

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: March 5, 2019

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

February 27, 2019

Date Prepared

Agenda Title: 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.

Recommendation: Adoption

Discussion:

On February 19, 2019 Council repealed Oxford Codified Ordinance Chapter 1145 entitled Planned Developments and adopted new Oxford Codified Ordinance Chapter 1145 entitled Planned Developments by Ordinance No. 3513. Sections 2, 3, 4, 8, 9, 10 & 11 of Chapter 1145 were inadvertently omitted from the new text as there were no changes to those Sections.

It is necessary to repeal Ordinance No. 3513 and adopt a new Ordinance for Chapter 1145 in its entirety.

Approved By:

Initial Date

Department Head:

City Manager:

DRE 3/1/19

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 and repeals Oxford Codified Ordinance Chapter 1145 entitled Planned Developments, and adopts 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 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.

1145.02 APPROVAL REQUIREMENT.

Each planned development shall be approved according to the provisions of this chapter.

1145.03 EFFECT OF APPROVAL.

A planned development shall be valid only for the specific land uses, location, physical arrangement, and covenants and restrictions approved in a final plan.

1145.04 PROCEDURE.

Applications for a planned development 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.

(a) Pre-application Conference. Prior to filing a formal application for approval of planned development, the developer shall request a pre-application conference with the Zoning Administrator. The purpose of such conference is to allow the developer to present a general concept of this proposed development prior to the preparation of detailed plans. For this purpose, the presentation shall include, but not be limited to, the following:

- (1) Written letter of intent from the developer establishing developer's intentions as to development of the land.
- (2) Topographic survey and location map.
- (3) Sketch plans and ideas regarding water supply, sewage disposal, surface drainage, and street improvements.

(4) The Zoning Administrator shall advise the developer of applicable zoning requirements and Comprehensive Plan elements and the procedural steps for approval.

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.

1145.08 RECORDING, PERMITS, AND OCCUPANCY.

(a) Recording.

(1) An approved final plan must be filed with Butler County in legal instruments acceptable to the Law Director to ensure that all property divisions, rights-of-way, easements, covenants, restrictions, agreements, and the like are bound upon the land and its owners before any development permits are issued. All instruments so recorded shall bear the signatures of the Clerk of Council, the City Engineer, and the Zoning Administrator.

(2) Any performance bonds required to guarantee the performance of the development during and after development shall be accepted by the City Clerk before any development permits are issued.

(b) Building Permit.

(1) No development permits shall be issued until a Final Plan has been approved by the City and recorded as described in this Section.

(2) Construction permits shall not be issued unless the plans substantially conform to those approved by Council or changes to the plans are mandated in accordance with the provisions of this Chapter. Any changes to a planned development that are not approved by the Zoning Administrator shall constitute a violation of the Zoning Code.

(c) Building Use or Occupancy.

(1) No building use or occupancy will be permitted until all public utilities and streets have been accepted by Council, any private facilities that serve the same purposes have been approved by the Service Director, and all aspects of the final plan have been fulfilled to the satisfaction of the Zoning Administrator.

1145.09 PERIOD OF VALIDITY.

(a) Preliminary Plan. A preliminary planned development approval shall be valid for two (2) years. If an application for a final planned development has not been filed within two (2) years, the preliminary planned development approval is considered null and void. If the scope of the approved preliminary plan has not changed and the proposed use and site plan still satisfy the decision standards, the Planning Commission shall grant a one (1) year extension. No more than two (2) extensions shall be granted.

(b) Final Plan. A final planned development approval shall be valid for one (1) year. If an approved final planned development has not been substantially established within one (1) year of its approval, or if construction falls more than one (1) year behind the approved schedule, the Zoning Administrator shall consider the approval null and void and shall not issue any additional permits for the development. If the scope of the approved final plan has not changed and the proposed use and site plan still satisfy the decision standards, the Planning Commission shall grant a one (1) year extension. No additional extensions shall be granted for the final planned development.

(c) Extension Procedure. No application materials are required; however, the Zoning Administrator may request information he or she deems necessary for the Planning Commission to make a decision. The Planning Commission shall consider the request at its next regularly scheduled meeting. Such requests will not require a public hearing.

1145.10 CHANGES TO A PLANNED DEVELOPMENT.

(a) Minor Changes to an Approved Final Planned Development. The developer of an approved final planned development may submit a written request for approval of changes to the plan or development schedule. The Zoning Administrator and the Planning Commission Chair together may administratively approve changes to a planned development if such changes:

- (1) Do not change the use
- (2) Are of a magnitude that will not substantially alter the appearance of the development from off of the site
- (3) Will not substantially or detrimentally affect the provision of public services to the site or general vicinity
- (4) Will not substantially or detrimentally increase potential demand on public or private utilities
- (5) Are not of a scope, scale, or character, that would cause a negative impact on adjoining properties and neighborhood
- (6) Are not contrary to and in no way diminish the intent of the originally approved plan

Administrative approvals shall be clearly documented, made part of the original final planned development on file, and the details of any such changes shall be reported to the Planning Commission at its next regularly scheduled meeting.

(b) Major Changes to an Approved Planned Development. Any proposed changes to an approved planned development that do not meet the criteria of a minor change are considered a major change. A major change requires an entirely new preliminary planned development application (including the fee), according to the provisions of this chapter.

(c) Changes to a Planned Development not Procedurally Approved. An existing planned development that was not approved according to the provisions of this Chapter and was never approved by a legislative, quasi-judicial, or administrative review, and that was legal at the time of its establishment is considered an approved planned development and is subject to the provisions of this chapter.

1145.11 REAPPLICATION.

(a) No application for a planned development that is substantially similar to an application that has been denied, wholly or in part, shall be accepted for one year from the date of denial. The Zoning Administrator shall determine if a similar application differs enough to be considered a different application and not subject to this section. The Zoning Administrator may consider factors such as the nature or size of a proposal, changes in the development or traffic patterns of the area, or newly discovered evidence pertinent to a decision on a previous application.

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

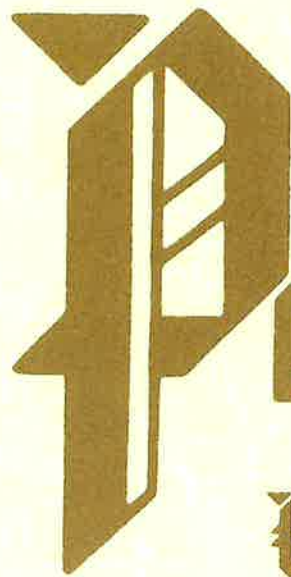
ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)



Office of the Mayor

Proclamation

Whereas:

YWCA Hamilton is dedicated to eliminating racism, empowering women, and promoting peace, justice, freedom and dignity for all; and

WHEREAS, this is the 34th annual Outstanding Women of Achievement celebration where YWCA Hamilton recognizes the women of Butler County who have accomplished great things to better their community; and

WHEREAS, this year marks the first year for the Dr. Julia Goodman Award, reserved for an Outstanding Woman of Achievement who has made a significant impact on improving the lives of women and people of color; and

WHEREAS, Sibyl A. Harris Miller is honored as a member of the 2019 class of Outstanding Women of Achievement and the first recipient of the Dr. Julia Goodman award; and

WHEREAS, YWCA Hamilton's Board of Directors, staff members, and all other interested citizens present here today join us in honoring this Outstanding Woman of Achievement.

NOW, THEREFORE, I, Kate Rousmaniere, Mayor of the City of Oxford, Ohio, on this day when Sibyl is honored as a 2019 YWCA Outstanding Women of Achievement with the Dr. Julia Goodman award, do hereby recognize and thank Sibyl A. Harris Miller for her efforts and dedication to the betterment of the Oxford area community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 19th day of March 2019.

KATE ROUSMANIERE, MAYOR



CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Economic Development Department

For the: March 19, 2019
City Council Meeting

Prepared by: G. Alan Kyger
Date Prepared: March 13, 2019

Agenda Title: Resolution approving the Revolving Loan Fund application for LogCon LLC, dba Books & Brews.

Recommendation: Approval

Discussion: LogCon LLC is seeking to open a new Bookstore, Gathering Place, Restaurant, Micro-brewery at 107 East Church Street. This establishment will be called "Books & Brews" Books & Brews is an Indianapolis based franchise that will be owned and operated locally by Oxford residents, Ann & Neil Kamphaus. LogCon LLC is requesting a Revolving Loan Fund (RLF) loan of \$63,250 to assist them in opening.

Books & Brews considers itself a place where people from all walks-of-life can gather, share in conversations, enjoy a craft beer, dine together, buy a book and read it, play a board game as well as participate in planned activities like trivia, bingo and open mic night.

Books & Brews has obtained the lease of the former Quarter Barrel location at 107 E Church Street. The fact this 2,800 sq. ft. site was a restaurant has greatly reduced Books & Brews startup costs. Books and Brews does need assistance in remodeling the existing site and with start-up costs. The total cost for this project is \$126,500.

The proceeds from this loan will be used to purchase furniture & fixtures, brewing equipment, kitchen equipment, computers & menu system and provide start-up working capital.

On March 6, the Oxford Community Improvement Corporation Loan Review Committee met with Ann & Neil Kamphaus and conducted a full review of the loan application. The CIC Loan Committee unanimously recommended approval with conditions.

On March 12, the full CIC Board met with Ann Kamphaus. Ann provided an overview of the Books & Brews request. The CIC Board discussed the findings of the Loan Committee. The CIC Board found the application to have met both the Goals and Objectives of a RLF Loan and to have met the required RLF loan funding criteria. The CIC Board unanimously approved this loan with the following conditions:

- * The City is provided acceptable documentation for the "Use of Funds" purchases.
- * The applicant's full credit report has been submitted and approved by the City.

Books & Brews RLF Project Summary: Is attached for your review.

Reviewed By:

Department Head:

City Manager:

Initial Date

DRE / 3/15/19

RESOLUTION NO.

A RESOLUTION APPROVING A \$63,250.00 REVOLVING LOAN FUND LOAN TO LOGCON, LLC. DBA, BOOKS & BREWS.

WHEREAS, Council finds that the Oxford Community Improvement Corporation met on March 12, 2019, to consider the loan request of LogCon, LLC. dba Books & Brews for a loan from the Oxford Revolving Loan Fund ("RLF") to assist with the remodeling and redevelopment of 107 East Church Street into a Micro-Brewery, Used Bookstore, Gathering Place and Restaurant; and

WHEREAS, the Oxford Community Improvement Corporation, after due deliberation, recommended approval of a loan in the amount of \$63,250.00 at three percent (3%) interest for seven (7) years. The loan proceeds will be used for items to renovate the site and for Working Capital as set forth on Exhibit "A" attached hereto; and

WHEREAS, the Oxford Community Improvement Corporation found the applicant meets the RLF Goals & Objectives of job creation and provisions for gap financing for projects where private financing is unobtainable or unreasonable and the applicant has met all the criteria as required under the RLF guidelines.

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

SECTION 1: Council accepts the recommendation of the Oxford Community Improvement Corporation and further approves the loan of \$63,250.00 at three percent (3%) interest for seven (7) years.

SECTION 2: Council hereby authorizes the City Manager, the Finance Director and the City Attorney to prepare and execute the loan documents as necessary with the following conditions being met prior to closing:

- a. The City is provided acceptable documentation for the "Use of Funds" purchases.
- b. The applicant's full credit report has been submitted and approved by the City.

