



Agenda

Oxford City Council

Court House

TUESDAY, APRIL 21, 2020

EXECUTIVE SESSION

No Executive Session. This virtual meeting is being conducted in accordance with Sub. H.B. 197 and the guidelines set forth by the Ohio Department of Health.

To view the meeting, please copy and paste the following link into your web browser: www.cityofoxford.org/youtube

1. Roll Call. Mike Smith, Mayor; William Snavelly, Vice-Mayor; David Prytherch; Jason Bracken; Chantel Raghu; Glenn Ellerbe; Edna Southard

MEETING PROCEDURE: Comments from the Public are welcome at two different times during the course of the meeting: (1) Comments on items not on the Agenda, and Consent Agenda items, will be heard under Public Comments – and (2) Comments on all Resolutions and Ordinances will be heard during Council consideration of said item. Please wait until you are recognized by the Mayor, proceed to the podium, state your name and address so that your comments may be properly recorded and limit your remarks to a period of five minutes or less.

REGULAR MEETING

7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

This facility is wheelchair accessible. If you plan to attend this meeting and you have a disability that requires special arrangements, please notify the City Manager's office 48 hours in advance so that reasonable accommodations can be made.

3. Public Participation.

- A. Proclamation – “Arbor Day” pg6



Proclamation

- B. Public Comments.

The purpose of the Public Comments Section is for members of the Public to speak to the City Council on any subject not scheduled on the Agenda, except Consent Agenda items. City Council values your comments, and Council rules limit public comments to five minutes for each person. Presentations are not to be in the form of public debate, personal attacks on Council, City staff or other members of the public and Council shall not act except to direct the City Manager to take action or schedule the matter for discussion at a later date.

4. Consent Agenda.

- A. Minutes of the April 9, 2020 City Council Virtual Meeting. (Mary Ann Eaton, Clerk of Council) pg7



Minutes

- B. Report regarding the March 10, 2020 Planning Commission Meeting. (Sam Perry, Community Development Director) pg32



Report

- C. Report regarding the March 11, 2020 Historic and Architectural Preservation Commission Meeting. (Sam Perry, Community Development Director) pg33



Report

- D. Report regarding the April 8, 2020 Historic and Architectural Preservation Commission Virtual Meeting. (Sam Perry, Community Development Director) pg34



Report

- E. A Resolution authorizing the sale of salvaged, junk and/or abandoned motor vehicles. (John Jones, Police Chief) pg35



Staff Report/Resolution

5. Resolutions.

1. A Resolution authorizing the release of a public improvement bond in the form of a letter of credit in the amount of \$1,049,981.27 for the Gaslight Avenue at Stewart

Square Planned Development and accepting a new public improvement bond in the form of a letter of credit in the amount of \$161,421.39. (Mike Dreisbach, Service Director) pg40



Staff Report/Resolution

6. Ordinances.

A. First Reading

1. An Ordinance Adopting Oxford Codified Ordinance Chapter 1148 Entitled Landscaping And Tree Preservation. (Sam Perry, Community Development Director) pg42



Staff Report/Ordinance

2. An Ordinance Repealing Oxford Codified Ordinance Sections 1101.4(400) Entitled General Statement, 1101.4(403) Entitled Typical Sections, And 1101.4(410) Entitled Landscape Plan In Chapter 1101 Entitled Subdivision Regulations And Adopting New Oxford Codified Ordinance Sections 1101.4(400) Entitled General Statement, 1101.4(403) Entitled Typical Sections And 1101.4(410) Entitled Landscape Plan In Chapter 1101 Entitled Subdivision Regulations To Be In Compliance With Chapter 1148 Of The Oxford Codified Ordinances Entitled Landscaping And Tree Preservation. (Sam Perry, Community Development Director) pg63



Staff Report/Ordinance

3. An Ordinance Repealing Oxford Codified Ordinance Sections 1143.03 c(13) Entitled Landscaping, 1143.05c(13) Entitled Landscaping, And 1143.07(d)(13) Entitled Landscaping In Chapter 1143 Entitled Districts And Adopting New Oxford Codified Ordinance Sections 1143.03c(13) Entitled Landscaping, 1143.05c(13) Entitled Landscaping, And 1143.07(d)(13) Entitled Landscaping In Chapter 1143 Entitled Districts To Be In Compliance With Chapter 1148 Of The Oxford Codified Ordinances Entitled Landscaping And Tree Preservation. (Sam Perry, Community Development Director) pg66



Staff Report/Ordinance

4. An Ordinance Repealing Oxford Codified Ordinance Sections 1143.12(d)(2) Entitled Landscaping And 1143.16(d) Entitled Supplementary Regulations In Chapter 1143 Entitled Districts And Adopting New Oxford Codified Ordinance Sections 1143.12(d) (2) Entitled Landscaping And 1143.16(d) Entitled Supplementary Regulations In Chapter 1143 Entitled Districts To Be In Compliance With Chapter 1148 Of The Codified Ordinances Entitled Landscaping And Tree Preservation. (Sam Perry, Community Development Director) pg68



Staff Report/Ordinance

5. An Ordinance Repealing Oxford Codified Ordinance Sections 1145.01(a) Entitled Purpose, 1145.05(a) Entitled Preliminary Plan, And 1145.06(b) Entitled General Decision Standards In Chapter 1145 Entitled Planned Developments And Adopting New Oxford Codified Ordinance Sections 1145.01(a) Entitled Purpose, 1145.05(a) Entitled Preliminary Plan, And 1145.06(b) Entitled General Decision Standards In

Chapter 1145 Entitled Planned Developments To Be In Compliance With Chapter 1148 Of The Oxford Codified Ordinances Entitled Landscaping And Tree Preservation. (Sam Perry, Community Development Director) pg71



Staff Report/Ordinance

6.An Ordinance Repealing Oxford Codified Ordinance Sections 1147.02(a)(1) Entitled Contents Of Application For Conditional Use Permit and 1147.02c(2) Entitled General Decision Standards In Chapter 1147 Entitled Conditional Uses And Adopting New Oxford Codified Ordinance Sections 1147.02(a)(1) Entitled Contents Of Application For Conditional Use Permit And 1147.02c(2) Entitled General Decision Standards To Be In Compliance With Chapter 1148Of The Oxford Codified Ordinances Entitled Landscaping And Tree Preservation. (Sam Perry, Community Development Director) pg76



Staff Report/Ordinance

7.An Ordinance Repealing Oxford Codified Ordinance Section 1149.05(e)(6) Entitled Landscaping In Chapter 1149 Entitled Parking And Site Access And Adopting New Oxford Codified Ordinance Section 1149.05(e)(6) Entitled Landscaping In Chapter 1149 Entitled Parking And Site Access To Be In Compliance With Chapter 1148 Of The Oxford Codified Ordinances Entitled Landscaping And Tree Preservation. (Sam Perry, Community Development Director) pg80



Staff Report/Ordinance

8.An Ordinance Adopting Additional Exhibits Into Attachment H Entitled Typical Section Drawings In Part Eleven, Title One Of The Oxford Codified Ordinances To Be In Compliance With Chapter 1148 Of The Oxford Codified Ordinances Entitled Landscaping And Tree Preservation. (Sam Perry, Community Development Director) pg82



Ordinance

9.An Ordinance Accepting The Recommendation Of The Planning Commission And Approving The Final Planned Development Application For South Farm Section IV With Conditions. (Sam Perry, Community Development Director) pg86



Staff Report/Ordinance

10.An Ordinance Vacating Right-Of-Way Associated With Roberts Drive And Hoover Drive As Was Previously Dedicated By O.R. 7959 Pg. 1551, Replat For South Farm Section 2 & 2A. (Sam Perry, Community Development Director) pg178



Staff Report/Ordinance

11.An Ordinance Approving The Final Subdivision Application For South Farm Section IV With Conditions. (Sam Perry, Community Development Director) pg181



Staff Report/Ordinance

B. Second Reading – None.

7. A. Announcements & Communications.

1. Remarks from City Council and City Staff. The comments expressed by individual members of Council or City staff during this portion of a City Council meeting do not necessarily reflect the views of the City of Oxford, The Oxford City Council, or the City staff.

B. Future Meetings. (Note: Meetings will be held at the Court House unless otherwise indicated.)

FRI - Apr 24 Community Improvement Corporation Virtual Meeting 1:30 p.m.

TUES – May 5 City Council Meeting 7:30 p.m.

WED - May 6 Environmental Commission Meeting 7:00 p.m.

TUES – May 12 Planning Commission Meeting 7:00 p.m.

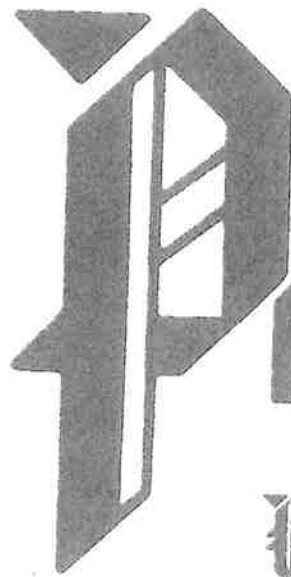
WED - May 13 Historic and Architectural Preservation Commission Meeting 6:15 p.m.

THUR –May 14 Recreation Board Meeting 11:30 a.m.

MON - May 18 Housing Advisory Commission Meeting 1:30 p.m.

WED - May 20 Board of Zoning Appeals Meeting 6:30 p.m.

8. Adjourn.



Office of the Mayor

Proclamation

Whereas:

in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than one million trees in Nebraska; and

WHEREAS, trees can produce oxygen, provide habitat for wildlife, reduce the erosion of our precious top-soil by wind and water, cut heating and cooling costs, moderate the temperatures, clean the air, and help to absorb rainwater and slow the velocity of storm water runoff; and

WHEREAS, trees are a resource providing us with wood for our homes, fuel for our fires, paper, and countless other wood products; and

WHEREAS, associated with the management of the approximately 3,430 street, park, and public trees in the community, the City of Oxford has fulfilled the national Arbor Day Foundation's requirements for "Tree City USA" for twenty-four consecutive years.

NOW, THEREFORE, I, Michael Smith, Mayor of the City of Oxford, Ohio, Tree City USA, do hereby proclaim that on April 24, 2020, the last Friday of the month, the City of Oxford will recognize and participate in the national and international celebration of:

"ARBOR DAY"

I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 21st day of April, 2020.


MICHAEL SMITH, MAYOR



A virtual meeting of the Oxford City Council was called to order by Mayor Mike Smith on Thursday, April 9, 2020 at 7:30 p.m. The members participating were Jason Bracken, Glenn Ellerbe, David Prytherch, Chantel Raghu, William Snavelly and Edna Southard.

Staff members participating were: Mr. Doug Elliott, City Manager; Ms. Jessica Greene, Assistant City Manager and Mr. Chris Conard, Law Director.

PLEDGE OF ALLEGIANCE

Mayor Smith requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Snavelly moved to approve the agenda. Ms. Southard seconded. The motion passed by the following roll call:

AYE: Mr. Bracken, Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Ms. Southard, Mr. Snavelly
Mayor Smith (7)

NAY: None (0)

ABS: None (0)

PUBLIC PARTICIPATION

PROCLAMATION **"CREATIVITY CITY"**

Mayor Smith read the Proclamation noting it would be forwarded to staff members at Miami University.

