of general obligation limited tax bonds for the Southpointe Roadway Project, and designated Various Purpose Bonds ("Various Purpose Bonds") pursuant to Section 133.30 of the Ohio Revised Code.

The principal amount of Bonds shall be payable in such principal amounts such that in any fiscal year principal is payable, the total principal and interest payable shall not be more than three times the amount of such principal and interest payments in any other such fiscal year.

SECTION 3: The Various Purpose Bonds, representing two (2) issues of general obligation, limited tax bonds (including the Bonds which shall mature in the principal amounts and on the dates as set forth in the Bond Purchase Agreement, and bear interest at the rates payable as stated in the Bond Purchase Agreement) will have a combined maturity schedule and bear interest at the rates, all as stated in the Bond Purchase Agreement, provided the net aggregate interest cost for the Bonds shall not exceed six percent (6%) per annum. Each of the combined issues may be designated by series.

SECTION 4: The Various Purpose Bonds shall express upon their faces the purposes for which they are issued and that they are issued in pursuance of this ordinance. The Various Purpose Bonds shall be in fully registered form. They shall bear the signatures of the City Manager and Finance Director, provided that any or both such signatures may be facsimile signatures, and shall bear the manual authenticating signature of an authorized representative of U.S. Bank, Cincinnati, Ohio as the paying agent, registrar and transfer agent (the "Paying Agent and Registrar") for the Various Purpose Bonds. The principal amount of each Various Purpose Bond shall be payable at the office of the Paying Agent and the Registrar and interest thereon shall be made on each interest payment date to the person whose name appears on the record date (May 15 for June 1 and November 15 for December 1) on the Various Purpose Bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at this address as it appears on such registration records.

The Various Purpose Bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the principal office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer any Various Purpose Bond during the 15-day period preceding any interest payment date, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new Various Purpose Bond or Bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefor.

The City and the Paying Agent and Registrar may deem and treat the registered holders of the Various Purpose Bonds as the absolute owners thereof for all purposes, and neither the City nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

The Various Purpose Bonds shall be initially issued only to a securities depository that is a clearing agency under federal law operating and maintaining, with its participants or otherwise, a book entry system to record ownership of beneficial interests in Various Purpose Bonds, and to effect transfers of beneficial interests in Various Purpose Bonds, and includes and means initially The Depository Trust Company (a limited purpose trust company) New York, New York ("Depository") for use in a form or system under which the physical Various Purpose Bond certificates in fully registered form are issued only to a Depository or its nominee as registered owner, with the certificated Various Purpose Bonds held and "immobilized" in the custody of the Depository, and the book entry system, maintained by and the responsibility of the Depository and not maintained by or the responsibility of the City is the record that identifies, and records the transfers of the beneficial interests of the owners of the Various Purpose Bonds (the "Book Entry System" or "Book Entry Form" and: (i) those Various Purpose Bonds shall be registered in the

name of the Depository or its nominee as registered owner, and immobilized in the custody of the Depository; and (ii) those Various Purpose Bonds shall be transferable or exchangeable in accordance with this ordinance, provided that so long as a Book Entry System is used for the Various Purpose Bonds, the Various Purpose Bonds may only be transferred to another Depository or to another nominee or a Depository without further action by the City pursuant to this section. The City may, and may require the Paying Agent and Registrar to, transfer the Bonds from one Depository to another Depository at any time.

Notwithstanding any other provision of this ordinance ("Ordinance") or any Various Purpose Bond to the contrary, with the approval of the City, the Paying Agent and Registrar may enter into an agreement with a Depository, or the nominee of a Depository, that is the registered owner of a Various Purpose Bond in the custody of that Depository providing for making all payments to that registered owner of principal of and interest and any premium on that Various Purpose Bond or any portion of that Various Purpose Bond (other than any payment of its entire unpaid principal amount) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Various Purpose Bond, upon any conditions which shall be satisfactory to the Paying Agent and Registrar and the City. That payment in any event shall be made to the person who is the registered owner of that Various Purpose Bond on the date that principal and premium is due, or, with respect to the payment of interest, as of the applicable Interest Payment Date or other date agreed upon, as the case may be. The Paying Agent and Registrar will furnish a copy of each of those agreements, certified to be correct by an officer of the Paying Agent and Registrar to the City. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