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)

Books & Brews
LogCon, LLC.
PROJECT SUMMARY
Revolving Loan Fund (RLF)

March 13, 2019

Borrower:	LogCon, LLC.
Business Name:	Books & Brews
Principals & Guarantors:	Ann & Neil Kamphaus
Business Address:	107 East Church Street Oxford, Ohio 45056
Project Address:	107 East Church Street Oxford, Ohio 45056
Request:	\$ 63,250 RLF Loan for 7 years at 3%
Company Description:	Books & Brews is an Indianapolis, Indiana based company. The Oxford location will be owned and operated by Oxford residents Ann & Neil Kamphaus. Books & Brews (B&B) mission statement states, "B&B is a place to play music, meet friends, have a family night, play games, read books, do work, meet new friends, or just disconnect." With the Goals and Objectives of brewing beer, selling books, serving local food and hosting a long list of social events. B&B is about more than products, it is about giving people a place to gather and connect. B&B will serve five Signature B&B Craft beers, have a literary themed food menu, sell used books and host community events like themed trivia, bingo, open mic night, movies as well as other activities like birthday parties and other parties.
Proposed Project:	Books & Brews will be located in the former Quarter Barrel location at 107 East Church Street. This "mixed use" building provides 2,800 sq. ft. of enclosed commercial space and additional outdoor patio seating. This site is located in the Uptown Business District and is correctly zoned for the proposed use. The total amount required for this project is \$126,500. Books & Brews is requesting \$63,250 in RLF financing. The RLF funding will be used to remodel the kitchen and dining areas as well as updating the 'point of sale' system and brewing equipment and creating new signage.

Proposed Project Cost: \$ 126,500

Proposed Financing:

\$ 30,000	23.7% - Owner Equity
\$ 33,250	26.3% - Bank Line of Credits
\$ 63,250	50.0% - RLF

Annual Debt Service:

\$ 23,250	Bank Line	per balance	15.9%	
\$ 10,000	Bank Line	\$ 155 /Mo.	13.9%	10 yrs.
\$ 63,250	RLF	\$ 836 /Mo.	3.0%	7 yrs.

Proposed Funding Detail: \$ 63,250

\$ 14,000	<u>50% Revolving Loan Fund</u>
\$ 1,700	Furniture: Tables-Chairs-Bookcases
\$ 2,000	Bar Area remodeling
\$ 5,000	Security Deposits for Utilities
\$ 3,000	Signage
\$ 2,000	Kitchen Equipment
\$ 1,500	Micro-Brewing Equipment
\$ 500	Point of Sale System
\$ 350	iPads or Tablets
\$ 425	PA / Sound System
\$ 1,075	Pandora Subscription and receiver
\$ 450	TV / Gaming System
\$ 600	Children's table/rug/toys
\$ 650	Popcorn Machine and supplies
\$ 30,000	Movie Equipment
	Working Capital

<u>\$ 33,250</u>	<u>27.7% - Bank LOC Financing</u>
\$ 1,500	Staff Training
\$ 1,500	Start-up Marketing
\$ 6,000	Liquor Permit
\$ 6,000	Fees/Permits
\$ 2,000	Pre-Paid Insurance
\$ 2,000	Painting
\$ 1,250	Accounting Fees
\$ 6,000	Food & Drink Inventory
\$ 5,000	Merchandise Inventory

<u>\$ 30,000</u>	<u>23.7% - Owner Equity</u>
\$ 25,000	Franchise Fee
\$ 5,000	Legal Fees

\$ 126,500 Total Project Cost

Collateral:

Personal Guarantees
Ann Kamphaus
Neil Kamphaus

Property Liens

590 Honor Lane, Oxford, OH

UCC Filings on the Equipment

New Employment:

4 Full Time new jobs created
10+ Part Time jobs created

RLF Requirements:

Minimum one job created or retained for every \$35,000 of RLF funds borrowed.

\$ 15,812 per job created. = \$ 63,250 / 4 FT

\$ 10,541 per job created. = \$ 63,250 / 6 FTE

Minimum of 51% of the jobs must be LMI (Low to Moderate Income)

Minimum 8 of the 14 total jobs must be LMI

Minimum 3 of the 4 FTE jobs must be LMI

RLF loan cannot be more than 50% of the financing of the project.

50.0% = \$ 63,250 / \$ 126,500

The applicant must invest 10% equity into the project.

23.7% = \$ 30,000 / \$ 163,500

RLF funding is to be Gap Funding. RLF is to provide funding which the applicant cannot receive from conventional sources.

Maximum Loan: Suggested maximum is 1/3 of the current RLF balance. 33.33%

Amount requested is 11.6% of the current balance.

Current Balance: \$ 544,485 / \$ 63,250 = 11.6%

Loan Terms:

Interest Rates: Set by the CIC based on the needs of the project.

3% was requested.

3% is recommended.

Terms: Should not be longer than the life of the asset.

- Working Capital

- Machinery & Equipment: Generally 5 to 7 years.

- Machinery & Equipment: up to 10 years

- Real Estate: up to 15 years

10 years was requested.

7 years is recommended.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: March 19, 2019

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

March 14, 2019

Date Prepared

Agenda Title: An Ordinance Adopting Oxford Codified Ordinance Chapter 1111 Entitled Tree Preservation And Protection.

Recommendation: Review and consider the proposed Ordinance.

Discussion:

Included with this report is the amended and proposed Tree Preservation and Protection Ordinance. The original ordinance proposed by the Environmental Commission and reviewed by the Planning Commission in April of 2018 proposed language in the Planned Development Chapter 1145 and in the Design and Construction Standards in Section 1101.4 of the Subdivision Regulations Chapter 1101. In order to make the proposed regulations easy to find and understand the Environmental Commission was tasked with proposing a separate Chapter 1111. As written, the proposed ordinance applies to any privately owned parcel of land of 2 acres or more. This includes developed as well as undeveloped land. There are presently 108 privately owned parcels of land of 2 acres or more within the City of Oxford. However, the ordinance includes contiguous parcels of less than 2 acres owned by the same person. For example, Habitat for Humanity owns several parcels off of Hester Road and they would be required to comply with the proposed ordinance. The ordinance requires that before any protected tree or landmark tree is removed a tree survey and tree replacement plan must be approved either by the Community Development Director in the case of individual lots of 2 or more acres or by the Planning Commission for development projects. Developers must also submit a tree replacement plan. All trees to be removed must be marked. This will add to the cost of any new housing development in the City of Oxford including affordable housing for example, it is estimated that a tree survey for an acre of land with approximately 40 trees will cost \$2,500. The penalty for not complying is a minor misdemeanor for the first offense and a misdemeanor of the fourth degree for any subsequent offense. The Tree Authority as written in this ordinance is the Environmental Commission.

Approved By:

Initial Date

Department Head:

City Manager:

DRE

3/15/19

ORDINANCE NO.

AN ORDINANCE ADOPTING OXFORD CODIFIED ORDINANCE CHAPTER 1111 ENTITLED TREE PRESERVATION AND PROTECTION.

WHEREAS, Council hereby finds that the original language for Tree Preservation and Protection was proposed by the Environmental Commission and reviewed by the Planning Commission in April of 2018; and

WHEREAS, the original proposed language would be included in Oxford Codified Ordinance Chapter 1145 entitled Planned Developments, and in Chapter 1101 entitled Subdivision Regulations; and

WHEREAS, the Environmental Commission was tasked with proposing a separate Chapter 1111 to ensure the proposed regulations were easy to locate and understand within the Zoning Code of the Oxford Codified Ordinances.

WHEREAS, the City Manager recommends the adoption of Oxford Codified Ordinance Chapter 1111 entitled Tree Preservation and Protection as set forth below.

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

SECTION 1: Council hereby accepts the recommendation of the City Manager and adopts Oxford Codified Ordinance Chapter 1111 entitled Tree Preservation and Protection as follows:

CHAPTER 1111 Tree Preservation and Protection

Contents

CROSS REFERENCES	2
1111.01 PURPOSE.....	2
1111.03 DEFINITIONS.....	2
1111.05 DESIGNATION OF TREE AUTHORITY	2
1111.07 OPERATION	2
1111.09 STREET TREES IN NEW DEVELOPMENTS.....	3
1111.11 TREE PRESERVATION ON PRIVATE PROPERTY	3
1111.13 TREE APPROVAL FOR DEVELOPMENT PLANS	3
1111.15 ACCEPTABLE TREE REMOVAL AREAS.....	4
1111.17 TREE SURVEY AND TREE REPLACEMENT PLAN	4
1111.19 TREE SURVEY INSPECTION	5
1111.21 TREE MARKING	5
1111.23 TREE PROTECTION DURING CONSTRUCTION ACTIVITIES	5
1111.25 TREE DAMAGE.....	5
1111.27 TREE REPLANTING	6

1111.29	TREE PRESERVATION AND REPLANTING APPROVAL COMPLIANCE	6
1111.31	TREE MAINTENANCE REQUIREMENTS	6
1111.99	PENALTY	7

CROSS REFERENCES

- Power to regulate shade trees and shrubbery - see Ohio R.C. 715.20
Assessments for tree planting and maintenance - see Ohio R.C. 727.011

1111.01PURPOSE

The purposes of the tree preservation standards and regulations established in this chapter are to promote clean air quality, to reduce noise, heat and glare, to improve surface drainage and minimize flooding, to provide visual buffers, to beautify and enhance both improved and undeveloped areas, to advance the aesthetic quality of the community, to maintain property values and the quality of life in the city and to promote the public health, safety and welfare through the preservation and replacement of trees. The regulations included in this chapter are intended to prevent and eliminate the ability for partial or complete deforestation of lands with the wanton removal of trees. As a recognized “Tree City USA” community by the national Arbor Day Foundation, the City of Oxford (City) demonstrates adherence to core standards of sound urban forest management, thus promoting a greener, healthier community.

1111.03DEFINITIONS

- A. All definitions found in Chapter 935 apply to this Chapter.
- B. “Caliper” means for the purpose of this chapter, the caliper of a tree is it’s diameter as measured at 4 1/2 feet (54 inches) above the adjacent surface grade, commonly known as Diameter at Breast Height (DBH).
- C. “Landmark Tree” means a tree entered in any of the lists maintained by Ohio Department of Natural Resources Champion Tree Program. A tree may also be designated as a Landmark Tree by the Community Development Director if the tree is 75% of the circumference of its species listed in the Ohio Department of Natural Resources Champion Tree Program’s Ohio Champion Tree Registry for Native and Non-native Species of the largest trees in Ohio.
- D. “New Development/Redevelopment Sites” means the development of property within the city that requires a building permit.
- E. “New Development/Redevelopment Tree Species” – a species of tree that is planted as part of a development project under Chapter 1101 Subdivision Regulations or Chapter 1145 Planned Developments.
- F. “Protected Tree” means any healthy tree with a Caliper equal to or greater than the “Minimum Protected Caliper” as specified here.
 - A certified arborist may be used to determine whether or not a tree is healthy.
 - The Minimum Protected Caliper for deciduous hardwoods is six caliper inches;
 - For needle bearing evergreens is eight caliper inches; and
 - For small trees as defined in the official comprehensive City Tree Plan of Chapter 935.05 is two caliper inches.
- G. “Tree Protection Zone” means the area around a tree corresponding to the drip line, or one foot away from each tree’s trunk for each inch of the trunk’s caliper diameter as measured at DBH as defined above.