PUBLIC COMMENTS

The following e-comments were received prior to the meeting:

Saturday, April 4, 2020 - 5:45pm:

- **Name:** TaraShea Nesbit
- **Address:** 6072 Contreras Rd., Oxford, OH 45056
- **Email Address:** tarasheanesbit@gmail.com
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** face to face meetings
- **Comments:**

Given the knowledge that covid droplets can linger in air for thirty minutes and lots of new research on the highly contagious nature of this virus, I am writing to very strongly recommend this meeting, and future meetings, are not held face to face.

We particularly need our community leaders alive and well during a pandemic, and 10 people in a room, without N95 face masks and goggles, is risking their lives. We need you, stay home and stay safe, please!

Monday, April 6, 2020 - 9:33am:

- **Name:** Calvin Conrad
- **Address:** 5226 Westgate Dr
- **Email Address:** calconrad@aol.com
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** general
- **Comments:**

I fail to understand why the rental property owners, primarily in the mile square, are unwilling to clean up their properties. Most surely we have laws on our books that require those property owners to clean up even if their renters do not.

CONSENT AGENDA

Minutes of the March 17, 2020 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Report regarding the March 12, Recreation Board Meeting. (Casey Wooddell, Parks and Recreation Director)

Mr. Snavelly moved to approve the consent agenda. Mr. Ellerbe seconded. The motion passed by the following roll call:

AYE: Mr. Bracken, Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Ms. Southard, Mr. Snavelly, Mayor Smith (7)

NAY: None (0)

ABS: None (0)

RESOLUTIONS

RESOLUTION

EVICITION PROCEEDINGS

A Resolution No. 7177 encouraging the Area I Court of Butler County to immediately suspend or delay for at least sixty (60) days after the Stay at Home Order is vacated, all evictions that occur due to economic hardship caused by the coronavirus pandemic. (Councilors: Bracken, Raghu and Snavelly)

Mr. Elliott advised the proposed Resolution encourages Area I Court to suspend or delay all court actions for at least 60 days after the Stay at Home Order is vacated all evictions. Mr. Elliott noted the Resolution was requested by Councilors Bracken, Raghu and Snavelly.

Mr. Elliott advised he has been in communication with Area I Court and noted there are 4 eviction cases in Oxford pending since the Governor declared a State of Emergency on March 9, 2020. Mr. Elliott noted none of the eviction hearings will be scheduled until after May 31, 2020. Mr. Elliott recommended passage of the proposed Resolution.

Mayor Smith advised Councilors received e-comments on the proposed Resolution which will be included in the meeting minutes.

(Public comments regarding the proposed Resolution are included in the minutes as Exhibit "A" beginning on page 15)

Ms. Raghu advised she was happy the court has decided to put a stay on evictions until May 31 noting she felt the question was what would happen after May 31 since rent will be due. Ms. Raghu advised Council's colleagues and the federal government were working on trying to get rent forgiveness and mortgage suspensions since we know when something goes into forbearance we are looking at mortgages with all of the money due at once. Ms. Raghu noted this could be a hassle for people out of work. Ms. Raghu advised she felt right now we were keeping people safe, in their homes and able to shelter in place for the sake of public safety and morality. Ms. Raghu noted she felt Council should consider what is going to happen after May 31 and inquired what Council's plan would be when people are situationally homeless. Ms. Raghu advised she felt Council needs to think about what moratoriums they will initiate once the emergency is over so people will not all of a sudden be evicted. Ms. Raghu noted Council should think about neighborhood preservation as she felt many people would begin buying property that other people can no longer afford. Ms. Raghu advised she looked forward to seeing how Council could be creative and try to anticipate what problems would come from the pandemic and how Council would respond to them.

Mr. Prytherch inquired what the practical implication was of Council sending a Resolution encouraging a county court to suspend evictions. Mr. Prytherch asked Mr. Conard to speak to what legal basis Council has to do so and what practical implication this Resolution is likely to have. Mr. Conard advised the Resolution was simply a statement of the will of Council. Mr. Conard noted the power to put a moratorium in place on evictions would have to come from the Supreme Court or the Ohio Legislature. Mr. Prytherch advised he agreed with the spirit of the proposed Resolution noting his hope Council was clear about what they are actually doing. Mr. Prytherch advised Council adopts Resolutions urging the legislature in Columbus to do certain things and it may or may not have practical influence on what the legislature does. Mr. Prytherch noted he wanted the public to understand Council was not directly influencing or changing eviction policies, they were just asking the courts to do so. Mr. Conard advised that was correct, as Council did not have the power to mandate.

Mr. Ellerbe noted he wanted to make sure Council was very specific regarding economic impact. Mr. Ellerbe advised based on research he has done the reason the eviction policies are in place the way they currently are in Butler County is because there are emergency evictions for items that are not financially related.

Mr. Ellerbe noted now that everyone is forced to stay at home there are real and present dangers regarding individuals in abusive households since there is no option to go to school or to work. Mr. Ellerbe advised the abuse can get bad enough to require an emergency eviction. Mr. Ellerbe noted he wanted to make sure Council does not use a broad based moratorium in any Resolutions they choose to pass.

Ms. Raghu noted the Resolution states it is for evictions occurring due to economic hardship cause by the coronavirus pandemic.

Mayor Smith advised he was sending a plea to landlords to continue to work with their tenants during this time. Mayor Smith noted he was only hearing good things at this point and advised he felt property owners want to keep their tenants at all levels, commercial and residential.

Mr. Snavelly moved to adopt Resolution No. 7177. Ms. Southard seconded. The Resolution was adopted by the following roll call:

AYE: Mr. Bracken, Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Ms. Southard, Mr. Snavelly, Mayor Smith (7)

NAY: None (0)

ABS: None (0)

RESOLUTION **RLF RULES & PROCUDURES**

A Resolution No. 7178 repealing the City of Oxford's Revolving Loan Fund Rules and Procedures and adopting new City of Oxford Revolving Loan Fund Rules and Procedures. (Doug Elliott, City Manager)

Mr. Elliott read his staff report into the record as follows:

“ The current Revolving Loan Fund (RLF) Rules and Procedures were amended by Resolution of City Council on May 5, 2009. The current Rules and Procedures only provide funding for the creation of new jobs for low to moderate income persons. The HUD eligible activities also includes the retention of jobs for low and moderate-income persons. I am recommending that the rules be revised to include the retention of jobs during an Emergency Declaration by the Governor of Ohio or the City Manager. The current fund balance of the RLF is \$550,000. The City through the CIC can provide loan assistance for the retention of jobs for low and moderate-income income persons working for our small businesses during this health and economic crisis.” Mr. Elliott recommended adoption of the legislation to amend the Oxford RLF Rules and Procedures.

Mr. Elliott read a public e-comment received this evening from Hueston Kyger of 17 Jeffrey Drive as follows:

“The revolving fund has been a successful program in Oxford. This is due, in part, to the stringent rules put in place to make sure that the projects for which the funds are being used are strong business plans and things Oxford desires. I hope that giving the City Manager’s Office ‘carte blanche’ on the use of the funds does not deplete the accounts to where it can no longer help future projects. I understand that this Covid-19 employment situation is real, I am living it everyday. I want to help those in need, but I also want to be able to help local entrepreneurs open business far into the future. I hope that some guidance is given to how these funds can be used and hope that the fund will be replenished in the coming year or two.”

Mayor Smith advised the proposed Resolution loosens the rules on the RLF noting they were a little more stringent as to what the fund could be used for. Mayor Smith advised there was quite a bit of money in the fund and he felt if it could be made available to help some businesses keep going Council could make it available.

Mr. Snavelly advised Council needed to do whatever they could to support the local citizens noting he felt both Resolutions on the agenda this evening did that. Mr. Snavelly advised these were extraordinary times and he felt Council needed to do whatever they can to support local business. Mr. Snavelly noted the Resolution Council passed at the last meeting was about helping local business and he felt Council should continue to do that.

Mr. Ellerbe advised the Revolving Loan Fund was for the attraction, creation and retention of local businesses in Oxford. Mr. Ellerbe noted this adjustment was for the retention of those local businesses in Oxford and advised Council valued the local businesses and wanted to make sure they stay through these unprecedented times, which was the reason for the proposed amendment. Mr. Ellerbe noted after this extraordinary circumstance has passed Council can re-adjust the rules to the original language.

Mr. Prytherch commended the City Manager, staff and others for looking at the RLF Rules and Procedures noting the fund contained a fairly significant pool of money that often goes underutilized. Mr. Prytherch advised now was a time when it was nice to have it and he felt this was a good way to go since it is within the broad spectrum of what revolving loan funds are used for in other places. Mr. Prytherch noted people will still have to go through a loan application process which will be reviewed by the RLF Loan Committee. Mr. Prytherch advised there were still rules even if they were loosened as far as the use of the RLF. Mr. Elliott noted that was correct and advised the biggest change is that before we only focused on the creation of new jobs and this will allow us to also retain existing jobs. Mr. Prytherch advised he did not know how long the Governor’s Declaration was going to last and it could be that people need a loan as a result of the Emergency Declaration. Mr. Prytherch inquired what would happen if people requested assistance after the Emergency Declaration is vacated. Mr. Elliott advised staff may come back to Council with a recommendation to extend it for an additional period of time.

Mr. Snavelly moved to adopt Resolution No. 7178. Mr. Ellerbe seconded. The Resolution was adopted by the following roll call:

AYE: Mr. Bracken, Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Ms. Southard, Mr. Snavelly
Mayor Smith (7)

NAY: None (0)

ABS: None (0)

ORDINANCES
FIRST READING

ORDINANCE
STIMULUS PROGRAM

An Ordinance No. 3555 Creating The Oxford Small Business Stimulus Program And Declaring An Emergency. (Doug Elliott, City Manager)

Mr. Elliott advised in the current health crisis the City of Oxford's small business community is struggling to survive noting he has spoken to several owners who have either closed or greatly reduced operations. Mr. Elliott advised the small business community employs many full and part time employees who have been laid off or had their hours reduced significantly. Mr. Elliott noted the small businesses together are likely the City's largest employer after Miami University and are a vital part of our small college community. Mr. Elliott advised for all of these reasons and more he was proposing that Council consider adopting a Local Oxford Small Business Stimulus Program. Mr. Elliott noted the CIC reviewed the proposal last week and unanimously voted to support it. Mr. Elliott reminded Council that the emergency legislation will require 6 votes of Council for adoption and it will become effective immediately.

Ms. Greene discussed a Gift Card Grant Program PowerPoint as follows:

The Process: The City will donate \$200,000 to the CIC Board. The CIC Board will send out applications to all businesses in the City of Oxford to request gift card purchases. The CIC Board will review the applications and determine who to purchase gift cards from. Their Board of Directors will have full authority to implement the program. The CIC Board will purchase the gift cards and set up an e-commerce website to then sell these gift cards to the general public. Gift cards cannot be used until after August 1, 2020 when the student population returns.

Administrative Process: the CIC will operate the program, they will set up an e-commerce website to resell the gift cards and deliver them. Several community partners will help promote the sale of gift cards including Enjoy Oxford, the Chamber, the City and others. Sales of gift cards will refurbish this account at CIC for future economic stimulus efforts.

Eligibility: Brick and mortar businesses located within the City limits of Oxford, Ohio. The program is aimed at the for-profit businesses impacted by the COVID-19 pandemic including restaurants/bars, salons/barber shops, retail shops, and service industry. Preference will be given to locally owned businesses. Funds are primarily to be used for payroll purposes to keep people employed. Applicant must be the owner of the business. Business must be currently active, lawful, and have all necessary and required licenses. Businesses must have less than 50 employees on payroll. The business cannot be a direct sale company.