If any Depository determines not to continue to act as a Depository for the Various Purpose Bonds in a Book Entry System, the City may attempt to have established a securities depository/Book Entry System relationship with another qualified Depository under this Ordinance. If the City does not or is unable to do so, the City and the Paying Agent and Registrar, after the Paying Agent and Registrar has made provision for notification of the beneficial owners by appropriate notice to the then Depository, shall permit withdrawal of the Various Purpose Bonds from the Depository, and authenticate and deliver Various Purpose Bond certificates in fully registered form, in denominations of \$5,000 or integral multiples thereof, to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing or otherwise preparing, and delivering, replacement Various Purpose Bonds) of those persons requesting that authentication and delivery, unless City action or inaction shall have been the cause of the termination of the Book Entry System, in which event such cost and expense shall be borne by the City.

The Finance Director is authorized to execute the letter of representations with the Depository and is authorized to execute an agreement with the Paying Agent and Registrar in connection with the issuance of the Various Purpose Bonds.

SECTION 5: For the payment of the Various Purpose Bonds and the interest thereon, the full faith, credit, and revenue of the City of Oxford are hereby irrevocably pledged, and for the purpose of providing the necessary funds to pay the interest on the Various Purpose Bonds promptly when and as the same falls due, and also to provide a fund sufficient to discharge the

Various Purpose Bonds at maturity, there shall be and is hereby levied on all the taxable property in the City within applicable limitations, in addition to all other taxes, a direct tax annually during the period the Various Purpose Bonds are to run in an amount sufficient to provide funds to pay interest upon the Various Purpose Bonds as and when the same falls due and also to provide a fund for the discharge of the principal of the Various Purpose Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Constitution of Ohio.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years and certified, extended or collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which, together with all interest collected on the same, shall be irrevocably pledged for the payment of the interest on and the principal of the Various Purpose Bonds when and as the same shall fall due; provided, that in each year to the extent that revenues from other sources, including general fund revenues, or payments in lieu of taxes (as applicable) are available for the payment of the Various Purpose Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

SECTION 6: Said Various Purpose Bonds shall be sold to RBC Capital Markets, Cincinnati, Ohio (the "Purchaser"), in the manner provided by law at not less than 97% of par value and accrued interest provided the net interest cost for the Various Purpose Bonds does not exceed six percent (6%) per annum. The proceeds from the sale of the Various Purpose Bonds, except as any premium and accrued interest received, shall be deposited in the proper funds as required by law, and used for the purposes aforesaid and for no other purpose; and may include any expenses relating to the issuance of the Various Purpose Bonds, for which purposes and proceeds are hereby appropriated, and any premium and accrued interest received from such sale shall be transferred to the bond retirement fund to be applied to the payment of the principal and interest of the Various Purpose Bonds in the manner provided by law.

The Finance Director is hereby authorized to execute and deliver a Bond Purchase Agreement for the Various Purpose Bonds in substantially the form submitted to this Council with such changes, including adjustments in principal payment dates and amounts payable and such final interest rates and other terms necessary to facilitate sale of the Various Purpose Bonds to the Purchaser pursuant to the terms hereof, as may be approved by the Finance Director, his execution thereof on behalf of the City to be conclusive evidence of such authorization and approval.

SECTION 7: The Various Purpose Bonds may be subject to mandatory sinking fund redemption, and/or redemption at the option of the City, upon the terms provided for in the Bond Purchase Agreement.

SECTION 8: This Council hereby authorizes the Finance Director to prepare, correct, revise, execute together with the City Manager and deliver, on behalf of the City to appropriate persons, preliminary and final drafts of a Preliminary Official Statement deemed final for purposes of Securities and Exchange Commission Rule 15c2-12 and an Official Statement relative to the sale of the Various Purpose Bonds and copies thereof are hereby authorized to be furnished to the

Underwriter for distribution to prospective purchaser of the Various Purpose Bonds and other interested persons.