1111.05DESIGNATION OF TREE AUTHORITY

The City of Oxford Tree Authority is designated in Chapter 935.

1111.07OPERATION

- A. The Community Development Director shall be responsible for implementation of the rules and regulations set forth in this chapter.

B. Requests to vary from requirements set forth in this Chapter, or from portions of the Tree Plan relevant to this Chapter, shall be presented to the Community Development Director or a designee for approval. Denial of such a request may be appealed in writing to the Tree Authority. The Tree Authority will consider the appeal and make recommendations to the Community Development Director. The Community Development Director may accept or reject the recommendations of the Tree Authority and shall provide written notification to the appellant and the Tree Authority of the decision made and the reasons supporting that decision.

1111.09 STREET TREES IN NEW DEVELOPMENTS.

Developers shall plant trees in tree lawns in all developments according to the specifications in Chapters 935.06 and 935.07. The Oxford Planning Commission shall require a landscaping plan for all subdivisions, planned developments, and commercial developments.

1111.11 TREE PRESERVATION ON PRIVATE PROPERTY

- A. Consistent with the expressed purposes of this chapter, all persons shall make reasonable efforts to preserve and retain existing Protected Trees and Landmark Trees in the City of Oxford.
- B. If any private lot is 2 or more acres, or a contiguous group of lots owned by substantially the same person or entity is 2 or more acres, then no person shall cut, destroy, cause to be destroyed, move or remove any Protected Tree or Landmark Tree on such lot or group of lots without first obtaining a permit from the Community Development Director.
- C. A permit may be granted by the Community Development Director after review of a Tree Survey and a Tree Replacement Plan described in 1111.17.
1. The Community Development Director shall approve, deny, or require changes to the plan.
 2. The Community Development Director may obtain input from the Tree Authority.
 3. The Community Development Director may approve the removal of a Protected Tree or Landmark Tree without a Tree Survey and Tree Replacement Plan if the tree poses immediate danger to life or property.
- D. The owner or owners have 12 months from the date of the permit to complete tree replacement, unless a different time is specified in the Tree Replacement Plan.
- E. Any Protected Tree or Landmark Tree removed without a permit must be replanted as described in 1111.27, except that the replacement rate shall be one caliper inch replaced for each caliper inch removed.
1. Removal without prior approval constitutes a violation of this chapter, subject to the penalties described in 1111.99.
- F. In any calendar year, removal of one Protected Tree per acre from a lot or lots as described in (B) is allowed without permit. Removal of any Landmark Tree requires a permit.

1111.13 TREE APPROVAL FOR DEVELOPMENT PLANS

- A. No zoning permit, preliminary or final plan approval, or site development approval pursuant to Chapters 1101 or 1145 shall be granted or recommended without first obtaining tree approval from the Planning Commission. If no trees are to be removed as part of site development, tree approval from the Planning Commission is not needed. Trees that are outside of the development activities on a site and that will not be immediately affected by the site development do not have to be included in the provided items included in 1117.17 below.
- B. When a person applies to the Planning Commission for a Preliminary Plan approval pursuant to Chapter 1101.4 or a Preliminary Plan approval pursuant to Chapter 1145.05, such person shall submit the following items for tree approval:
1. A complete tree survey, as described in 1111.17;
 2. The proposed development plan shall be overlaid on the tree survey.
- C. When a person applies to Planning Commission for Final Subdivision approval pursuant to Chapter 1101.4, or Final Plan approval pursuant to Chapter 1145.05, such person shall submit the following items for tree approval:

1. A complete tree survey, as described in 1111.17;
2. A complete Protected Tree and Landmark Tree removal plan clearly denoting trees to be removed;
3. A complete list of Protected Trees and Landmark Trees and associated calculations;
4. A landscape plan including tree placement and replanting schedule;
5. A description of proposed plans for tree protection and replacement in conformance with 1111.23, and 1111.27;
6. The proposed development plan shall be overlaid on the tree survey plan and the tree removal plan.

D. The Community Development Director shall review all plans and supporting data determining whether the requirements set forth in this chapter are complied with, and based on such determination make one of the following recommendations to the Planning Commission: recommend approval, recommend approval with conditions, or do not recommend approval.

1. The Community Development Director shall solicit comments from the Tree Authority as part of this review process.

E. The Planning Commission shall review all plans and supporting data and the recommendations of the Community Development Director and shall determine whether the purposes as set forth in this chapter are complied with, and based upon such determination take one of the following actions: recommend approval, recommend approval with conditions, or do not recommend approval. Tree approval does not authorize any development activity.

1111.15ACCEPTABLE TREE REMOVAL AREAS

A. Protected Tree removal is permitted within the area used or to be used by a permanent structure within the lot building area without replacement planting.

B. Protected Tree removal is permitted on the entire site for access roads, parking areas, canopies, patios, decks, sidewalks, utility installation, water retention and similar necessary development needs provided replacement trees are installed consistent with the provision of this chapter.

C. Every effort shall be made by the property owner/developer to protect and preserve any Landmark Tree located on the site. If a Landmark Tree cannot be preserved, the owner/developer shall provide replacement trees for any removed Landmark Tree consistent with the provisions in 1111.27, even if the Landmark Tree is within the area described in this section.

1111.17TREE SURVEY AND TREE REPLACEMENT PLAN

A. The tree survey shall be in the form of a to-scale map or a site plan prepared and certified by a registered land surveyor, qualified professional engineer, or an International Society of Arboriculture Certified Arborist and/or American Society of Consulting Arborists' Registered Consulting Arborist. The location of all Protected Trees or Landmark Trees within the area to be modified from its natural state and 25 feet beyond in each direction shall be noted. The tree survey map shall be drawn at the same scale as the development plan, site development plan or preliminary plan. This survey shall also identify all Protected Trees to genus level, as well as any Landmark Tree(s).

B. Areas of stands of trees can be outlined giving numbers, genera, and estimated ranges of DBH caliper and the estimated average DBH caliper of Protected Trees in the stand. Any Landmark Tree must be identified and located individually.

C. At the discretion of the Community Development Director, a recent aerial photograph may relieve the applicant of the requirement of submitting a complete Tree Survey map if number, caliper, and genera of Protected Trees are listed or indicated. Any Landmark Tree must be identified and located individually.

- D. A schedule indicating the number, and caliper inches by genus, of Protected Trees to be removed shall be provided. Any Landmark Trees shall be identified individually.
- E. A tree replacement plan shall include:
 - 1. A schedule indicating the number, size and species of all replacement trees. A total shall be provided for each species.
 - 2. The proposed location of all replacement trees within the proposed development or redevelopment.
 - 3. A date by which tree replacement is to be completed.

1111.19 TREE SURVEY INSPECTION

Following the receipt of the completed tree survey map and supporting data, the Community Development Director, or a designee, shall schedule and conduct an inspection of the proposed development site. The applicant or a designee shall be advised as to the date and time of the inspection and given an opportunity to participate.

1111.21 TREE MARKING

Prior to commencement of construction or any tree removal on a site, a uniform colored painted "X" shall be used by the applicant to designate a tree to be removed, consistent with the approved plan. Red paint shall be used to designate the trees to be removed.

1111.23 TREE PROTECTION DURING CONSTRUCTION ACTIVITIES

- A. The cleaning of equipment, storage of materials or dirt, disposal of waste material such as paint, oil solvents or other harmful substances, or any other such act which may be harmful to the continued vitality of the tree(s) within the tree protection zone shall be prohibited.
- B. Prior to commencement of any grading, construction or tree removal, a tree protection zone will be established for all Protected Trees or Landmark Trees located within 25 feet of, or that has its drip line within any area of proposed grading, construction or tree removal. Trees marked for removal are exempt from this requirement.
- C. New development/Redevelopment tree protection zones shall be consistent with those described for Street and Public Trees in 935.11(b). Tree protection shall be maintained during the entire construction period.
- D. Changes in the normal drainage patterns shall be avoided and appropriate protection shall be provided for trees if a grade change is necessary in the surrounding area.
- E. Vehicular, pedestrian and other traffic patterns should be kept away from trees to avoid soil compaction.
- F. The size of the tree protection zone may be adjusted at the discretion of the Community Development Director and so noted on the tree approval.
- G. Practices for the proper protection of trees on construction sites shall be in accordance with guidelines established by the Tree Authority.
- H. Protected Trees or Landmark Trees to remain that are located within 25 feet of or that have a drip line within any proposed grading or construction area shall be watered with the equivalent of 1 inch of rain per week. Rain gage or NOAA local weather information may be used to verify actual rainfall and offset amount of watering required.

1111.25 TREE DAMAGE

Any remaining Protected Tree or Landmark Tree, damaged during construction, or damaged as a result of such construction, shall be repaired according to the most current version of ANSI Standard A300. If a tree is removed due to damage beyond repair during construction, replanting will be required pursuant to 1111.27, except that the replacement rate shall be one caliper inch replaced for each caliper inch removed.

1111.27 TREE REPLANTING

- A. With respect to developments subject to the provisions of this chapter, prior to the issuance of a Certificate of Code Compliance, supplemental and replacement trees shall be planted consistent with the requirements of the approval.
- B. Replanted trees shall have calipers of two (2) inches taken at the appropriate height above ground level (based upon their species), as outlined in the current edition of "American Standard for Nursery Stock" (ANSI Z60.1), with an appropriate height of branching for the tree's species.
- C. It is desirable that the replanting of trees be compatible with the sites. Ideally, the species chosen for replanting shall be similar to those trees removed.
 - 1. Tree species may be selected from those listed in the City Tree Plan, listed as the Ohio Department of Natural Resources (ODNR), Division of Forestry's "Common Ohio Trees", and/or listed in the ODNR Ohio Champion Tree Registry for Native Species. Other species may be planted consistent with the approved final tree replacement plan;
 - 2. Distribution of species should be as recommended in the City Tree Plan.
- D. Trees shall be planted replacing one inch caliper for every two inches of caliper of Protected Trees or Landmark Trees to be removed designated on the Tree Survey Map. If the site cannot physically accommodate this size requirement, Planning Commission may approve a "Tree Replacement Plan" in lieu of a specific number of caliper inches.
- E. On-Site Replacement - A minimum of fifty percent (50%) of the required replacement trees shall be replanted on the development or redevelopment sites from which the original trees were removed, to maintain the remaining natural distribution of tree cover in the City.
- F. Tree Fund Option - Although 100% on-site tree replacement is desired, if this is determined to be impossible or impractical, the replacement fee for each tree shall be allocated to the City General Fund according to the schedule of fees established by Council.

1111.29 TREE Preservation and Replanting APPROVAL COMPLIANCE

- A. Prior to the issuance of a Certificate of Code Compliance for the development site, the Community Development Director, or a designee, shall inspect the site to confirm that the development has satisfied the purposes, requirements and standards of this chapter as well as those in 1123.
- B. If all requirements have been satisfied, the Certificate of Code Compliance may be issued.
- C. If all requirements have not been satisfied, the Certificate of Code Compliance shall not be issued. A written notice shall be provided to the applicant stating the reason for denial. An applicant may submit revisions to a denied application to correct elements of the original application that do not satisfy these requirements or to provide more information that will ensure satisfaction of all requirements.
- D. If the development or re-development occurs in defined phases with specified timelines, then a Certificate of Code Compliance may be issued for each completed phase once each phase has been inspected and all requirements have been satisfied.