Application Process: This will be an online process. All eligible businesses invited to apply. After review and approval by full CIC Board, the CIC can begin to purchase gift cards.

Risks and Challenges: This program has administrative costs however, if successful, can rebuild the CIC Economic Stimulus Fund. Determining exactly how to re-sell the gift cards and how to administer it is the biggest challenge of this proposal. Not all gift cards may be re-sold back to the public or a business may close and gift cards become invalid.

Ms. Ann Kamphaus, thanked staff for the proposal noting she talked to other restaurant and bar owners and everyone thought this was very fair and something that was well thought out. Ms. Kamphaus advised everyone was ready and willing to apply and participate in the program. Ms. Kamphaus noted she did not know if we needed to wait until August to roll out the program. Ms. Greene clarified the gift cards would be purchased right away from businesses for an immediate impact noting some of the businesses commented while the students were gone they were not sure they wanted the gift cards to be redeemed. Ms. Greene advised the thought was to buy them right now, sit on them for a while, and then have businesses start to accept them to be redeemed once the students have returned. Ms. Greene noted she was happy to amend that as it was some initial feedback received. Ms. Kamphaus noted there were some students in town and other people who she felt would use them right now.

Mr. Snavely advised he felt waiting until August 1 was a good idea because as the businesses open they would rather have people come in and make original purchases at that time and not have the gift cards take away from the income they will need to get started up. Mr. Snavely noted he was not in favor of removing the August 1 deadline.

Ms. Raghu asked Ms. Kamphaus if she felt other business owners she spoke with had hesitations about the August 1 date. Ms. Kamphaus noted she was trying to understand the logic of it and advised Ms. Greene clarified her questions.

Ms. Southard noted she has heard from citizens that they are going to receive \$1,200 per person from the government and some have said they do not need the money and would like to find a way to use that money and inquired where they could donate it. Ms. Southard advised she felt this program was a way to keep Oxford vibrant. Ms. Southard noted people were happy with that idea as a way to invest the money they will be receiving from the government due to the coronavirus. Ms. Southard advised she felt establishing this program now, letting people have a chance to receive those checks and then think about investing them in the community is a great way to go.

Ms. Southard noted there were also charitable organizations including the food pantry, SELF, the Family Resource Center and number of other ones although investing in the community is another way to donate. Ms. Southard advised she felt passing this now and publicizing it will create a positive response from the community.

Mr. Ellerbe inquired if the purchase of the gift cards from the City or its related business entity count as a charitable deduction. Ms. Greene advised this would not be a charitable contribution because the gift cards will be purchased (a good) and then re-sold and those buyers will also receive a good.

Mr. Prytherch thanked Mr. Elliott and Ms. Greene noting they acted quickly. Mr. Prytherch thanked the City of Hamilton and advised he felt this was an ingenious idea. Mr. Prytherch noted this was a piece of the puzzle which was not charitable work and advised he felt Council needed to think about how to support the Community Foundation and the non-profits.

Mr. Prytherch noted this was a small business stimulus which will inject the money and later the costs in terms of the goods will have to go back out again. Mr. Prytherch advised if the cards are redeemed in August when people are moving onto campus it will replenish that fund. Mr. Prytherch noted these are taxpayer dollars which ideally should come back into the CIC fund. Mr. Prytherch noted local small businesses should apply and the CIC will decide how to distribute the money fairly. Mr. Prytherch advised this should not prohibit us as individuals from buying gift cards from local businesses and should not be a substitute for what individuals might want to do anyway. Mr. Prytherch noted he felt this was an innovative program and advised he hoped people would apply and that it makes a difference for them. Mr. Prytherch noted he appreciates how the local businesses have tried to stay open and have tried to employ people under difficult circumstances and advised the longer people can do that the better it is for everyone.

Ms. Raghu referred to the application that will be sent to all businesses in Oxford to request gift card purchases and noted her hope the list of businesses was a comprehensive list so everyone is mailed an application. Ms. Greene advised staff spent a week looking at utility bills for all of the businesses and for each one that had an email address associated with it. Ms. Greene advised the City now has a fairly comprehensive email list for every business in the community. Ms. Greene noted staff will mail a paper invitation to the individuals that do not have an email address listed on the utility bill. Ms. Raghu advised English was not the native language for some of the business owners noting Fiesta Charra had some questions about the program, as did Dim Sum and some others. Ms. Raghu inquired how we would try to overcome those language barriers so everyone can be included. Ms. Greene advised she had been walking around speaking with business owners and has made a special point of visiting a lot of the Asian businesses as well to make sure they would watch for the application. Ms. Greene noted staff could explore trying to get the information translated although she would need some assistance with how to do that. Ms. Greene advised she and John Buchholz were making a large effort to visit everyone who might not hear about the program quickly or easily. Ms. Raghu inquired what the definition of "locally owned business" was and inquired if the owner had to live in the City of Oxford. Ms. Greene advised she believed the owners should be a resident of Oxford, Ohio. Ms. Greene noted it would be up to the CIC Board to decide those rules and rubrics.

Ms. Greene advised Mr. Ellerbe and Mr. Prytherch were both on the CIC Board and noted they are both on the committee that will review the applications. Ms. Raghu advised she wanted to make sure this was equitable for everyone and that there is nothing discriminatory about who is considered eligible or not eligible. Ms. Raghu noted her hope we can do our best to make sure that does not happen and that we try to be as inclusive as possible. Ms. Greene advised staff shared those values as well.

Mr. Bracken advised he supported the program and felt it was a great idea noting economically it made a ton of sense. Mr. Bracken noted he felt the program was sort of a top-down look and inquired if Council wanted to also look for a bottom-up approach. Mr. Bracken advised Council might want to consider taking a small percentage of the gift cards purchased for distribution to local charities so the charities could potentially use them in the immediate future. Mr. Bracken suggested as an insurance policy, that a portion of the gift card value could be accepted at other businesses in the event the original business went out of business.

Mr. Elliott referred to the “insurance policy” comment and noted staff realized there were risks and advised the CIC might have to refund money to a citizen who could not use a gift card at a particular business because it went out of business. Mr. Elliott shared that the City anticipates receiving additional CDBG funds noting an estimate was approximately \$80,000 through the two trillion dollar stimulus program. Mr. Elliott suggested using that money to assist the social service agencies. Mr. Elliott advised the Community Foundation has also set-up a special fund to receive donations. Mr. Elliott noted the Lions Club is purchasing gift cards from LaRosas as a way to assist them since they usually meet there. Mr. Elliott advised he was impressed with the community, the State of Ohio and with all of the good things happening throughout the country. Mr. Elliott noted he felt Mr. Bracken had a very good idea and he would like to hear from the rest of Council.

Mr. Prytherch noted this was not an omnibus program and advised he felt Council needed to provide the small business stimulus as well as think about the charitable side as a separate issue. Mr. Prytherch noted his hope the business community can help figure out how to redeem, sell and market the gift cards. Mr. Prytherch advised he hoped the business partners were going to help replenish the fund later noting some places sell gift cards for \$20 for \$25 in value on the business side. Mr. Prytherch noted his hope in a partnership that the businesses in August can help replenish the fund when better times come.

Mr. Snavelly advised he supported Mr. Bracken’s comments as far as seeing what Council can do to support the community and especially people who are financially hurting more than others. Mr. Snavelly noted he felt Mr. Elliott’s idea of using the CDBG funds or whatever comes from the federal government for the stimulus package in that way is a good idea. Mr. Snavelly advised he felt the gift cards should be used as much as possible to replenish the fund.

Ms. Southard clarified that the Oxford Community Foundation is an avenue for making tax-deductible contributions to all kinds of organizations, the food pantry and many others.

Ms. Raghu advised she supported Mr. Bracken’s notion and agreed with Mr. Elliott’s comment as long as we truly do it in the future. Ms. Raghu referred to Mr. Bracken’s comment regarding a “bottom up approach” noting she felt the comment was accurate.

Ms. Raghu advised she felt this was not a charity anymore since people are being forced to stay in their homes. Ms. Raghu advised she looked forward to Council making sure they are helping everyone whether they are big or small working from the bottom up.

Mr. Ellerbe concurred with Mr. Bracken's proposal noting he believed these are two separate yet parallel initiatives. Mr. Ellerbe advised he agreed that as soon as the City receives the CDBG funding Council should immediately move forward with that proposal. Mr. Ellerbe noted the proposal before Council should also be moved forward so Council can get one of the streams working as soon as possible.

Mr. Bracken inquired if staff had an estimate of when the CDBG funds would be coming and how it looks in terms of need, when it will be available and whether that was the right time for it.

Mr. Elliott advised as soon as staff finds out from Butler County when to expect the funds Council will be notified.

Mr. Elliott noted Mr. Perry has been in contact with many of the social service agencies. Mr. Perry advised he has checked with the agencies a couple of times per week and he was not aware of any shortages so far regarding labor or funds.

Ms. Raghu inquired if the Family Resource Center can assist with the 4 eviction cases in Oxford. Mr. Perry advised he did not know if the 4 cases were caused by the current crisis or by something else.

Mr. Snavely called the question. Mr. Ellerbe seconded.

Mr. Ellerbe moved to adopt Ordinance No. 3555. Ms. Southard seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Bracken, Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Ms. Southard, Mr. Snavely
Mayor Smith (7)

NAY: None (0)

ABS: None (0)

Mayor Smith reminded everyone the Ordinance was adopted as an emergency and it will go into effect immediately. Mayor Smith advised he wanted to leave on Council's radar for the next meeting a continued discussion about the City's non-profits.

ORDINANCE **CREATING A NEW FUND**

An Ordinance No. 3556 Approving The Creation Of A New Fund For The 2020 Operating Budget To Provide For A Grant To The Oxford Community Improvement Corporation And To Account For A Small Business Loan Program And Declaring An Emergency. (Joe Newlin, Finance Director)

Mr. Elliott advised the proposed Ordinance would authorize the Finance Director to create a special revenue fund for small business loans. Mr. Elliott noted the proposed Ordinance would allow the City to make the distribution of \$200,000 to the CIC. Mr. Elliott advised it will also allow the City to account for the money spent to purchase gift cards and when the money comes back to create an ongoing revolving loan fund. Mr. Elliott recommended approval of the Ordinance as an emergency.

Mayor Smith reiterated the proposed Ordinance establishes a fund to place the \$200,000 in so it can be sent to the CIC.

Mr. Snavely moved to adopt Ordinance No. 3556. Mr. Ellerbe seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Bracken, Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Ms. Southard, Mr. Snavely
Mayor Smith (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
SECOND READING
SUPPLEMENTAL BUDGET

An Ordinance No. 3557 Amending Ordinance No. 3538. Supplemental Budget Ordinance Number 3 To Make Supplemental Appropriations For Fiscal Year 2020. (Joe Newlin, Finance Director)

Mr. Elliott advised the proposed Supplemental Budget would make an adjustment of \$13,900 for additional temporary MIS services, an adjustment of \$8,385 to budgeted revenue for a Bureau of Workers Compensation grant and an adjustment of \$200,000 to make the transfer to the CIC from the General Fund. Mr. Elliott recommended approval of the proposed Ordinance.