SECTION 9: This Council hereby covenants that it will restrict the use of the proceeds of the Bonds hereby authorized in such manner and to such extent, if any, as may be necessary after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Code and the regulations prescribed thereunder, including any expenditure requirements, investment limitations or rebate requirements. The Finance Director or any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed to give an appropriate certificate on behalf of this City on the date of delivery of the Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

The Bonds are hereby deemed designated as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code.

SECTION 10: This Council hereby authorizes the Finance Director to take all steps necessary to obtain one or more municipal bond ratings for the Bonds, and a municipal bond insurance policy to facilitate sale of the Bonds.

SECTION 11: This Council hereby covenants and agrees that it will execute, comply with and carry out all of the provisions of a continuing disclosure certificate dated the date of issuance and delivery of the Bonds (the "Continuing Disclosure Certificate") in connection with the issuance of the Bonds. Failure to comply with any such provisions of the Continuing Disclosure Certificate shall not constitute a default on the Bonds; however, any holder of the Bonds may take such action as may be necessary and appropriate, including seeking specific performance, to cause this Council to comply with its obligations under this section and the Continuing Disclosure Certificate.

SECTION 12: The Finance Director is hereby directed to forward a certified copy of this ordinance to the Butler County Auditor.

SECTION 13: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 14: This ordinance is hereby declared to be an emergency measure for the immediate preservation of the public peace, health, safety, morals or welfare, in order to fix a favorable interest rate, therefore, this ordinance shall take immediately upon its passage.

PASSED this 5th day of March, 2019.

Mayor

ATTEST:

Clerk of Oxford City Council

APPROVED AS TO FORM:

City Attorney

Prepared By: Dinsmore & Shohl LLP

CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS

Based upon information provided by the Council of the City of Oxford, Ohio (herein the "City"), County of Butler, Ohio, the Finance Director, being the fiscal officer of the City within the meaning of Section 133.01 of the Uniform Public Securities Law of the Ohio Revised Code, hereby certifies that the estimated life of the improvements that are to be constructed and acquired with the proceeds of the sale of not to exceed \$4,800,000 Aquatic Center Bonds to be issued to construct and acquire recreational pool facilities and equipment is at least five (5) years and the estimated weighted average useful life of the Aquatic Center improvements, assuming at least \$4,100,000 is used for recreational facilities for which I estimate a thirty (30) year useful life and not more than \$700,000 is used for recreational equipment for which I estimate a ten (10) year useful life, is not less than twenty-five (25) years, maximum maturity of bonds, calculated in accordance with Section 133.20 of the Uniform Public Securities Law of the Ohio Revised Code, is not less than twenty-five (25) years.

IN WITNESS WHEREOF, I have hereunto set my hand, this 5th day of March, 2019.

Finance Director

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance
No. _____, passed on March 5, 2019.

Clerk of Council

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing ordinance was certified this
day to the Butler County Auditor.

Dated: March ____, 2019

Clerk of Council

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing
ordinance.

County Auditor
Butler County, Ohio

Dated: March ____, 2019

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Oxford, Ohio, met in regular session, at _____ p.m., on the 19th day of February, 2019, at _____, Oxford, Ohio, with the following members present:

There was presented and read to Council by title Ordinance No. _____, entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$4,800,000 AQUATIC CENTER BONDS FOR THE PURPOSE OF CONSTRUCTING AND EQUIPPING AN AQUATIC CENTER, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

The Council of the City of Oxford, Ohio, met in regular session, at _____ p.m., on the 5th day of March, 2019, at _____, Oxford, Ohio, with the following members present:

There was presented and read to Council Ordinance No. _____, entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$4,800,000 AQUATIC CENTER BONDS FOR THE PURPOSE OF CONSTRUCTING AND EQUIPPING AN AQUATIC CENTER, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

_____ then moved that Ordinance No. _____ be passed. _____ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

The ordinance was declared passed March 5, 2019.

CERTIFICATE

The undersigned, Clerk of Council of said City, hereby certifies that the foregoing is a true and correct extract from the minutes of meetings of the Council of said City, held on the 19th day of February and the 5th day of March, 2019, to the extent pertinent to consideration and passage of the above-entitled legislation.

Clerk of Council

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