1111.31 TREE MAINTENANCE REQUIREMENTS

- A. The developer shall be required to maintain all replacement trees for one (1) year after the trees are planted and to replace any tree that dies within such one-year guarantee period, according to the following:
 - 1. Upon completion of the tree planting, the developer shall contact the Community Development Director to initiate the guarantee period.
 - 2. The guarantee period shall begin after the approval of the Community Development Director.
 - 3. A final inspection shall be made at the end of the one-year guarantee period. All trees not exhibiting a healthy, vigorous, growing condition, as determined by the City's inspection, shall be replaced at the expense of the developer.

- B. The developer shall notify the Community Development Director, within five (5) business days, of the end of the guarantee period to schedule the final inspection.
- C. If the City determines that replacement of a tree is required, such replacement shall occur within thirty (30) days of the date the City's inspection report is submitted to the developer, or during the next spring or fall tree planting season, whichever occurs first. The one-year guarantee period shall begin anew for each replacement tree.
- D. Preserved or replacement trees shall not subsequently be removed from a site unless approved pursuant to 1111.11 and 1111.13.
- E. Where applicable, the City may require the original owner of any property on which trees have been preserved or replaced according to the requirements of this Chapter, to add a restrictive covenant to the deed that shall inform subsequent purchasers, lessees or occupants of the site, that trees shall not subsequently be removed from a site except when approved pursuant to 1111.11 and 1111.13.

1111.99PENALTY

Whoever violates any provision of this chapter is guilty of a minor misdemeanor for the first offense and a misdemeanor of the fourth degree for any subsequent offense. A separate offense shall be deemed committed upon each day during or on which the violation occurs or continues.

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)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott

Police

Originating Department

Council Meeting Of: March 19, 2019

John A. Jones

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

March 12, 2019

Date Prepared

Agenda Title: ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTION 303.08 ENTITLED IMPOUNDING AND BOOTING OF VEHICLES; REDEMPTION, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTION 303.08 ENTITLED IMPOUNDING AND BOOTING OF VEHICLES; REDEMPTION

Recommendation: Approve

Discussion: Passage of this ordinance would give Public Safety Assistants (PSAs) the expressed authority to impound or immobilize a vehicle pursuant to this section without requiring a police officer to issue the final authorization. In 2016, this ordinance was amended to give PSAs authority to impound or immobilize a vehicle. PSAs had performed these duties for several years as an agent of the Police Chief, but a review by the Law Director determined that an amendment to this section giving a PSA the expressed authority under this section was prudent.

Since that language change, PSAs have had to wait for police officer approval over the radio before actually placing a boot on a vehicle or impounding the car. This proposed ordinance would remove the language that requires a police officer to issue the final authorization before a vehicle is impounded or immobilized. This would allow for a more streamlined protocol where a PSA is authorized to take action for certain violations and under certain conditions. Situations outside of those conditions would still require approval by a police supervisor.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

[Signature] \ 3/12/19
DRE \ 3/15/19

ORDINANCE NO.

ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTION 303.08 ENTITLED IMPOUNDING AND BOOTING OF VEHICLES; REDEMPTION, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTION 303.08 ENTITLED IMPOUNDING AND BOOTING OF VEHICLES; REDEMPTION.

WHEREAS, per the recommendation of the Chief of Police, it is necessary to revise Oxford Codified Ordinance Section 303.08 entitled Impounding and Booting of Vehicles; Redemption, in order to clarify the authority of Public Safety Assistants to impound and boot vehicles.

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

SECTION I: Council hereby accepts the recommendation of the Chief of Police and finds that it is necessary to repeal Oxford Codified Ordinance Section 303.08 entitled Impounding and Booting of Vehicles; Redemption, and adopting new Oxford Codified Ordinance Section 303.08 entitled Impounding and Booting of Vehicles; Redemption to clarify the authority of Public Safety Assistants to impound and boot vehicles.

SECTION II: Council hereby repeals Oxford Codified Ordinance Section 303.08 entitled Impounding and Booting of Vehicles; Redemption, and adopts new Oxford Codified Ordinance Section 303.08 entitled Impounding and Booting of Vehicles; Redemption as follows (additions are bolded and deletions are struck through):

303.08 IMPOUNDING AND BOOTING OF VEHICLES; REDEMPTION.

(a) Police officers are authorized to provide for the removal and impounding of a vehicle or the booting of a vehicle, on a public street or other property open to the public for purposes of vehicular travel or parking, or upon the right of way of any road or highway or upon private residential property under the following circumstances

(1) When any vehicle is left unattended upon any street, bridge or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations, or firefighters or workers in any other calamity.

(2) When any vehicle has been stolen or operated without the consent of the owner.

(3) When any vehicle displays illegal license plates or fails to display the current lawfully required license plates.

(4) When any vehicle has been used in or connection with the commission of a felony.

(5) When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provisions of this Traffic Code whereby its continued operation would constitute a condition hazardous to life, limb or property.

(6) When any vehicle is left unattended due to the removal of an ill, injured or arrested operator.

(7) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision.

(8) When any vehicle has been operated by any person who is driving without a lawful vehicle license or while his license has been suspended or revoked.

(9) When any vehicle is found for which two or more citation tags for violations of this traffic code have been issued and the owner or operator therefore has failed to respond to such citation tags as lawfully required.

(10) When any unattended vehicle is parked so as to be in violation of Traffic Code Section 351.03.

(11) When any unattended vehicle is parked during a snow emergency violation of Section 351.16.

(12) When any unattended vehicle is parked in violation of Section 351.17.

(13) When any unattended vehicle is parked in violation of Section 351.03(r).

(14) When any unattended vehicle is parked so as to be in violation of Oxford Code Section 351.18.

(15) When any unattended vehicle is parked in violation of Section 351.19.

(16) When vehicle is parked in violation of Section 353.03(a) upon the fourth or subsequent offense within twenty-four months.

(17) When any vehicle is parked in violation of Section 351.06.

(18) When any vehicle is parked in violation of Section 351.13.

(b) Police officers are further authorized to provide for the removal and impounding or the booting of any motor vehicle when so authorized pursuant to the provisions of the Ohio Revised Code.

(c) The Police Department shall forthwith notify the registered vehicle owner of the fact of such removal and impounding, reasons therefore and the place of storage, or if the vehicle is immobilized by a boot, a notice of the booting shall be placed on the windshield that explains the reason for booting and the release procedure. Any person desiring to redeem an impounded or booted vehicle shall appear at the Police Department to furnish satisfactory evidence of identity and ownership or right to possession. Prior to issuance of a release form, the claimant, owner or operator shall either pay the amount due for any fines for violations on account of which such vehicle was impounded or booted or, as the court may require, post a bond in an amount set by the court, to appear to answer to such violations. The pound operator shall release such vehicle upon the receipt of the release form and payment of all towage and storage charges, or a police officer may remove the boot after all applicable fines and fees are paid.

(d) Public Safety Assistants are also authorized to provide for the removal and impounding of a vehicle or the booting of a vehicle pursuant to this Section. ~~A police officer must issue final authorization before a vehicle is removed and impounded or booted under this Section pursuant to an order by a Public Safety Assistant.~~

(e) No owner or operator shall remove a boot or an impounded vehicle from the place of storage without complying with the above procedure. Possession of a vehicle which has been booted or impounded and unlawfully taken from the place of storage, by the owner or operator, shall constitute prima facie evidence that it was so removed by the owner or operator. Whoever violates this section is guilty of obstructing justice pursuant to Section 525.08.

(f) Impound Fees: Fees for impounded vehicles shall be those fees adopted in the City of Oxford Fee Ordinance. These fees as set forth in the Fee Ordinance shall be paid prior to release of any vehicle from the impound lot.

(g) Towing Charges: The City of Oxford will pay towing charges for vehicles towed to the City impound lot at the request of the Oxford Police Department. The fee for the towing charges are set forth in the Oxford Fee Ordinance. Additional charges at the prevailing rate may be paid

for services requiring specialized equipment or extra personnel. These charges will be reimbursed to the City prior to the release of any vehicle from the impound lot.

(h) No vehicle which has been immobilized by the Oxford Police Department, by use of a boot, may be released unless and until each and everyone of the following conditions are satisfied:

(1) Sufficient proof is presented to the Police Department showing that all outstanding fines for violations or a bond as ordered by the Court, issued for that vehicle, have been paid in full, including any court costs.

(2) Payment is made to the Police Department for an immobilization removal fee in the amount as set forth and established by the Oxford Fee Ordinance.

(i) Refund: Any person found not guilty or having the charge nulled when such charges authorized and directly resulted in towing and impounding or booting, shall thereupon be refunded by the City and towing and impound fees or booting fees so paid.

(j) Courtesy Notice: Whenever a police officer or Public Safety Assistant chalks a tire or by any other manner commences to observe a vehicle suspected of violating the 72-hour parking prohibition, such police officer or Public Safety Assistant shall place under the windshield wiper of such vehicle, or other convenient place, a written notification to the effect that said vehicle is subject to towing and impoundment if it remains parked for more than 72 hours. This notice is intended as a courtesy and is not jurisdictional and proof of such notification is not required in determining guilt or innocence of a defendant.

(k) Towing Requirements:

(1) Eligibility: Any wrecker service located in the City of Oxford shall be eligible to receive calls from the Police Division for wrecker service provided such person or company agrees to provide wrecker service 24 hours per day, seven days a week, and submits proof of liability insurance as well as proof of ability to perform to the Police Division. In addition, to be placed on such eligibility list, such person or company shall sign a statement provided by the Police Division to the effect that they have received a copy of subsections (f) and (j) hereof and do agree to be bound by all terms and conditions therein contained as well as administrative rules or regulations promulgated by the Chief of Police relative to towing procedure

(2) Rotation List: The Police Division shall maintain an eligibility list of wrecker operators complying with subsections (f) and (j) hereof and the police dispatcher shall call such operators in rotation. The Chief of Police may remove the name of any wrecker service operator failing to comply with subsections (f) and (j) hereof.

(3) Owner/Operator Responsibility: Wrecker service and towing charges for any vehicle not taken to the City impound lot shall be the sole responsibility of the owner or operator of such vehicle and said charges will not be paid or collected by the City except as hereinafter provided.

(4) Emergency City Responsibility: In any emergency situation, such as street repair, water main break and snow accumulation, the Chief of Police may authorize vehicles to be moved and not taken to the impound lot. When so authorized by the Chief of Police, wrecker charges will be paid by the City at an hourly rate agreed upon and established in advance by the Chief of Police and the wrecker service.

(5) When so authorized by the Chief of Police and whenever multiple vehicles need to be towed, wrecker charges will be paid by the City at an hourly rate agreed upon and established in advance by the Chief of Police and the wrecker service.