Mr. Snavely moved to adopt Ordinance No. 3556. Ms. Southard seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Bracken, Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Ms. Southard, Mr. Snavely
Mayor Smith (7)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS & COMMUNICATIONS

Mr. Elliott commended City staff noting they were working under very unusual circumstances and doing an excellent job. Mr. Elliott advised the City was continuing to provide all of its essential services and making adjustments along the way due to changes in federal regulations that affect City operations and the entire community. Mr. Elliott thanked everyone publically for the outstanding work they were doing for the City noting they were just as anxious as anybody in this situation of possibly contracting the virus. Mr. Elliott advised City staff was practicing safe physical distancing and hygiene and still getting the job done. Mr. Elliott noted a number of employees were working from home and thanked them for their efforts. Mr. Elliott advised City buildings would remain closed to the public through April 30 although the Police lobby would remain open.

Mr. Elliott reminded everyone to participate in the 2020 Census.

Ms. Raghu advised a notice was sent across the State of Ohio this week for veterinarians to sign up for the hospital surge and noted if everyone does not stay at home they might have a veterinarian taking care of them in the hospital.

Ms. Raghu referred to the Federal Stimulus Plan and things the state was doing and advised everything looks so good on paper. Ms. Raghu noted she felt it was important for Council to look for where the gaps are and which people and businesses are falling through the cracks. Ms. Raghu advised it was an ongoing process for Council to make sure they were trying to take care of everyone and not just say the state or federal government will do it. Ms. Raghu noted many people will not receive the \$1,200 stimulus check as they are exempt from it and they desperately need it.

Mr. Ellerbe commended the City of Oxford and staff noting they have done some monumental things including the coordination of tonight's virtual meeting. Mr. Ellerbe advised it went from business as usual to completely changing the way many things are done and he felt staff has handled it all in stride.

Mr. Ellerbe encouraged citizens of Oxford to be considerate of each other noting people should stay home unless they have business that requires them to be outside of the home. Mr. Ellerbe stated if citizens do have business that requires them to be out in public to be considerate of the individuals that are helping them. Mr. Ellerbe advised he has heard far too many stories about individuals who are yelling at workers because of things that are out of the worker's control. Mr. Ellerbe noted individuals are risking their lives to serve others and encouraged everyone to be considerate of that. Mr. Ellerbe reminded everyone to wash their hands and face and clothes to be considerate of themselves and maintain their own personal health noting he wanted everyone to stay as healthy as possible.

Mr. Snively echoed comments made by Mr. Ellerbe and Ms. Raghu noting he felt the City Manager and staff have been doing a fabulous job and he really appreciates them. Mr. Snively advised staff comes in under very difficult situations noting his hope the citizens of Oxford will appreciate them and cut them a little slack here and there as they go about doing their business and staying healthy.

Mr. Snavelly noted by and large he was very proud of the community and advised people are abiding by the rules by and large as far as he has noticed. Mr. Snavelly advised people were walking probably more than they have ever walked before on the sidewalks while keeping social distance. Mr. Snavelly noted people in his neighborhood were talking to one another from across the street and advised he felt if everyone plays their part we will get through this. Mr. Snavelly noted the situation was not horrible in Oxford right now and advised he would like to keep it that way. Mr. Snavelly again thanked City staff noting he was always so proud of the people who work for the City of Oxford and he was very proud to live in the City of Oxford with wonderful citizens and community members. Mr. Snavelly encouraged everyone to stay healthy.

Ms. Southard noted she endorsed the other Councilors comments and added she felt everyone was doing everything they could to help each other, which she felt was very heartening. Ms. Southard advised an email went out in her neighborhood asking everyone to exchange emails and phone numbers and they soon had a list of approximately 40 people in the area so if someone needs help they can call someone, which she felt was great. Ms. Southard noted through the list people are sharing resources such as materials to sew facemasks. Ms. Southard advised to cheer-up the children in her area neighbors are participating in the "Bear Hugs" program noting soon there were 56 teddy bears on people's porches for the children to count which she felt was amazing. Ms. Southard referred to people in the area who have gotten sick noting her hope those people will be able to recover and that the healthy people will stay healthy. Ms. Southard advised she was grateful to the City not only for what has been done but for pulling together virtual meetings noting she felt it was very important. Ms. Southard noted the only complaints she has received involves college aged people in town having parties and advised she knew OPD has been dealing with that and have done a good job although it was a perpetual problem. Ms. Southard encouraged citizens to let OPD know where these parties are a problem. Ms. Southard noted the people attending the parties should be reminded it is not safe to do and that they should be careful.

Mr. Bracken noted everyone had already said what he intended to say. Mr. Bracken thanked staff and the service providers for everything they do. Mr. Bracken encouraged everyone to be compassionate, considerate, to stay safe, and to look out for each other.

Mr. Prytherch noted Oxford is always a wonderful community and has proven itself to be a really wonderful community. Mr. Prytherch advised he felt the City was doing a phenomenal job and thanked everyone from his neighbors who sewed him a mask to the first responders who put themselves at risk, and to employers who are paying people to make food to keep our economy going. Mr. Prytherch expressed his hope the community maintains this attitude for the long haul. Mr. Prytherch advised he felt tonight was just a down payment on a lot of the work that will need to be done in the future to deal with this crisis while hopefully moving forward on some of the things Council has been talking about for a long time. Mr. Prytherch noted he was proud to be part of Oxford during these times especially.

Mayor Smith advised some concern was expressed to him yesterday when the City Council Meeting was abruptly moved from in-person to online that maybe one of the Councilors were ill noting that was not the case. Mayor Smith advised he and the City Manager were thinking more about getting things accomplished and not thinking enough about the personal safety of everyone and about setting a good example. Mayor Smith noted that was the reason for moving to an online meeting.

Mayor Smith thanked everyone who were sewing surgical masks noting he would love to know what Oxford's output was and advised he imagined it was in the thousands. Mayor Smith thanked everyone including Council members who are delivering groceries and medicines to vulnerable residents. Mayor Smith thanked the amazing staff at McCullough Hyde/TriHealth Hospital for everything they are doing. Mayor Smith thanked Jessica Greene and Andrew Wilson for getting everything up and online for the meeting this evening noting he felt it has gone exceedingly well. Mayor Smith advised he knew everyone was feeling a bit out of sorts and lost in routines noting he needed everyone to keep doing what they are doing as it was having an effect. Mayor Smith stated we will get through this and we will figure it out.

Mr. Elliott noted he failed to mention the City received 30 e-comments in favor of the Resolution dealing with evictions, which will become part of the record.

Mayor Smith referred to the Oxford Community Foundation's COVID-19 Fund noting it was going specifically to all of the non-profits in the area. Mayor Smith encouraged those looking for a place to make a donation to go to the Community Foundation's website and they will gladly accept donations.

Mayor Smith encouraged everyone to stay safe and to make good choices.

ADJOURN

Mr. Ellerbe moved to adjourn at 8:49 p.m. Mr. Snavelly seconded. The motion passed by the following roll call:

AYE: Mr. Bracken, Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Ms. Southard, Mr. Snavelly
Mayor Smith (7)

NAY: None (0)

ABS: None (0)

Exhibit "A"

Public e-comments in regard to the Resolution encouraging the Area I Court of Butler County to immediately suspend or delay for at least sixty (60) days after the Stay at Home Order is vacated, all evictions that occur due to economic hardship caused by the coronavirus pandemic.

Comments submitted on Monday, April 6, 2020 - 5:15pm:

- **Name:** Charlotte C Bruhn
- **Address:** 51 Scarlet Oak Cir
- **Email Address:** bruhnc@hotmail.com
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** Eviction notices
- **Comments:**

Evicting tenants at this difficult time is wrong and it places those tenants in a dangerous situation where they may not have a place to shelter in place safely.

- **Position:** Support
- **Monday, April 6, 2020 - 2:55pm:**
- **Name:** Sabrina Jewell
- **Address:** Oxford Seniors
- **Email Address:** sjewell@oxfordsenior.org
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** Resolution regarding suspending evictions during pandemic
- **Comments:**

Hello, as an advocate for seniors, people with low income, and those marginalized, I implore you, our elected officials to call on our county court to follow the Ohio Supreme Court's recommendation to stop evicting residents during this pandemic. Everyone, regardless of race, income or religious faith have been affected by the pandemic. Please let's help alleviate homelessness in our community. Thank you.

- **Position:** Support

Monday, April 6, 2020 - 9:45am:

- **Name:** Bonnie Piper
- **Address:** 5185 Westgate dr Oxford Ohio 45056
- **Email Address:** skyyblualways@aol.com
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** Evictions /freeze rent
- **Comments:** Freeze rent

- Sunday, April 5, 2020 - 8:45pm:
- **Name:** Barbara Eshbaugh
- **Address:** 209 McKee Ave
- **Email Address:** barbara_eshbaugh@hotmail.com
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** housing evictions
- **Comments:**

It seems this is the time to be compassionate and understanding as we all work through this difficult pandemic. How can landlords evict anyone during this crisis...awful.

Sunday, April 5, 2020 - 7:44pm:

- **Name:** Emilie Ratterman
- **Address:** 6230 Fairfield Rd.
- **Email Address:** emilie.ratterman@gmail.com
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** Court order to stop evictions during the pandemic
- **Comments:**

The governor stated he did not want people evicted during the pandemic. My understanding there is a state level court order to this effect. We need local enforcement from our courts. People need a place to shelter inside until it is safe to be out in public again.

- **Position:** Support

Sunday, April 5, 2020 - 3:30pm:

- **Name:** Terri Spahr Nelson
- **Address:** 33 W Walnut St
- **Email Address:** tsnelson01@yahoo.com
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** resolution to stop evictions during pandemic
- **Comments:**

I am writing to request that the city submit a resolution to the county to uphold the guidance from the Ohio Supreme Court and the federal government NOT to evict persons from their home during this pandemic. While I understand that building owners must pay their bills too, they have options, (e.g., loans/grants via the SBA as small business owners and mortgage deferments). To force someone to move from their home during this crisis is unconscionable. We must stand together to support our most vulnerable during this crisis. Moreover, the city should also call on the Butler County Sheriff to make a public statement to refuse to enforce eviction orders.

It is simply the right thing to do. Thank you to Councilor Raghu, Bracken and Vice Mayor Snavelly for leading this effort in Oxford.

- **Position:** Support

Sunday, April 5, 2020 - 2:50pm:

- **Name:** Altug Bayram
- **Address:** 230 Hunter Woods Drive
- **Email Address:** voryzover@yahoo.com
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** Proposed Resolution by Raghu on Evictions
- **Comments:**

I support the resolution being proposed by Chantel Raghu, Councilor Bracken and Vice Mayor Snavelly, on our county court to follow the Ohio Supreme Court's recommendation to stop evicting residents during this pandemic.

- **Position:** Support

Sunday, April 5, 2020 - 12:35pm:

- **Name:** Andor J Kiss
- **Address:** 221 Country Club Drive
- **Email Address:** andorjkiss@gmail.com
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** Evictions of renters due to COVID-19 hardship
- **Comments:**

Evictions, and eviction notices should be suspended for at least a period of three months, as per Governor Mike Dewine's decree/order for renters that are facing economic hardship due to COVID-19 financial stress(es). I do not think it is legal, nor fair during a national and world-wide pandemic to turn people out of their houses due to no fault of their own (COVID-19 economic recession). I strongly support a moratorium for 90 days in compliance with Gov Dewine's order against evictions, and I would urge City Council of Oxford to pass such a binding resolution.

- **Position:** Support

on Sunday, April 5, 2020 - 11:22am:

- **Name:** Heidi Schran
- **Address:** 319 W Withrow St
- **Email Address:** hschran@gmail.com
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** Resolution to STOP Eviction Orders during Covid-19 Pandemic

- **Comments:**

I support the humane and logical resolution that Mayor Snively and Councilwoman Ragu propose that is in alignment with the Ohio Supreme Court's recommendation to stop evictions of residents during this pandemic.

As we are attempting to protect the health of all of the citizens of Ohio and the world, our state has put into place strict orders to stop the spread of the virus that have seriously impacted every person's life and economic situation. By evicting people in our community at this time, we are not only placing their lives at risk, but also the life of all of our fellow citizens. And most disturbingly, we are behaving in a way that is not fundamentally humane.

Stay At Home means that people are not allowed to be evicted. These evictions would simply be violating Governor Dewine's orders.

- **Position:** Support

Sunday, April 5, 2020 - 10:44am:

- **Name:** Susie Lute
- **Address:** 6010 Booth Rd
- **Email Address:** susielute@gmail.com
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** Follow Ohio Supreme Court's recommendation to stop evictions
- **Comments:**

Evictions during a public health crisis when most people are ordered to stay home from work, schools are closed, and people are losing their jobs is unconscionable and dangerous to public safety.

- **Position:** Support

Sunday, April 5, 2020 - 10:18am:

- **Name:** Seth Adams
- **Address:** 300 E. Spring St, Bishop Hall 117, Oxford OH 45056
- **Email Address:** sethadams603@gmail.com
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** Eviction Stays
- **Comments:**

For the sake of public health, and the well being of our communities, evictions should be stayed!

- **Position:** Support

Sunday, April 5, 2020 - 9:42am:

- **Name:** Sylvia Kamau
- **Address:** 369 W Chestnut, Apt 14
- **Email Address:** maribeisylvia@gmail.com
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** No evictions in pandemic
- **Comments:**

I agree that there should be no evictions during this pandemic. We are under shelter in place. Evicted tenants are denied a place to shelter which puts them and the wider Oxford community at risk.

- **Position:** Support

Sunday, April 5, 2020 - 9:39am:

- **Name:** Brooke Copenbaker
- **Address:** 14 Autumn Drive, Oxford 45056
- **Email Address:** spanglbr@miamioh.edu
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** Stopping evictions
- **Comments:** This is not okay. Fully support preventing evictions during pandemic.
- **Position:** Support

Sunday, April 5, 2020 - 7:30am:

- **Name:** Kathie Brinkman
- **Address:** 404 Emerald Woods Drive
- **Email Address:** brinkmkb@miamioh.edu
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** Evictions
- **Comments:**

I request that city council pass a resolution that county courts suspend evictions for financial reasons during the covid-19 pandemic.

Sunday, April 5, 2020 - 7:29am:

- **Name:** Patrick R Nelson
- **Address:** 28 Autumn Drive, Oxford 45056
- **Email Address:**
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** Resolution calling on county court to stop evicting residents during crisis.
- **Comments:**

I strongly support the resolution proposed by Councilors Raghu and Bracken and Vice-Mayor Snavelly to call on our county court to stop evicting residents during crisis, as recommended by the Ohio Supreme Court. This is a moral and ethical issue. No one should lose their home during this time, with millions out of work due to the pandemic.

- **Position:** Support

Sunday, April 5, 2020 - 2:05am:

- **Name:** Sarah Mariette
- **Address:** 5 e central ave apt 12
- **Email Address:**
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** Evictions
- **Comments:**

Suspend evictions!! This is a public health crisis. Support your citizens. Everybody deserves a safe place to live, and now ESPECIALLY people need a place to be able to isolate. Evictions are cruel and unnecessary.

- **Position:** Support

Saturday, April 4, 2020 - 11:29pm:

- **Name:** Connie McCarthy
- **Address:** 6073 Contreras Rd.
- **Email Address:** mccartc@miamioh.edu
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** Resolution regarding evictions
- **Comments:**

I am in favor of the resolution to call on our county court to follow the Ohio Supreme Court's recommendation to stop evicting residents during this pandemic. It seems very cruel that Butler County would not be following this recommendation during the public health crisis when so many have lost their jobs through no fault of their own.

- **Position:** Support

Saturday, April 4, 2020 - 9:28pm:

- **Name:** Ian Vanness
- **Address:** 130 Marti Ct. Oxford, OH. 45056
- **Email Address:** davidivanness@gmail.com
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** Evictions during pandemic
- **Comments:**

I support the resolution to call on our county court to follow the Ohio Supreme Court's recommendation to stop evicting residents during this pandemic.

- **Position:** Support

Saturday, April 4, 2020 - 6:57pm:

- **Name:** Vicki Motzer
- **Address:** 2656 Oxford Middletown Rd
- **Email Address:** vicki.motzer@yahoo.com
- **Meeting Date:** Sat, 04/04/2020
- **Agenda Item:** Hoping to stop in eviction
- **Comments:**

With OUR country in a pandemic now how in GODS name can anyone put a human being out on the streets. Do they really think someone else is going to move in with every other person losing their jobs. I just pray the person/family can live through this. We as a country are supposed to pull together in times like this not destroy each other! Sad truly Sad!!!!

Saturday, April 4, 2020 - 5:58pm:

- **Name:** SUSAN ANN KAY
- **Address:** 17 GARDENIA DRIVE
- **Email Address:** KAYSA@MIAMIOH.EDU
- **Meeting Date:** Sat, 04/04/2020
- **Agenda Item:** A comment in opposition to the recent serving of eviction notices in a time of crisis
- **Comments:**

Please stop serving eviction notices to people in Butler Co. and reverse those already served. In this time of crisis for the health of the people of this country, and the poverty already inflicted on those who have lost income, the best path is to keep people in their homes safe from exposure and safe from eviction. The health of all of us depends on it.

Saturday, April 4, 2020 - 5:54pm:

- **Name:** Richard Daniels
- **Address:** 451 emerald woods drive
- **Email Address:**
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** Evictions
- **Comments:**

I support action to stop evictions during this difficult time. Would not bother me to call out the landlords by name.

Saturday, April 4, 2020 - 5:43pm:

- **Name:** Alex Gregory
- **Address:** 6677 Stillwell-Beckett rd
- **Email Address:** alexgregory993@gmail.com
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** Evictions during the stay at home order
- **Comments:**

Evicting individuals during a major crisis is immoral, dangerous, and shows that we as a community do not care about the wellbeing of those around us. Freezing evictions during this period is essential for the health and safety of our community and our residents.

Saturday, April 4, 2020 - 5:29pm:

- **Name:** Brittany Blankenship
- **Address:** 1148 Franklin st
- **Email Address:** Brittnicole052490@gmail.com
- **Meeting Date:** Sat, 04/04/2020
- **Agenda Item:** ?idk
- **Comments:**

I believe that no one should be getting evicted during such a hard time in our world. Any one suffering financially because of covid19 should not be getting evicted.

- **Position:** Support

Saturday, April 4, 2020 - 5:18pm:

- **Name:** Brian Meade
- **Address:** 4322 Oxford Reily Rd.
- **Email Address:** meade_brian@yahoo.com
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** Evictions.
- **Comments:**

Many of the renters in Oxford work in the food industry and a large percentage of those people lost their jobs and many live pay check to pay check. To kick people out now puts everyone in danger. We need to stay home. Everyone. If people have no place to go you are putting those people's family and friends in a very hard spot, where they will have to make very difficult and dangerous decisions. Put a hold on all evictions.

- **Position:** Support
-

Saturday, April 4, 2020 - 5:17pm:

- **Name:** Jessica Stoyko
- **Address:** 5032 College Corner Pike Apt 25
- **Email Address:** stoykojl@miamioh.edu
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** Evictions during quarantine
- **Comments:**

Hello. It has just been brought to my attention that 4 people are at risk of being evicted so far. I do not know the personal situations of each eviction, but seeing as how many land lords are absentee anyway, and own buildings with no involvement in our community, we should not put people out on the street. It is risky to have more homeless people, not only from a public health standpoint, but also from a PR standpoint. It's heartless to evict anyone right now. Be the charitable place that I know Oxford can be and do not add to the risk of the virus being contracted because people are being forced out of their homes. Those people will have to travel to other places which adds more risk. We all know that while the symptoms are harsh, many are also asymptomatic. We have to do the right thing for the community and follow the recommendations set in place by DeWine, who is basing his recommendations on science.

- **Position:** Support

Saturday, April 4, 2020 - 4:57pm:

- **Name:** Jennifer Gelber
- **Address:** 5508 Brown Road, Oxford
- **Email Address:**
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** Resolution re: 60-day stay on eviction proceedings
- **Comments:**

The Butler County Area I courts should follow the guidance & recommendations of multiple State & Federal Agencies and enact a temporary stay on evictions due to the COVID-19 public health crisis. Ohio's Executive Order 2020-08D provides a moratorium of small business evictions for at least 90 days. The CARES Act placed a 120-day eviction moratorium on qualified tenants and homeowners. The Supreme Court of Ohio recommends all Ohio courts temporarily stop all eviction & foreclosure proceedings for 90 days. A growing number of cities and States have put similar measures in place, including New York, Kentucky, Boston, San Francisco, San Jose, Los Angeles, etc. Evicting people during a national health crisis puts those people and the general public at greater risk.

- **Position:** Support

Saturday, April 4, 2020 - 4:54pm:

- **Name:** Lynn Stevens
- **Address:** 5774, Brown Road
- **Email Address:** stevenlo@miamioh.edu
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** Resolution to Stop Tenant Eviction during Covid 19 Pandemic
- **Comments:**

I concur with Vice Mayor Snavelly and Councilors Bracken and Raghu that no evictions should be allowed in Oxford, Ohio while the State of Ohio is under stay at home orders. It puts the health of the tenants and, if they happen to be asymptomatic and positive, the health of anyone they come into contact with at risk. Plus, in all likelihood, the landlord is likely not to be in financial straits as a result of letting the tenant stay, since it is unlikely they will be able to rent the space out during this time anyway.

- **Position:** Support

Saturday, April 4, 2020 - 4:52pm:

- **Name:** Katherine Hayes
- **Address:** 640 McGuffey Ave.
- **Email Address:** hayeski@miamioh.edu
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** Proposal to stop evictions
- **Comments:**

During a public health crisis the likes of which no one alive has ever seen, at a time when staying at home has been mandated because traveling and social contact result in contagion, no person should be taking any action that results in people being homeless and searching from place to place for new housing. There is simply no justification for adding to the public risk in this way. This is not an ordinary time and the tremendous, radical changes to our economy and lives requires acknowledgement and adjustment. It does not matter if the reason for someone's eviction happened two months ago, completely unrelated to Covid-19, or if a person has attempted to evict a renter for an inability to pay directly related to Covid-19. Right now, we are approaching the peak of this disease, and the one best thing anyone can do is stay home. It is not a time to be taking anyone's home away, and not the time to be worried about monetary compensation (for which there can be appeals to relief efforts). Money can be repaid; lives cannot.

- **Position:** Support

Saturday, April 4, 2020 - 4:36pm:

- **Name:** John Schaefer
- **Address:** 5176 Morning Sun Rd
- **Email Address:** jprschaefer@gmail.com
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** Evictions Resolution
- **Comments:**

I support the resolution to call on the Butler County court to follow the Ohio Supreme Court's recommendation to stop evicting residents during this pandemic.