SECTION III: 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

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: March 19, 2019

Service Department
Originating Department

Account Code #: N/A

David Treleaven
Prepared By

Budgeted Amount: N/A

March 7, 2019
Date Prepared

Agenda Title: Environmental Commission Meeting of March 6, 2019

Recommendation: For Review and Consideration

Discussion:

Environmental Commission members present at the Wednesday, March 6, 2019 meeting were: Chair, Mr. Wright Gwyn; Vice-Chair, Ms. Madeline Maurer; City Council Representative, Ms. Chantel Raghu; Mr. Vince Hand, and Mr. Jon Ralinovsky. A quorum was present. Planning Commission Representative, Ms. Shana Rosenberg, and Commissioner Mr. Andor Kiss had previously notified the Commission that they would be unable to attend the March 2019 meeting. Ms. Carla Blackmar was in attendance representing the Planning Commission. Also in attendance was Miami University (MU) Institute for the Environment and Sustainability (IES) graduate student Ms. Joycelyn Swamidoss, and Ms. Kat Bodziak, a MU undergraduate student and reporter for the *Oxford Weekly News*, a YouTube production by the MU journalism program.

The minutes from the February 6, 2019 Environmental Commission meeting was unanimously approved as presented.

Ms. Joycelyn Swamidoss provided Commissioners with a status report of the activities associated with 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 municipal operations, to quantify Oxford's carbon footprint. With Oxford's recent membership in the ICLEI Local Governments for Sustainability (ICLEI), the students are now able to access ClearPath Pro, which is a Global Protocol for Community-Scale Emissions compliant GHG inventory software tool. An ICLEI representative is to assist the student team to learn to use ClearPath Pro in conjunction with ICLEI's Online Training Modules by Friday, March 8, 2019. The student team had prepared a questionnaire for Oxford city staff to complete, providing information necessary for the GHG inventory. However, the students' review of ClearPath Pro indicated that they would be able to access more extensive and detailed questionnaire forms that would provide a more encompassing GHG inventory for Oxford's municipal operations. Ms. Swamidoss indicated the revised questionnaire form should be provided to Oxford staff by the week of March 11-15, 2019.

Ms. Raghu informed the Commission that at the March 5, 2019 City Council meeting, IES representatives (faculty and graduate students) provided a summary of last year's PSP investigating the feasibility for

(Continued)

Approved By:

Department Head:
City Manager:

Initial Date
WGT \ 3/11/19
DRE \ 3/15/19

Oxford to formally join the Global Covenant of Mayors for Climate and Energy (the Covenant), including the commitments participating in the Covenant would place upon Oxford, and alternatives to the formal commitment to the Covenant. Also included was a summary of this year's PSP conducting the GHG inventory for Oxford's municipal operations. Following the presentation, City Council agreed to form a community Climate Action Task Force, and to extend an invitation to MU to link parallel efforts towards sustainability.

The Solid Waste Contract Subcommittee provided a written summary of their review and recommendations for aspects to be included in the pending solid waste and recycling project specifications and contract document. It is recommended that the contract be for a single five-year period (currently, it is for a two-year contract with up to three one-year extensions at a not-to-exceed rate percentage). In addition to the existing 10-item limit for residential trash collections, the Subcommittee recommends including a request for pricing for the collection of a smaller volume of trash (a single wheeled, lidded cart with either 35-gallon or 64-gallon capacity). Each level of service would be permitted one or two large items per week, and each would include recycling. The Subcommittee agrees with Rumpke of Ohio's suggestion to have the default size of the residential recycling container be a wheeled, lidded cart (64-gallon capacity) with no rental fee (the current 23-gallon capacity red bins for recycling could be requested by the resident). The Subcommittee also recommends strengthening the public education and awareness activities regarding residential and commercial solid waste and recycling. The Subcommittee had no recommendations for changing commercial trash and recycling services in the contract specifications, beyond the strengthening the public education component for recycling. The Subcommittee included in their written summary results from a partial survey of apartment complex recycling services. The Subcommittee suggests continued investigation, research and efforts to encourage expansion of the number of complexes that offer recycling services to their tenants. It was suggested that this topic could possibly be a future IES PSP topic. The following Motion was made to accept the recommendations of the Solid Waste Contract Subcommittee by Mr. Ralinovsky. Ms. Maurer seconded the motion.

Motion:

The Environmental Commission endorses the recommendations of the Solid Waste Contract Subcommittee for consideration in the 2020-2025 solid waste and recycling project specifications and contract.

The Motion was adopted by a unanimous roll call of the Commissioners present.

The Earth Day Proclamation for 2019 was unanimously approved as presented. Staff informed the Commissioners that this year's Earth Day observation ("EarthFest") would occur on Saturday, April 27, 2019 in the Uptown Memorial Park. Staff has reserved a spot for the Environmental Commission at the event and intends to be present to distribute literature, take requests for changes in recycling services, and be present to answer questions from the public.

The Arbor Day Proclamation for 2019 was unanimously approved as presented. Arbor Day is the last Friday in April, (the 26th this year). Oxford intends to plant a celebratory tree (a Burr Oak) at the Oxford Community Park, along with two Eastern Red Buds as part of the Memorial Tree Plaque Program. The Redbuds are being planted in memory of Ellis A. Miller and Police Chief Bob Holzworth.

Staff was instructed to forward both the Earth and Arbor Day Proclamations to City Council for their consideration.

Staff informed the Commission that the draft Tree Preservation and Protection ordinance was tentatively scheduled to be brought to City council at their March 19, 2019 meeting. The Community Development Department had asked to utilize the caliper measurement location as presented in the Approved American National Standard's "American Standard for Nursery Stock" (ANSI Z60.1-2014) of six-inches above grade rather than the standard "diameter at breast height" (DBH) measurement of 4.5 feet above grade. Replacing the DBH caliper measurement with the ANSI Z60.1-2014 measurement locations would result in a smaller diameter tree, reducing the expense of planting, while still providing for a quality, nursery-

grown tree. Commissioners did not oppose the request, but felt that not enough information was known to formally approve revising the text of the draft ordinance. Staff was requested to research the implications of the Community Development Department's suggestion.

Staff updated the Commission regarding the status of the pilot residential food scraps composting project. The anticipated start date of the pilot drop-off program is Saturday, April 6, 2019 at Oxford's Streets and Maintenance Garage facility, 945 South Main Street. The drop-off hours are presently 9:30 AM – 12:30 PM on Saturdays through January 4, 2020. Public educational pieces and flyers have been prepared and posted on the City's web site. Announcement of the pilot program was included on the city utility bills for March 2019. An example of the bucket and lid, and the informational sticker to be applied to the bucket, were displayed. GoZero Services, the food scraps courier, had been retained to transport the food scraps to the composting facility.

Ms. Raghu informed the Commission that approximately a quarter of Oxford's financial investments (a total of six million dollars) are in firms with heavy fossil fuel involvements. With the efforts being made in sustainability, and the pending Carbon Fee and Dividend federal legislation increasing the cost of the use of fossil fuels (potentially decreasing the value of Oxford's investment holdings), Ms. Raghu believed that Oxford should find other avenues for these investment dollars. Commissioners indicated that they would like to discuss this idea at a future Environmental Commission meeting, and Staff was instructed to include it in an upcoming meeting's agenda.

Commissioners concluded discussions at 8:25 p.m. The next Environmental Commission meeting is tentatively scheduled for 7:00 pm on Wednesday, April 3, 2019, in the Municipal Building's First Floor Conference Room.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation

Originating Department

Council Meeting Of: March 19, 2019

Account Code No. #: 141.620.63170

Prepared By: Casey D. Wooddell

Budgeted Amount: \$34,100

Date Prepared: March 11, 2019

Agenda Title: Resolution to Approve Roofing Project at Oxford Senior Center

Recommendation: Approve

Discussion:

The City's 2019 Budget includes up to \$40,000 to replace the roof of the Oxford Senior Center building, located at 922 Tollgate Drive. The City of Oxford owns and maintains this building and property, while the Senior Center leases the premises for its annual operations.

City staff developed standards and specifications for this roof replacement project. This project consists of removing the existing asphalt shingles and other protective layers, replacing any damaged plywood sheets, installing new protective ice and water shield layers, felt paper, asphalt shingles, drip edge, valleys, ventilation and pipe boots. This project also includes the appropriate clean-up and disposal of the old materials.

Staff advertised a request for proposals on January 18 and January 25, 2019. Proposals were to be returned no later than 5:00pm on February 8, 2019. The following proposals were provided:

<u>Contractor</u>	<u>Proposal Price</u>
Revitalize, LLC	\$31,000
ACI Contractors	\$34,750
Elevated Roofing	\$35,958
American Veterans Roofing	\$37,700
Keene Contractors, LLC	\$39,440
Weller Roofing	\$39,740

This resolution will authorize the City Manager to enter into an agreement with Revitalize, LLC to complete the Senior Center Roof Replacement project at a cost of \$31,000. Staff is requesting a 10% contingency in the amount of \$3,100, bringing the total contract amount not to exceed to **\$34,100.**

Approved By:	Initial Date
Department Head:	<u>CDW</u> \ <u>3/11/2019</u>
City Manager:	<u>DRE</u> \ <u>3/11/19</u>

RESOLUTION NO.

A RESOLUTION ACCEPTING THE PROPOSAL AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH REVITALIZE, LLC TO PERFORM THE SENIOR CENTER ROOF REPLACEMENT PROJECT AT THE CITY OWNED STRUCTURE LOCATED AT 922 TOLLGATE DRIVE OXFORD, OHIO 45056 AT A COST OF \$31,000.00 PLUS A CONTINGENCY AMOUNT OF TEN PERCENT (10%) OF THE AGREEMENT PRICE OR \$3,100.00 FOR A TOTAL COST NOT TO EXCEED \$34,100.00.

WHEREAS, the City of Oxford advertised for proposals in the *Journal News* and in *The Register-Herald* on January 18, 2019 and on January 25, 2019. Six (6) sealed proposals were opened and publicly read on February 8, 2019. The lowest and best proposal was submitted by Revitalize, LLC in the amount of \$31,000.00; and

WHEREAS, the City Manager and the Parks and Recreation Director recommend Council accept the proposal of Revitalize, LLC as the lowest and best proposal to perform the Senior Center roof replacement project at the City owned structure located at 922 Tollgate Drive Oxford, Ohio 45056 at a cost of \$31,000.00 plus a contingency amount of ten percent (10%) of the agreement price or \$3,100.00 for a total cost not to exceed \$34,100.00; and

WHEREAS, the City Manager and the Parks and Recreation Director further recommend Council authorize the City Manager to enter into an agreement with Revitalize, LLC to perform the roof replacement project at the City owned structure located at 922 Tollgate Drive Oxford, Ohio 45056 at a cost of \$31,000.00 plus a contingency amount of ten percent (10%) of the agreement price or \$3,100.00 for a total cost not to exceed \$34,100.00.

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

SECTION 1: City Council accepts the recommendation of the City Manager and the Parks and Recreation Director and further authorizes the City Manager to enter into an agreement with Revitalize, LLC to perform the Senior Center roof replacement project at the City owned structure located at 922 Tollgate Drive Oxford, Ohio 45056 at a cost of \$31,000.00 plus a contingency amount of ten percent (10%) of the agreement price or \$3,100.00 for a total cost not to exceed \$34,100.00.

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)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: March 19, 2019

Alan Kyger

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

March 12, 2019

Date Prepared

Agenda Title: A Resolution authorizing the sale of alcoholic beverages in the Uptown Parks area for the Oxford Community Foundation's "Brews for Bricks" event to be held on August 17, 2019 from 4:00 p.m. until 9:30 p.m. with conditions.

Recommendation: n/a

Discussion:

Please see the attached Resolution and Park/Right-of-Way Permit application.

Approved By:

Initial Date

Department Head:

City Manager:

DRE 3/15/19

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES IN THE UPTOWN PARKS AREA FOR THE OXFORD COMMUNITY FOUNDATION'S "BREWS FOR BRICKS" EVENT TO BE HELD ON AUGUST 17, 2019 FROM 4:00 P.M. UNTIL 9:30 P.M. WITH CONDITIONS.

WHEREAS, the Oxford Community Foundation wishes to hold a "Brews for Bricks" event in the Uptown Parks on Saturday, August 17, 2019 from 4:00 p.m. until 9:30 p.m.; and

WHEREAS, the Oxford Community Foundation is requesting permission to have trucks parked along E. Park Place for the sale of beer during the event; and

WHEREAS, the Oxford Community Foundation has stated they will meet all legal requirements necessary to accommodate said beer trucks.

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

SECTION 1: Council having considered the request finds it would be beneficial for the Oxford Community Foundation's fundraising event to allow the sale of beer with the following conditions:

1. The Oxford Community Foundation shall obtain a "F" State of Ohio Liquor Permit, to allow for the sale of beer during said events.
2. The beer truck area shall be roped off and each person entering the roped off area shall be at least 21 years of age to purchase beer.

SECTION 2: Council hereby authorizes the sale of alcoholic beverages in the Uptown Parks area for the Oxford Community Foundation's "Brews for Bricks" event pursuant to the conditions set forth above.

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)



REQUEST FOR PUBLIC PARK PERMIT



REQUEST FOR PUBLIC RIGHT-OF-WAY PERMIT

Date(s) of Event: 08 / 16 / 19 through 08 / 17 / 19 From: 03:00 PM To: 10:30 PM

Today's Date: 02 / 05 / 19

☐ Emergency Utility Repair (check box, if applicable)

--- Applicant shall allow a minimum of 3 business days for processing ---

Responsible Adult:
(18 years of age or older)*

Leah Flynn

Organization: Oxford Community Foundation

Address:

Advisor:

Address:

22 East High Street

Telephone:

Oxford, OH 45056

Cellular:

513-461-9613

Telephone:

513-523-0623

Fax:

Cellular:

Email:

leah@oxfordfdn.org

Fax:

Email:

admin@oxfordfdn.org

Non-Profit:

☒ Yes ☐ No

* Person in charge - Primary contact

PARK REQUESTED

- ☐ Merry Day Park (adjacent to the Miami Mobile Home Park, Reagh Way Drive)
☐ Leonard Howell Park (Bonham Road)
☐ Oxford Community Park (Fairfield Road) – Contact 523-6314 to confirm date(s)
☒ Memorial Park (E. Park Place & N. Main Street – has pavilion)
☒ Martin Luther King Jr. Park (W. Park Place & N. Main Street – animal sculptures & fountain)
☐ Other: _____

TITLE OF EVENT (be specific and include projected attendance)

Brews for Bricks

Projected Attendance: 350

Has this event been held previously? ☐ Yes ☒ No If "YES", when? _____

Will food, goods, services or merchandise be sold at the event? ☒ Yes ☐ No

If "YES", please see Section 729.05, Sales on Certain Municipal Property Prohibited (attached to last page of application.)

Note: If you or your organization are handing out information on the public sidewalk, no permit is required.

DESCRIPTION OF EVENT

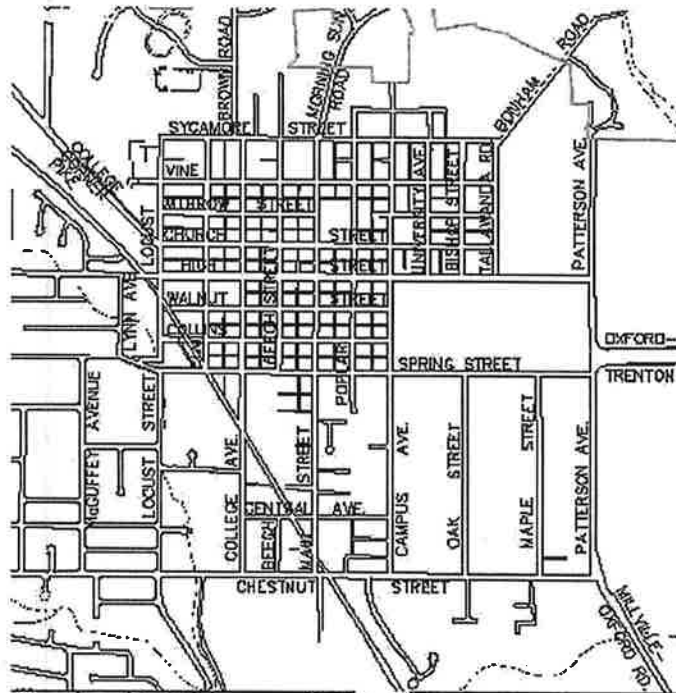
Place a description of the event, along with additional requests, on the appropriate attachment. If request is only for use of a right-of-way, use the attachment labeled City of Oxford / Right-of-Way Request Details.

Applicant's Signature: _____

Date: 02 / 05 / 2019

I have read and understand the rules, guidelines and conditions. Furthermore, I understand that acceptance of them is a condition of approval; and, if approval is granted, it is only for the event specified above. I also understand that the request will be reviewed by various City of Oxford officials and additional conditions may be required before final approval is granted. If additional conditions are required, I agree to meet with the appropriate officials.

Note
If your event is outside the boundaries of this map, either attach a separate map or contact the City for assistance.



CITY OF OXFORD / RIGHT-OF-WAY REQUEST DETAILS

Instructions for Applicant: Please clearly denote the parade route, streets and/or sidewalk areas being requested. Place a concise narrative explanation on the following lines. Attach additional pages if necessary. **Note:** Any work in the public right of way requires the submittal of a maintenance of traffic plan.

The Oxford Community Foundation (OCF) is requesting the closure of Main Street between Memorial Park and Martin Luther King, Jr. Park, as well as the closure of East Park Place.

We are requesting all the parking on East Park Place.

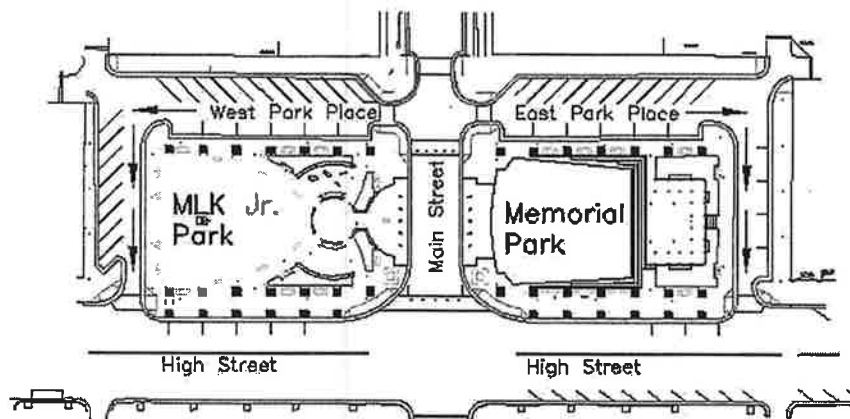
Additional Requests:
(Include details in narrative)

- ☒ No Parking Signs*
- ☐ Detour(s)
- ☐ Police Assistance

Time Details

	Start	End
Setup	3:00 pm	3:00 pm
Event	4:00 pm	9:30 pm
Breakdown	9:30 pm	10:30 pm

*Generally the responsibility of the applicant.



OXFORD MEMORIAL PARK & MARTIN LUTHER KING JR. PARK

Instructions for Applicant: Please clearly denote (1) the sections of the parks that you are requesting, (2) parking spots needed and (3) proposed street closures. Place a concise narrative explanation on the following lines. Attach additional pages if necessary.

Please see attached

Additional Requests:
(Include details in narrative)

- ☒ Pavilion
- ☒ Extra trash cans*
- ☒ Special power requirements (explain in narrative)**
- ☒ Street Closure**
- ☐ Other: _____

Time Details

	Start	End
Setup	3:00 pm	3:00 pm
Event	4:00 pm	9:30 pm
Breakdown	9:30 pm	10:30 pm

*See fee sheet

**** Contact the Streets & Maintenance Division 3 days prior to the event at
513-523-8412**

NOTE: Street closures will be at the discretion of the Oxford Police Department



Stipulations and Fees

Note: FULL PAYMENT REQUIRED BEFORE THE EVENT

RIGHT-OF-WAY

Applicants should allow a minimum of **three (3) business days** for the request to be processed from the time it is submitted to city officials. *(Please provide the City with as much lead time as possible. Events requiring road closures and staffing will require additional processing time. Large event requests shall be submitted no less than fourteen (14) days in advance of the event.)*

1. Applicant shall manage all work zones in the Right-of-Way in compliance with the Ohio Manual of Uniform Traffic Control.
2. Large events (estimated at over 500 people, including all concerts and performances, will require a pre-event meeting with the Police (524-5247) and Service Department (524-5206) prior to approval. *Note: Requests **WILL NOT** be approved prior to the pre-event meeting.*
3. The period of use may not exceed two (2) days without city council approval.
4. At least one legally responsible adult must sign the request.
5. The usage may not discriminate for or against a given class of people.
6. All ordinances that regulate noise **shall** be observed.
7. NO nails, spikes, tacks or adhesive material may be driven into or affixed to trees or into the ground within the public right-of-way.
8. The applicant is responsible for cleanup. Failure to clean up may result in subsequent requests being denied or a deposit being required. In addition, a cleaning charge may be assessed.
9. Safety staffing levels will be determined by the Oxford Police Department and the applicant may be required to hire police officers.
10. All special conditions specified by department heads must be complied with. Fees may be assessed for special services – see below.
11. NO markings may be made on streets or sidewalks within the public right-of-way.

USE OF PARKS (ALL THOSE ABOVE, PLUS)

1. No motor vehicles may be parked within the area of the park or on any sidewalk.
2. Banners are only permitted on the stage area during the function and must be removed immediately after the event. Tying is the only acceptable way of affixing a banner to the stage area.
3. No signs are permitted.
4. The applicant is responsible for damage to grass, shrubs or trees as a result of the event and agrees to compensate the City of Oxford the cost of repairs and/or replacement.
5. No structure shall be defaced and no structure shall be erected within four (4) feet of the base of a tree or shrub.
6. NO nails, spikes, tacks or adhesive material may be driven into or affixed to trees or into the ground within any park.
7. The applicant will be required to provide the City with a certificate of insurance naming the City as an additional insured for events with live animals or inflated play structures with a minimum of \$1M coverage. Insurance for other events may be required and reviewed on a case by case basis.

FEE INFORMATION

No Parking Signs \$1.00/ea.
Metered Parking \$10.00/ea
Trash Boxes \$5.00/ea.