Saturday, April 4, 2020 - 4:33pm:

- **Name:** Nicole Howard
- **Address:** 5201 college corner pike
- **Email Address:**
- **Meeting Date:** Tue, 04/07/2020
- **Agenda Item:** Eviction
- **Comments:** I think NO ONE should be evicted at this time!
- **Position:** Support

Saturday, April 4, 2020 - 4:19pm:

- **Name:** Emily Bufler
- **Address:** 1332 Dana Dr. Oxford, OH
- **Email Address:** emilybufler@gmail.com
- **Meeting Date:** Sat, 04/04/2020
- **Agenda Item:** Evictions during Coronavirus
- **Comments:**

I am in full support of Chantel Raghu's proposal to half evictions during, and for 60 days after, Ohio's stay at home order.

- **Position:** Support

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 21, 2020

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount: N/A

April 15, 2020
Date Prepared

Agenda Title: Planning Commission Meeting Report- March 10, 2020

Updates from Boards, Committees, and Staff were provided. The Commission voted to have Jason Bracken represent the Planning Commission on the Climate Action Task Force.

PC-2020-02, ZONING CODE TEXT AMENDMENT, regarding freestanding signs for multi-family identification, Chapter 1137.10 Nonconforming Signs, and 1151.05(d) Permanent Signs, addition of the R3MS District, **City of Oxford, Applicant (Tabled 2/11/2020)**

This case had been tabled in February due to concerns from the Commission that the new provision could open up the potential for excessive apartment building signage. Staff presented revised language that would more clearly codify the intent of how a 'development site' is defined. It would require at least 250 feet of street frontage and one acre in total area. The Commission accepted the recommendation and voted to forward the full recommendation to City Council for the earliest agenda date possible.

PC-2020-04, FINAL PLANNED DEVELOPMENT, South Farm Section Two, 6.8 acres, West end of Roberts Drive, **South Farm LLC, Applicant**

Staff presented a Final Planned Development application from John Bayer of Bayer Becker Engineers for 25 residential lots off Roberts Drive. The development will be built by John Boyle and Mike Shea. The Commission had previously approved the Preliminary Plan in September 2019 with 12 conditions. The plan will re-plat the existing 13 undeveloped lots into smaller lot sizes on both sides of Hoover Drive. The intent of the development is to be a low-maintenance, smaller lot community that is complementary to the surrounding area. The eastern half will have driveways to Hoover, while the western half will have driveways from a new alley. The Commission heard from the public and the applicant. The Commission held discussion and voted 6-0-1 to recommend to City Council an approval of the Final Plan with 16 conditions. Following this meeting, the name of the plan/plat was changed to "Section 4" to differentiate from previous approvals for clarity in public records.

Approved By:	Department Head:	<u>SP/MAE</u> / <u>4-15-20</u>
	City Manager:	<u>DRE</u> / <u>4-17-20</u>

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 21, 2020

Sam Perry
Prepared By

Account Code No. #:

Budgeted Amount: N/A

April 15, 2020
Date Prepared

HAPC Meeting Report – March 11, 2020

Following a February 2020 work session, the Commission continued to discuss the process of additional historic district areas. This was continued discussion following guidance from a previous City Council work session in November 2019.

The Commission reviewed an expansion of eight buildings/15 parcels in the area of South Poplar and East Walnut Streets. The Commission also reviewed an expansion along South College and South Elm Streets comprising 58 land parcels. Commission members discussed the pros and cons of the expansion and the boundary. The Commission voted unanimously to expand the area to the railroad tracks and along Spring Street, including the Whistlestop parcels and the Miami University Elm Street building parcels. Miami University owned lands would not be required to comply with HAPC review, but it would be available to them if desired. The next steps in the process would be:

- Building inventory/s
- Property owner outreach/open houses
- HAPC hearing/s
- Planning Commission hearing/s
- City Council hearing/s

The Commission decided to move the meeting start time to 6:15 p.m. going forward.

Approval:	Department Head: <u>SP/MAE 4-15-20</u> City Manager: <u>DRE 4-17-20</u>
------------------	---

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 21, 2020

Sam Perry
Prepared By

Account Code No. #:

April 15, 2020
Date Prepared

Budgeted Amount: N/A

HAPC Meeting Report – April 8, 2020
--

This meeting was conducted virtually using Zoom and Youtube in accordance with House Bill 197.

HAPC-2020-04, 102 S Main Street, siding replacement, Tom Conrad, Applicant; Sarah Conrad representing

The property owners requested a Certificate of Appropriateness from the Commission to replace the existing aluminum siding with new vinyl siding as part of several upgrades to the property. Although options were provided, the request was not able to be approved administratively. The Commission heard from staff and the applicant. There were no members of the public wishing to speak. The building was originally built in 1839 according to records. The building is located at a prominent intersection at Walnut and Main Streets. The Commission requested additional trim details from the applicant prior to proceeding. The applicant committed to providing the details to be reviewed administratively prior to proceeding. The case was approved as requested with a unanimous roll call vote of 7-0.

HAPC-2019-25, 131 W High Street, proposed new 3-story mixed use structure, (revisions to plans) Matt Rodbro, Applicant, Dan Rankin and Greg Meyer representing

Architects Rankin and Meyer from Treadon and Associates requested revisions to the December 11, 2019 approval. At the time of the December approval the elevation of the site along College Avenue was not known. The Commission heard from the architects, owner and staff. There were no members of the public wishing to speak. A summary of the noticeable changes are: Increased retaining wall height, recessed entry doors along High St, revised handrail system due to wall height, scored and dyed block on east wall instead of brick, notch taken out of building for transformer. The Commission spent the bulk of the discussion time on the patio landscaping change intended to replace the retaining wall. Without the stepped and recessed patio, the retaining wall would be five feet tall at the sidewalk. Concerns about accessible entry on the patio was addressed by the applicant team. The Commission approved the revisions as requested with a unanimous roll call vote of 7-0.

Approval:	Department Head:	<u>SP/MMV 4-15-20</u>
	City Manager:	<u>DRE 4-17-20</u>

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott

Police

Originating Department

Council Meeting Of: April 21, 2020

Account Code No. #: N/A

John A. Jones

Prepared By

Budgeted Amount: N/A

April 14, 2020

Date Prepared

Agenda Title: Resolution to sell junk/abandoned motor vehicles to the highest bidder.

Recommendation: Adopt the resolution

Discussion: Pursuant to Oxford City Code and in accordance with ORC 4513.62, the Division of Police requests that City Council approves the sale of salvage/junk/abandoned motor vehicles described in the attached Exhibit A to the highest bidder and that the proceeds from such sale be placed in the General Fund.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JJ/mar \ 4-14-20

DRE \ 4-17-20

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE SALE OF SALVAGED, JUNK AND/OR ABANDONED MOTOR VEHICLES.

WHEREAS, the Police Chief recommends that unclaimed motor vehicles ordered into storage pursuant to Section 4513.62 of the Ohio Revised Code be sold to a motor vehicle salvage dealer or scrap metal processing facility at the highest obtainable salvage price. The motor vehicles to be sold are listed on Exhibit "A" attached hereto and incorporated herein by reference.

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

SECTION 1: City Council hereby accepts the recommendation of the Police Chief and authorizes the sale of the salvaged, junk and/or abandoned motor vehicles listed on Exhibit "A" to a motor vehicle salvage dealer or scrap metal processing facility at the highest obtainable salvage price. The proceeds thereof shall be placed in the General Fund.

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

MAYOR

ADOPTED:

ATTEST

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

EXHIBIT A

The following vehicles are currently stored at the Oxford Police Department impound lot and are unclaimed by the owner after due notice. The Oxford Police Department has obtained salvage titles for the below vehicles and we are requesting they be sold to a salvage dealer.



- 1. 1995 Nissan**
VIN#: 1N6SD11SXSC370695
WE HAVE KEY



- 2. 1999 GMC**
VIN#: 1GKDT13W0X2501892
WE HAVE KEY



- 3. 2004 Nissan**
VIN#: JN8AZ08W94W300789
WE HAVE KEY



- 4. 2008 Saturn**
VIN#: 5GZEV33798J132857
WE HAVE KEY



5. 2001 Ford
VIN#: 1FMYU04181KB70456
WE HAVE KEY



6. 2001 Dodge
VIN#: 1B7HC16Y415733669
WE HAVE KEY

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: April 21, 2020

Service Department
Originating Department

Account Code #: N/A

Michael Dreisbach
Prepared By

Budgeted Amount: N/A

April 8, 2020
Date Prepared

Agenda Title:	Reduction of Public Improvement Bond for Gaslight Avenue Development
----------------------	--

Recommendation:	Approve
------------------------	---------

Discussion:

The Oxford City Council approved the Gaslight Avenue development requiring a \$1,049,981.27 public improvement bond to ensure completion of public infrastructure improvements within the development. The Developer has issued a Letter of Credit to the City of Oxford for this amount. Preliminary construction on improvements in the development, including water, wastewater, stormwater, and basic road construction are now complete and acceptable. As such, the Developer has requested the City lower the required bonding required to ensure completion of improvements in the ROW.

The City has calculated current outstanding items to be constructed have a value of \$161,421.39. This amount will ensure the completion of the sidewalk system, planting of street trees, and placement of the surface course of asphalt for the roadways.

Staff recommends the Oxford City Council reduce the required bond from the current level of \$1,049,981.27 to a new amount of \$161,421.39. Staff recommends the acceptance of a Letter of Credit Bond in the amount of \$161,421.39 to ensure completion of public improvements in this development.

Approved By:

Department Head:
City Manager:

Initial	Date
<u>MBD</u>	<u>4/8/20</u>
<u>DRE</u>	<u>4-17-20</u>

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE RELEASE OF A PUBLIC IMPROVEMENT BOND IN THE FORM OF A LETTER OF CREDIT IN THE AMOUNT OF \$1,049,981.27 FOR THE GASLIGHT AVENUE AT STEWART SQUARE PLANNED DEVELOPMENT AND ACCEPTING A NEW PUBLIC IMPROVEMENT BOND IN THE FORM OF A LETTER OF CREDIT IN THE AMOUNT OF \$161,421.39.

WHEREAS, the developer has met certain terms and conditions for which a public improvement bond in the form of a letter of credit in the amount of \$1,049,981.27 was issued to the City of Oxford; and

WHEREAS, the City Manager and the Service Director recommend Oxford City Council authorize the release of the public improvement bond in the form of a letter of credit in the amount of \$1,049,981.27 for the Gaslight Avenue at Stewart Square Planned Development and acceptance of a new public improvement bond in the form of a letter of credit in the amount of \$161,421.39.

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

SECTION 1: Council accepts the recommendation of the City Manager and the Service Director and authorizes the City Manager and the Service Director to take all steps necessary to release the public improvement bond in the form of a letter of credit in the amount of \$1,049,981.27 for the Gaslight Avenue at Stewart Square Planned Development and accept a new public improvement bond in the form of a letter of credit in the amount of \$161,421.39.

SECTION 2: The release is hereby given upon report from the City Engineer that a substantial portion of the work secured by the public improvement bond in the form of a letter of credit has been satisfactorily completed.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: March 3, 2020

Zachary Moore
Prepared By:

Account Code No. #:

Budgeted Amount:

February 24, 2020
Date Prepared:

PC-2020-03, ZONING CODE TEXT AMENDMENTS, the addition of Chapter 1148 Landscaping and Tree Preservation, and amending multiple Sections of Chapters 1101, 1143, 1145, 1147, and 1149 for consistency with new Chapter 1148, and adding a Tree Survey and a Tree Protection Detail to Attachment H, **City of Oxford, Applicant**

Recommendation: Approval

Proposal Summary:

The City of Oxford's Community Development Department has initiated a proposed text amendment to Oxford's Planning and Zoning Code to incorporate more robust tree planting and preservation requirements which would primarily affect new developments and major changes to existing developments.