Personnel

Police Officer(s) Contact OPD
Street Dept. Personnel \$25.00/hr
Electrician \$100.00
Park & Rec Personnel Contact OPRD

Road Closures

Main Street \$135.00**
US 27 Detour \$135.00**

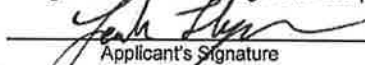
**Includes labor

Sports Fields/Gazebo

Contact OPRD – 523-6314

APPLICANT'S ASSURANCE

I have reviewed the estimated cost for the event and agree to compensate the City for services rendered as specified above. If the event runs past the stated end time, I understand that additional charges will accrue and agree to compensate the City accordingly.


Applicant's Signature

Date: 02 / 05 / 19

CITY USE ONLY

	Service	Hours	Rate	Estimate	Final
1			\$	\$	\$
2			\$	\$	\$
3			\$	\$	\$
4			\$	\$	\$
5			\$	\$	\$
			Total	\$	\$

	Applicant's Initials	Review Date
Police Department		
1		
2		
3		
4		
Fire Department		
1		
2		
3		
4		
Service Department		
1		
2		
3		
4		
Recreation Department (if applicable)		
1		
2		
3		
4		
City Manager		
1		
2		
3		
4		

Pre-Meeting (if applicable): Reviewed with _____ on _____.

Reviewer(s): _____

APPROVAL SECTION (with conditions)

Police Chief:	☐ Approved	☐ Not Approved	____/____
Fire Chief:	☐ Approved	☐ Not Approved	____/____
Service Director:	☐ Approved	☐ Not Approved	____/____
Recreation Director:	☐ Approved	☐ Not Approved	____/____
City Manager:	☐ Approved	☐ Not Approved	

City Manager's Signature

Date: _____

Reason(s) event not approved:

--

Brews for Bricks -- Park Permit Request

Requesting use of Memorial Park including the pavilion + the MLK Park

Requesting access to electric at the pavilion and at the trees

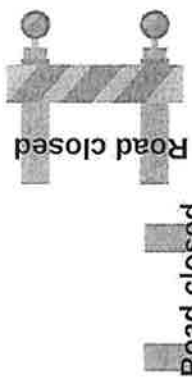
Requesting 4 extra trash cans

Brews for Bricks, building a foundation for our community

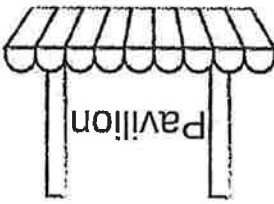
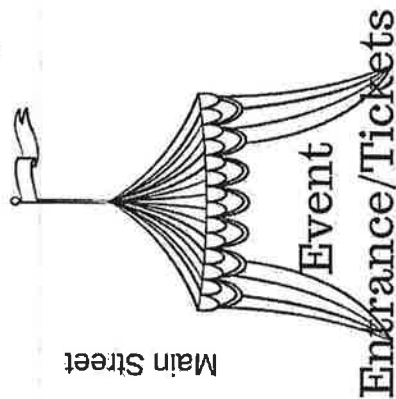
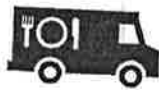
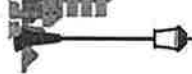
- Fundraising event to benefit the Oxford Community Foundation (OCF)
- Ticketed event, but anyone may attend
 - To eat and drink you must purchase tickets, but anyone may attend the event.
- Beer Trucks – 3
- Food Trucks – 3 to 5
- Beer and Food Trucks will be lined along E. Park Place
- Beer and Food vendors will carry their own mobile licenses
- Live music will be on the stage for the duration of the event
 - Sound technician will be provided by OCF
- Tents, tables and chairs will be placed on the perimeter of the lawn
-

OCF will carry event insurance.

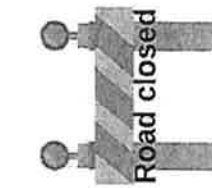
Once permit is approved by city council the Foundation will request our F2 permit



East Park Place



Memorial Park



High Street



Brews for Bricks Summary:

The Oxford Community Foundation (OCF) is hosting a fundraising event to raise awareness and funds to support the operations of the Foundation, and to increase support for the local community.

The event is a family-friendly evening with food trucks, craft beer, and live music to celebrate and support the Greater Oxford Community.

Brews for Bricks Details:

- **Date:** August 17, 2019
- **Time:** 4 - 9:30 pm
- **Location:** Memorial Park Uptown, Oxford, Ohio
- **Vendors:** 3 Beer Trucks, 5 Food Trucks
- **Entertainment:** Live Bands throughout the evening
- **Expected Guests:** 350

Oxford Community Foundation:

Founded in 1996, the Oxford Community Foundation serves the greater Oxford community by identifying, addressing, and improving the evolving needs of the community now and for all time.

In 2018, the OCF awarded more than \$308,000 in grants and scholarships to support the local community.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: March 5, 2019

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

February 27, 2019

Date Prepared

Agenda Title: An Ordinance Repealing Ordinance Number 3513 Adopted February 19, 2019.

Recommendation: Adoption

Discussion:

On February 19, 2019 Council repealed Oxford Codified Ordinance Chapter 1145 entitled Planned Developments and adopted new Oxford Codified Ordinance Chapter 1145 entitled Planned Developments by Ordinance No. 3513. Sections 2, 3, 4, 8, 9, 10 & 11 of Chapter 1145 were inadvertently omitted from the new text as there were no changes to those Sections.

It is necessary to repeal Ordinance No. 3513 and adopt a new Ordinance for Chapter 1145 in its entirety.

Approved By:

Department Head:
City Manager:

Initial Date

DRE \ 3/1/19

ORDINANCE NO.

AN ORDINANCE REPEALING ORDINANCE NUMBER 3513 ADOPTED FEBRUARY 19, 2019.

WHEREAS, staff has found when Ordinance No. 3513 New Chapter 1145 entitled Planned Developments was adopted on February 19, 2019, certain Sections of Chapter 1145 were inadvertently omitted; and

WHEREAS, the City Manager and the Community Development Director recommend Ordinance No. 3513 adopted February 19, 2019 be repealed so that new Chapter 1145 entitled Planned Developments can be properly adopted to incorporate the sections that were inadvertently omitted.

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

SECTION I: Council hereby accepts the recommendation of the City Manager and the Community Development Director and repeals Ordinance No. 3513 adopted February 19, 2019.

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
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. 3513

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 and repeals Oxford Codified Ordinance Chapter 1145 entitled Planned Developments, and adopts 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 as follows:

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.

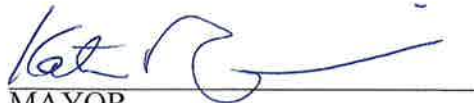
(2) Bicycle rack spaces shall be provided at all planned developments that overlay a commercial zoning district at a rate of 3 per acre.

(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: February 19, 2019

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

City Manager

Originating Department

Council Meeting Of: March 19, 2018

Alan Kyger

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

March 4, 2019

Date Prepared

Agenda Title: A Resolution authorizing the City Manager to permit the Oxford Farmers Market Association to allow a Farmer's Market vendor to sell tasting samples of wine for consumption on premises, and wine in sealed containers for consumption off the premises of the Oxford Farmers Market in 2019 with conditions.

Recommendation: n/a

Discussion:

The Oxford Farmers Market Association (OFMA) is requesting permission to permit the Hanover Winery to provide tasting samples and sell wine by the bottle at the Oxford Farmers Market. The OFMA is required to obtain a F-10 State of Ohio liquor permit. This is a specific permit which allows a farmers market vendor to sell tasting samples and bottles of wine at a farmers market. Since the farmers market is on City property (Lot 52), it also requires the approval of City Council. The wine will be tasted and sold under a tent which will be roped off. The vendor will be required to check identification to make certain that wine is sold to or tasted by individuals 21 years of age or older. This arrangement is different than the Oxford Wine Festival since consumption of wine will be confined to the Hanover Winery tent.

Approved By:

Initial Date

Department Head:

City Manager:

DRE 3/19/19

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PERMIT THE OXFORD FARMERS MARKET ASSOCIATION TO ALLOW A FARMER'S MARKET VENDOR TO SELL TASTING SAMPLES OF WINE FOR CONSUMPTION ON PREMISES, AND WINE IN SEALED CONTAINERS FOR CONSUMPTION OFF THE PREMISES OF THE OXFORD FARMERS MARKET IN 2019 WITH CONDITIONS.

WHEREAS, the Oxford Farmers Market is open year round in Oxford's scenic Uptown area; and

WHEREAS, with over 40 vendors, the Oxford Farmers Market is one of the region's largest markets; and

WHEREAS, the Oxford Farmers Market Association wishes to allow the Hanover Winery to sell tasting samples of wine for consumption on premises, and wine in sealed containers for consumption off the premises of the Oxford Farmers Market.

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

SECTION 1: Council having considered the request finds it would be beneficial for the Oxford Farmers Market and its customers to allow the sale of wine at the Oxford Farmers Market with three conditions:

1. The Oxford Farmers Market Association shall obtain a F-10 State of Ohio Liquor Permit, which will allow the Oxford Farmers Market Association's vendor to sell wine at the Oxford Farmers Market.
2. The winery wishing to sell tasting samples of wine at the Oxford Farmers Market shall carry a one million dollar liability insurance policy.
3. The winery tent shall be roped off and each person entering the roped off area shall be at least 21 years of age to purchase wine.

SECTION 2: The City Manager is hereby authorized to take all steps necessary to permit the Oxford Farmers Market Association to allow a Farmer's Market vendor to sell tasting samples of wine for consumption on premises, and wine in sealed containers for consumption off the premises of the Oxford Farmers Market pursuant to the conditions set forth above.

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

MAYOR

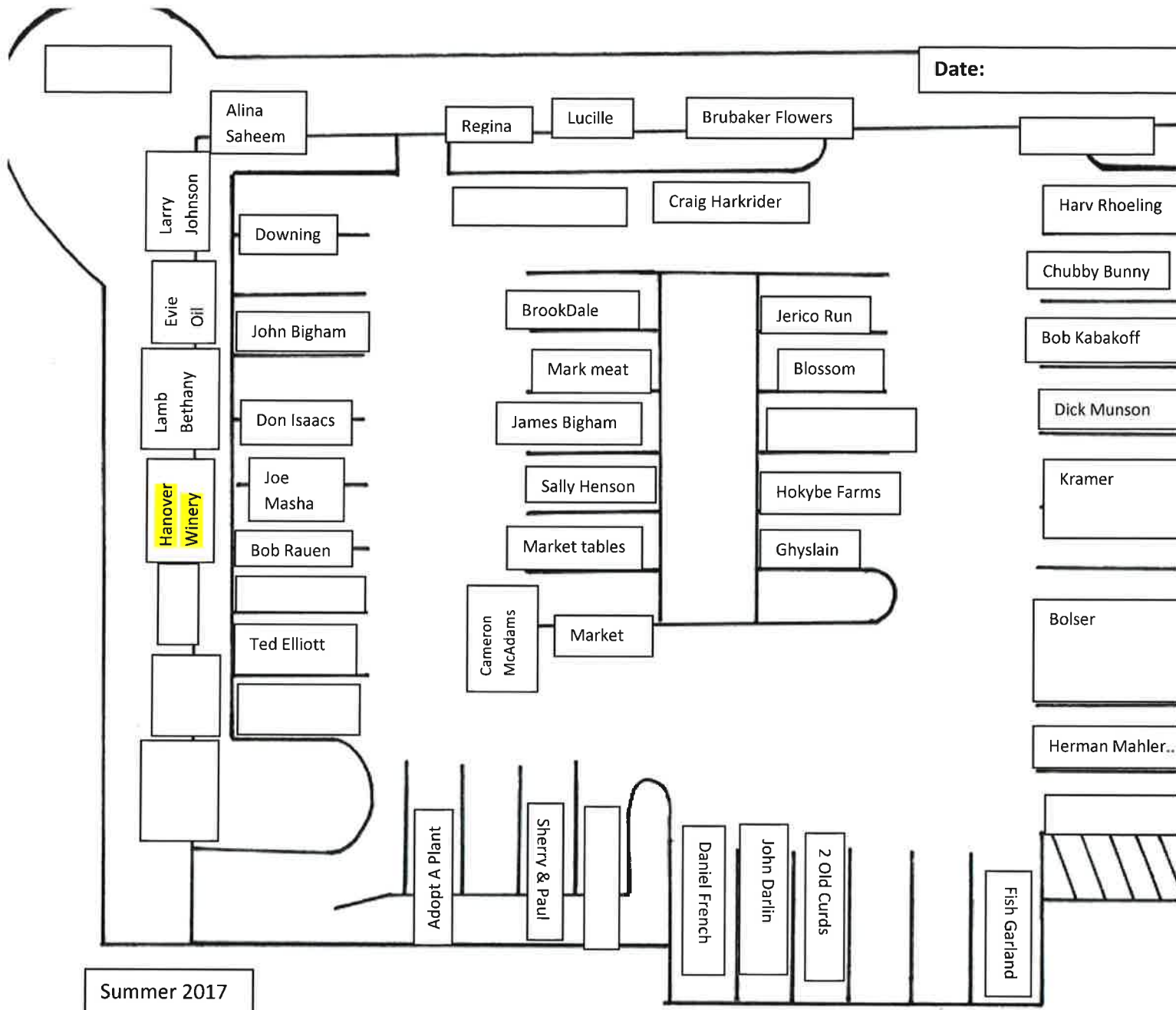
ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)



Income:		Expenses
Vendor Fees	Weekly:	Mgr:
	Annual:	Asst Mgr:
EBT Sales:	Credit Sales:	Social Media:
Redeemed	MarketBucks	Helpers:
	EBT	WelcomeBucks given:
Friend of Mkt	T-shirts	Cooking Demo:
	Sweatshirt	Cook:
	Bag	Produce:
	Other	
		Musicians
		Sprouts
Water	Can money:	Ice:
		Water:



Ohio Department of Commerce - Division of Liquor Control
6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005
Telephone No. (614) 387-7407 - <http://www.com.ohio.gov/liqr>

F-10 PERMIT APPLICATION
REGISTERED FARMERS MARKET (Not for Profit Markets Only)
PERMIT IS EFFECTIVE FOR 9 MONTHS FROM DATE OF ISSUANCE
FILING FEE \$100.00

An F-10 permit may be issued to a person who organizes a farmers market registered with the director of agriculture. An F-10 permit holder may allow a farmers market participant that is an A-2 or S permit holder (production must be less than 250,000 of wine annually to sell tasting samples of wine manufactured by the A-2 or S permit holder for consumption on premises, or in sealed containers for consumption off the premises of the farmers market.

SECTION (A)		PROPOSED F-10 PERMIT PREMISES INFORMATION	
Name of the Farmers Market: Oxford Farmers Market Uptown			
Date of Farmers Market Event: From:		04/15/2019	To: 12/31/2019
Name of the Farmers Market Organizer: Oxford Farmers Market Uptown Association			
Farmers Market Address:			
Street Address: 21 S Main Street (Lot 52)		County: Butler	
Township (if outside city limits):		City: Oxford	Zip Code: 45056
Mail and/or Fax Permit and Correspondence To:			
Name: Larry Slocum		Street Address: 803 Morman Road	City: Hamilton
State: OH Zip Code: 45013		Phone #: (513) 505-5238	Fax #:
Email Address: info@oxfordfarmersmarket.com			
Individual responsible for the compliance with Ohio's liquor laws in conjunction with the sale and consumption of alcoholic beverages:		Name: Larry Slocum Title: Manager	

1. Is the applicant an organizer of a farmers market registered with the director of agriculture, that is not a for-profit farmers market? ☒ YES ☐ NO
2. Is the farmers market located at a rest area within the limits of the right of way of an interstate highway? ☐ YES ☒ NO
3. Is the farmers market located at a service facility as defined in Chapter 5537 of the Revised Code that is along the Ohio turnpike? ☐ YES ☒ NO
4. Does the farmers market have less than five market participants? ☐ YES ☒ NO

Taxing District	Reviewer Action:	Remarks:
Permit Number		
Receipt #		



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F-10 REGISTERED FARMERS MARKET CHIEF PEACE OFFICER NOTIFICATION FORM

Section A: FARMERS MARKET EVENT INFORMATION

Oxford Farmers Market Uptown
The

will have a registered Farmers Market to sell tasting samples of wine manufactured by an A-2 or S permit holder or in sealed containers for consumption off premises at the address of:

Street Address: 21 S Main Street (Lot 52)

Township (if outside
city limits): _____

City: Oxford

Zip Code: 45056

Date of Farmers Market Event: From: 04/15/2019

To: 12/31/2019

Section B: NOTICE TO CHIEF PEACE OFFICER (Completed by City/Township Police or County Sheriff)

This portion must be signed by the Chief Peace Officer or his/her designee in the municipality or township where this event will be held, indicating that he/she has been notified of the date, place, and duration of the event. (If the township does not have a Chief Peace Officer, the County Sheriff's Office must be notified accordingly.)

x _____
(Signed) (Title) (Date)

(Print Name)

- ☐ City Police
☐ Township Police
☐ County Sheriff

Attach Form 1612 (Address Addendum), if any street, alley, or public sidewalk will be closed for this event.



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F-10 REGISTERED FARMERS MARKET TENANCY NOTIFICATION FORM

Section A: FARMERS MARKET EVENT INFORMATION

Oxford Farmers Market Uptown
The _____

will have a registered Farmers Market to sell tasting samples of wine manufactured by an A-2 or S permit holder or in sealed containers for consumption off premises at the address of:

Street Address: 21 S Main Street (Lot 52)

Township (if outside
city limits): _____

City: Oxford

Zip Code: 45056

Date of Farmers Market Event: From: 04/15/2019

To: 12/31/2019

Section B: REAL PROPERTY OWNER ACKNOWLEDGEMENT (Completed by Property Owner)

If liquor permit applicant is owner of real property, mark box ☐, and sign below.

I/We, being the owner of the real property located at the address provided in Section A above, acknowledge that the Organization listed above will hold a special function on the date(s) specified.

X _____

(Signature of Real Property Owner)

(Print Name of Real Property Owner)

(Date)

(Street Address of Real Property Owner)

(City, State, and Zip Code)

(Telephone Number)

Attach Form 1612 (Address Addendum), if any street, alley, or public sidewalk will be closed for this event.

**TO ENSURE THAT THIS APPLICATION IS PROCESSED AS QUICKLY AS POSSIBLE, PLEASE
SUBMIT THE FOLLOWING, ALONG WITH THIS COMPLETED APPLICATION**

- \$100.00 Permit Fee - Check made payable to the Division of Liquor Control.
- Completed and signed Tenancy and Chief Peace Officer Forms, (Pages 2 and 3).
- Completed and signed "Diagram of the Event Premises", and any attachments, (DLC4221).
The permit premises must be clearly defined and sufficiently restricted so that state and local law enforcement officers can determine compliance with all applicable laws.
- If the F-10 permit is issued for all or a portion of the same premises that has another class of permit already issued, the permit holder's privilege will be suspended for the portion of the premises issued for the F-10 permit, (DLC4130).
- If you will have any type of street closures, complete "Address Addendum" (DLC1612).
- No F-10 permit holder shall allow more than four A-2 permit holders, four S permit holders, or a combination of four A-2 permit holders and S permit holders per day to conduct the activities described in division (B) below, on the premises of the applicable farmers market.

(B) The division of liquor control may issue an F-10 permit to a person who organizes a farmers market. Pursuant to the permit, the F-10 permit holder may allow a farmers market participant that is an A-2 permit holder or S permit holder to do the following at the location of the farmers market:

- (1) Sell tasting samples of wine manufactured by the A-2 permit holder or S permit holder for consumption on the premises where the farmers market is located;
- (2) Sell wine manufactured by the A-2 permit holder or S permit holder in sealed containers for consumption off the premises where the farmers market is located.

It is the responsibility of the applicant to notify the chief, sheriff or other principal peace officer of the local law enforcement agencies having jurisdiction over the premises in advance of each event.

Once your application is received, your F-10 application will go into process. A local option check for the sale of wine products will also be conducted.

I certify that the information provided on this form is true, correct, and complete to the best of my knowledge and belief, and that I am at least twenty-one (21) years of age.



(Signature of Applicant)

Larry Slocum

(Please Print Name)

Manager

(Title)

03/04/2019

(Date)

803 Morman Road

(Address)

Hamilton

(City)

OH

(State)

45013

(Zip Code)

(513) 505-5238

(Phone Number)



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DIAGRAM OF PROPOSED PERMIT PREMISES FOR TEMPORARY LIQUOR PERMIT

Every applicant for a temporary liquor permit must submit with the application a diagram of the event premises where alcoholic beverages will be stored, sold and consumed. If the diagram is not included, the application will be returned to the applicant.

FOR EVENTS HELD INDOORS: Diagram must identify the room(s) in which the alcoholic beverages will be sold, stored and consumed.

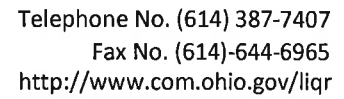
FOR EVENTS HELD ENTIRELY or PARTIALLY OUTDOORS: Diagram must show shape and measured dimensions of the area to be used. Location of barriers must be shown, and an explanation of the type of barriers used (e.g., chain link fence, snow fence, brick wall, rope, etc.) which will separate permit premises from other areas which are not permit premises.

DIAGRAM MUST APPEAR IN THE SPACE BELOW, OR ON AN ATTACHED SHEET

(if submitting diagram on attached sheet, the diagram must be signed by the person who prepared diagram or applicant)

Signature of person who prepared diagram or applicant

Larry Slocum	manager	513-505-5238
Print Name	Title	Phone #





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**MEMORANDUM OF AGREEMENT
BETWEEN TEMPORARY PERMIT HOLDER & RETAIL PERMIT HOLDER**

(To be completed by Retail Permit Holder)

I/We _____
(Name [not DBA Name] Listed on Issued Retail Permit)

issued retail permit holder _____ agree to not utilize our permit
(Issued Liquor Permit #)

privileges at the same time and place where the event listed on page 1 of this application will be held:

From: _____ To: _____
MONTH DAY YEAR MONTH DAY YEAR

(Signature of Individual, Officer, Shareholder, Partner or
LLC member of Issued Permit on Record with the Division
of Liquor Control)

(Title)

(Print Name)

(Day Time Telephone Number)

Mailing Address)

(City)

(State)

(Zip Code)