Background:

For approximately 3 years, the Oxford Environmental Commission (EC) has worked on developing legislation to better protect mature trees and heavily vegetated areas within the city limits. This effort originally arose from concerns over clear cutting of large trees at the site of the new Heritage Vineyard subdivision. The EC's original proposed zoning text amendments were reviewed by the Planning Commission and then went before City Council for a first reading on March 19, 2019; during this meeting, Community Development Director Sam Perry objected to the rigidity of the proposed language, so Council directed the EC to work together with Mr. Perry to revise the language.

On October 18, 2019, the EC released another official set of recommendations to the Community Development Department. Staff then proceeded to draft a new set of regulations which were subsequently initiated on December 30, 2019, per direction from the City Manager and Acting Planning Commission Chair. On January 8, staff met with the EC to explain the proposal, answer questions, and gather input from EC members.

Discussion and Recommended Conditions:

The Planning Commission first considered the City's proposal at its January 14, 2020 meeting. In considering the EC's evaluation and noted deficiencies, the Commission directed staff to revise the language to include more robust provisions for tree replacement in order to discourage the destruction of mature trees. In response, staff revised and strengthened the language accordingly and brought an improved version before the Commission on February 11. Having at this point garnered the support of EC Chair Wright Gwyn, the Planning Commission unanimously voted 5-0-0, with two Commissioners absent, to recommend approval of the text amendments subject to the following two conditions:

- 1) A statement shall be added to Section 1148.05 (Tree Preservation Requirements) to clarify that trees replanted to compensate for loss of existing trees shall each be a minimum 2-inch caliper and be a species that appears on the City's Tree List or is deemed by the Zoning Administrator (or his/her designee) to be an acceptable species for the location.

- 2) There shall be a direct reference to the City's Fee Ordinance for calculation of in-lieu fees.

Staff Follow-Up:

The text amendment language attached to this staff report effectively incorporates the two conditions recommended by the Planning Commission, in Sections 1148.05(a)(3) and 1148.06 respectively. The new draft incorporates many of the suggestions from the EC but also goes further to link the disconnected sections of landscape tree requirements throughout five other chapters of city code. The attached proposal balances the unpredictability of site development with a minimum baseline expectation for tree canopy preservation.

Approved By:

Asst.
Department Head:
City Manager:

SD / *2-24-20*
gA / *3/13/20*
DRE *4-17-20*

Section 1101.4(400)(B)(1) shall be amended to read as follows:

- (1) To minimize
 - (a) The effect on ground water and aquifer recharge;
 - (b) Excavation and embankment;
 - (c) Unnecessary impervious cover; and
 - (d) The complete removal of mature trees.

Section 1101.4(403) shall be amended to read as follows:

403 – Typical Sections

Subdivisions shall be designed and constructed to conform to the Typical Sections incorporated by reference herein as Attachment H. The Typical Sections adopted as the standards for construction and design in the City are the following:

- (A) Principal Arterial street typical section;
- (B) Minor Arterial street typical section;
- (C) Major Collector street typical section;
- (D) Minor Collector street typical section;
- (E) Local street typical section;
- (F) Alley typical section;
- (G) Typical cul-de-sac details;
- (H) Temporary turn around;
- (I) Dead End/ Stub Street typical section (Hammerheads);
- (J) Multi-Use Path typical section;
- (K) Utility typical section; Utility locations;
- (L) Tree Protection Detail;
- (M) Tree Survey;
- (N) Typical Lot Consolidation/Split;
- (O) Standard Plat of Survey;
- (P) Record Plats
- W.1: Standard Record Plat Title Sheet;
- W.2: Standard Record Plat.

Section 1101.4(410)(A) shall be amended to read as follows:

- (A) A landscape plan shall be submitted with each plat application for proposed developments in accordance with Chapter 1149 of the Zoning Code and Chapter 935 of the City of Oxford Codified Ordinance, unless an exception is granted by the Planning Commission pursuant to these Regulations.
 - (1) The landscape plan shall identify existing and proposed trees, shrubs, and ground covers; natural features such as rock outcroppings; and other landscaping elements.
 - (2) Where existing plants are to be retained, the applicant shall include in the plans proposed methods of protecting them during construction such as but not limited to the Tree Protection Detail.
 - (3) The landscape plan shall demonstrate compliance with the requirements of Chapter 1148.

Sections 1143.03(c)(13)(A), 1143.05(c)(13)(A), and 1143.07(d)(13)(A) shall each be amended to read as follows:

- A. Landscaping of the site shall comply with the requirements of Chapter 1148.

Section 1143.12(d)(2) shall be amended to read as follows:

- (2) Landscaping of the site shall comply with the requirements of Chapter 1148.

Section 1143.16(d)(1) shall be amended to read as follows:

- (1) Landscaping of the site shall comply with the requirements of Chapter 1148.

Section 1145.01(a)(1) shall be amended to read as follows:

- (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
 - F. Include covenants, easements, and other private measures that will help ensure the long-term administrative viability of a development
 - G. Be functional within a time period that helps ensure a viable development
 - H. Minimize removal or destruction of existing natural features such as mature trees

Section 1145.05(a) shall be amended to read as follows:

- (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) Landscape plan.
A. The plan shall demonstrate compliance with the requirements of Chapter 1148.
- (8) Elevations.
Elevations of proposed structures or typical elevations if structures are not yet designed.
- (9) Other.
Photographs of the existing site and its surroundings.
- (10) Digital Submittal.
Adobe PDF version of all information submitted to also be submitted on a current digital format.

Section 1145.06(b) shall be amended to read as follows:

- (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.
 - (14) Proposed construction will not result in the complete elimination of existing mature tree canopy. Effort shall be made to direct disturbance and construction around or away from existing mature tree canopy without completely taking away use of the site or connectivity to existing infrastructure.

Section 1147.02(a)(1) shall be amended to read as follows:

- (1) Contents of application for conditional use permit.
Thirteen complete sets of all information shall be submitted with an application. The Zoning Administrator may modify this requirement based upon the type of materials included. Please 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. Application Fee.

B. Description of Use and Site.

A written, detailed description shall include the following information. A separate response is required for each subsection.

1. The name, mailing address, and telephone number of the applicant and the property owner.
2. If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf.
3. A legal description of the site, including all separate lots.
4. A description of the existing uses of the site.
5. The zoning district in which the site is located.
6. A description of the proposed use.
 - a. A description of operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.
 - b. The hours of operation.
7. A narrative statement that evaluates the compatibility of the proposed use with the general vicinity and adjacent properties.
 - a. How the use is similar to or different from existing area uses and if there will be any interaction between the proposed use and existing uses.
 - b. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites.
 - c. If the use will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions.
 - d. How any potential negative effects on adjacent land will be mitigated.
8. A statement about why the location proposed is more appropriate for the use than other locations.
9. A statement of the necessity or desirability of the proposed use to the neighborhood or community.
10. Separate, detailed statements that individually address each of the items listed as potential concerns for the proposed use.
11. A list of the names and mailing addresses of all land owners within 200 feet of the site.
12. Such other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by Planning Commission.

C. Site Plan.

A scaled site plan 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.

1. North arrow.
2. Scale.
3. Vicinity map.
4. All existing and proposed lot lines within the site.
5. Dimensions of all lots and of the entire site and any adjacent rights-of-way.
6. Location, height, and use of all proposed and existing structures.
7. Location and design of all proposed vehicle management areas.
8. Location, size, and type of all proposed signs.
9. Location, height, and type of all proposed screening and landscaping.
10. Distances to residential zoning districts if within 1,000 feet.
11. The use of land and location of structures on adjacent property and across adjacent rights-of-way.
12. Other information as required by the Planning Commission.

- D. Landscape Plan.
The plan shall demonstrate compliance with the requirements of Chapter 1148.
- E. Elevations of proposed structures, or typical elevations if structures are not yet designed, shall be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use.
- F. Other.
Photographs of the existing use and its surroundings.

Section 1147.02(c)(2) shall be amended to read as follows:

(2) General Decision Standards.

All Conditional Uses shall satisfy these General Decision Standards.

- A. The proposed use is in fact a Conditional Use appropriate for in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- F. 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.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. 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.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. 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.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. Proposed construction will not result in the complete elimination of existing mature trees on the site. Effort shall be made to direct disturbance and construction around or away from existing mature trees without completely taking away use of the site or connectivity to existing infrastructure.
- N. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

Chapter 1148 shall be added to read as follows:

CHAPTER 1148 Landscaping and Tree Preservation

1148.01 PURPOSE.

The purposes of the landscaping and tree preservation standards outlined 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 new plantings as well as preservation of existing vegetation, especially established areas of mature vegetation. The regulations included in this chapter are also intended to prevent the 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 demonstrates adherence to core standards of sound urban forest management, thus promoting a greener, healthier community.

1148.02 APPLICABILITY.

Except as provided by this section, all property that is being developed within the City is subject to the requirements of this chapter. The following lots, uses and situations shall be exempt from compliance with this chapter:

- (a) Lots used for single-family, two-family or three-family dwellings, where initial construction of the unit(s) has been completed are exempt. In cases where an existing single-, two- or three-family dwelling has been demolished, the requirements of this chapter shall apply when any new dwelling unit is constructed. All landscaping requirements found herein shall apply individually to lots within new subdivisions until issuance of a Certificate of Code Compliance, however such lots shall continue to be bound by all other requirements and conditions as may be related to approval of the subdivision.
- (b) Any lot within the UP Uptown District is exempt. However, this does not exempt parking areas on private property from complying with the landscaping provisions of Chapter 1149.
- (c) Golf courses, parks, playgrounds, and similar types of uses are exempt.
- (d) Expansions or alterations to developments which do not constitute a “substantial expansion” are exempt. Should one of the criteria for a substantial expansion outlined below be met, the entire site must come into conformance with the provisions of this chapter. A substantial expansion is hereby defined as:
 - (1) An expansion to a building that is 50% or greater when the combined floor area of the existing structure(s) is less than 1,000 square feet; or
 - (2) An expansion to a building that is 40% or greater when the combined floor area of the existing structure(s) is greater or equal to 1,000 square feet and less than 10,000 square feet; or
 - (3) An expansion to a building that is 30% or greater when the combined floor area of the existing structure is greater than or equal to 10,000 square feet and less than 25,000 square feet; or
 - (4) An expansion to a building that is 20% or greater when the combined floor area of the existing structure(s) is greater than or equal to 25,000 square feet and less than 50,000 square feet; or
 - (5) An expansion to a building that is 10% or greater when the combined floor area of the existing structure(s) is greater than or equal to 50,000 square feet.

1148.03 STREET TREE REQUIREMENT.

Trees shall be planted in the tree lawn or other appropriate areas in street rights-of-way as required in Chapter 935 of the City of Oxford Codified Ordinances, subject to the discretion of the City Engineer or other applicable authority for changes in the public right-of-way. Trees planted in the tree lawn shall be installed by the applicant requesting development approval and maintained in good condition until project construction is complete.

1148.04 TREE PLANTING REQUIREMENTS.

- (a) Development sites, defined as all property contained within one or more parcels to be developed exclusive of existing right-of-way, shall be landscaped with trees and ground cover and shall comply with the standards of this section as applicable.
- (b) Residential Single-, Two- and Three-Family Standards
 - (1) On single-family lots, a minimum of one (1) tree shall be planted within the required front yard area.
 - (2) On two-family lots, a minimum of one (1) tree for each unit shall be planted within the

- corresponding required front yard area.
- (3) On three-family lots, a minimum of two (2) trees shall be planted within the required front yard area.
- (c) Nonresidential and Residential Multi-Family Standards
- (1) Overall Site Trees
A minimum of one (1) tree for every ten (10) feet of linear lot frontage on a public street right-of-way shall be provided on the development site. However in the case of corner lots with frontage on two public streets, the amount of required trees shall be calculated based only on the street with the longest frontage.
- (2) Front Yard Trees
A minimum of one (1) tree for every twenty five (25) feet of linear lot frontage on a public street right-of-way shall be provided within the required front yard area; such trees may contribute toward fulfilling the overall site planting requirement specified in subsection (1) above. In the case of corner lots with frontage on two public streets, the amount of required trees shall be calculated based only on the street with the longest frontage.
- (3) Parking Area Trees
Trees in parking lot areas as may be required by Section 1149.05(e)(6) may also contribute toward fulfilling the overall site planting requirement specified in subsection (1) above, but shall not count toward fulfilling subsection (2) above.
- (d) Upon planting, each required tree shall be a minimum two (2) inch caliper and must be a species that appears on the City's Tree List or is deemed by the Zoning Administrator (or his/her designee) to be an acceptable species for the location.
- (e) Each existing tree meeting the standards for minimum caliper and placement that is preserved may be counted as one (1) required tree, and each existing tree that is ten (10) inches or greater in diameter at breast height (DBH) may be counted as two (2) required trees, provided that any such trees are documented in accordance with 1148.05(b) below.
- (f) Any dead or severely diseased trees used to fulfill these regulations shall be replaced at the request of the Zoning Administrator.

1148.05 TREE PRESERVATION REQUIREMENTS.

- (a) Tree Replanting
- (1) All existing trees ten (10) inches DBH or greater in size shall be replaced at a rate of one (1) inch caliper for every two (2) inches caliper removed, except as provided in subsection (2) below.
- (2) The following trees shall be exempted from required planting:
- A. Trees within future public rights-of-way or private accessways;
 - B. Trees within the building footprint of proposed structures or within fifteen (15) feet from the perimeter of such structures;
 - C. Trees that are damaged, diseased, over-mature, interfere with utility lines, or are an inappropriate or undesirable species for that specific location;
 - D. Trees removed for a stormwater retention pond or detention basin;
 - E. Trees within five (5) feet of hard-surfaced parking areas, driveways, or walkways;
 - F. Trees that pose potential danger to life or property;
 - G. Trees removed for necessary utility installations or are within utility easements;
 - H. For individual single-family lots, all trees within the front and side yards.
- (3) Each replanted tree shall be a minimum two (2) inch caliper and must be a species that appears on the City's Tree List or is deemed by the Zoning Administrator (or his/her designee) to be an acceptable species for the location.
- (4) Nothing prevents caliper inches planted to comply with the requirements of Section 1148.03 or Section 1148.04 from counting toward any tree replacements required by this section. The applicant shall be responsible for calculating how tree replacements are to be fully or partially compensated by required plantings.

(b) Documentation

(1) General Requirements

- A. Existing trees with a DBH of ten (10) inches or greater shall be labeled on the applicable required site plan as either "To Be Removed" or "To Be Saved." Trees smaller than ten (10) inches DBH to be preserved and counted toward the site tree planting requirements of Section 1148.04 shall also be labeled.
- B. Those trees that are labeled "To Be Saved" shall be protected from construction equipment through methods as depicted on the Tree Protection Detail in Attachment H or through means found acceptable to the Zoning Administrator or designee.
- C. Clearing limits are to be marked and fenced off in the field according to such plans before construction or clearing can begin.

(2) Tree Survey

- A. A tree survey shall be required for nonresidential and multi-family developments, as well as all Major Subdivisions.
- B. The tree survey shall document the location, DBH, and species for each individual tree, except as provided in subsection C. below. The Zoning Administrator may, at his/her discretion, accept estimations of these details for heavily wooded areas or sites over one (1) acre. In considering estimates, the Zoning Administrator may allow the use of techniques such as site photographs, aerial photographs, site visits, or survey sampling.
- C. The tree survey need not account for the following areas:
 - 1. Areas comprising trees exempted by Section 1148.05(a)(2);
 - 2. For developments that are not Major Subdivisions: Areas of the development property more than one hundred (100) feet away from the nearest proposed structure/improvement that in the judgment of the Zoning Administrator are a reasonably safe distance away from the area to be impacted/disturbed by construction activities; and
 - 3. For Major Subdivisions: Areas that are delineated on the applicable site plan and proposed to be legally protected in perpetuity. The burden shall be on the applicant to demonstrate how trees within such identified areas are to be permanently preserved, excepting removal of dead or invasive vegetation which shall be allowed in all instances. One or more of the following methods shall be utilized:
 - a. A duly executed and recorded conservation easement to be held by a qualified organization approved by the City; or
 - b. A set of covenants and restrictions corresponding to a conservation area clearly delineated on the record plat, or delineated and described through means of a separate legal instrument.
- D. Any area designated for conservation pursuant to Section 1148.05(b)(2)(C)(3) above that is disturbed in a manner contrary to the agreed upon restrictions shall be subject to the surveying and replanting requirements of this chapter. In such cases, the applicant shall compensate the City for the loss of protected trees either by replanting as applicable and/or paying in-lieu fees in accordance with Section 1148.06 below.

1148.06 IN-LIEU FEE OPTION.

For cases involving discretionary approval by a public body (i.e. Major Subdivisions, Planned Developments and Conditional Uses) or Landscape Plan Review, an agreement may be made to accept funds into the City's planting program in-lieu of up to fifty (50) percent of the total number of trees to be planted as required by Section 1148.04 and/or replanted as required by Section 1148.05. The total amount of funds shall be based upon the latest Fee Ordinance adopted by City Council, as may be applicable.

1148.07 REVIEW PROCEDURES.

(a) Discretionary Review

For cases involving discretionary approval by a public body (i.e. Major Subdivisions, Planned Developments and Conditional Uses), the procedures as required within respective chapters of this Zoning Code shall be followed.

(b) Administrative Review

For cases not involving discretionary approval by a public body, the Zoning Administrator or designee shall have the authority to administer the regulations of this chapter, as well as to make interpretations in applying the standards of this chapter.

(c) Landscape Plan Review

(1) Landscape Plan Review is provided as an alternate review process to achieve compliance with the provisions of this chapter. This process is available to all development projects that would normally be subject to subsection (b) above.

(2) The Planning Commission shall serve as the approving authority for Landscape Plan Review. A majority vote is required to approve.

(3) The Zoning Administrator may, at any time, consult the Planning Commission in making a determination on a plan's compliance with the standards of this chapter, and thus has the ability to require Landscape Plan Review for any development project to which this chapter is applicable per Section 1148.02.

(4) An applicant/developer also has the right to request in writing a Landscape Plan Review by the Planning Commission, either to accommodate an alternative landscape site design which does not strictly adhere to the standards of this chapter, or to appeal the Zoning Administrator's application or interpretation of the standards of this chapter.

(5) In conducting Landscape Plan Review in accordance with the criteria outlined in subsection (6) below, the Planning Commission shall have the ability to waive or modify any numerical regulations of this chapter.

(6) Decision Criteria

The Planning Commission shall utilize the following criteria in making a determination on whether to approve or deny a Landscape Plan:

- A. The proposed plan embodies the overall spirit and intent of this chapter and adheres to the general purposes as stated;
- B. The proposed plan demonstrates careful planning of buildings, uses, and all other development components in a way that is as harmonious as possible with existing natural features and resources; and
- C. The proposed plan would result in a more attractive visual appearance and result in a greater prevalence of trees and vegetation than the present conditions.

Section 1149.05(e)(6)(B)(1) shall be amended to read as follows:

1. Trees

- a. A parking area shall have 2 trees per parking facility plus 1 tree for every 5 parking spaces or fraction thereof generally distributed throughout the parking area. Any dead or severely diseased trees used to fulfill these regulations shall be replaced at the request of the Zoning Administrator.
- b. Trees shall be selected for the local soil and climate. The area and soil depth of the site shall be adjusted to sustain the tree. Immediately following planting, each tree shall be a minimum of 6 feet tall and have a minimum 2-inch caliper. At maturity, each tree shall have a clear trunk at least four feet above the adjacent parking surface and average mature crown greater than 12 feet.
- c. Each existing healthy tree meeting the minimum caliper standard that is preserved may be counted as one (1) required tree, and each existing healthy tree with a diameter at breast height (DBH) of ten (10) inches or greater that is preserved may be counted as two (2) required trees, provided that any such trees are properly documented in accordance with 1148.05(b) and are situated no further than ten (10) feet from the proposed parking

- area.
- d. Tree species shall be selected from the City's Tree List, or deemed by the Zoning Administrator (or his/her designee) to be an acceptable species for the location.

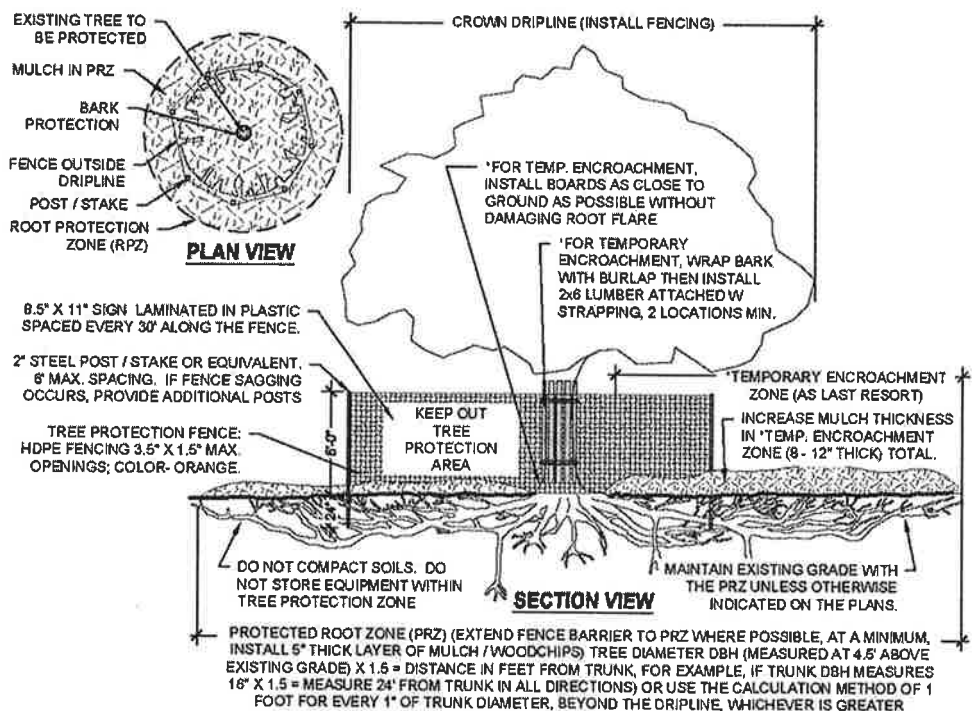
Attachment H shall be amended to add the following exhibits as follows:

TREE PROTECTION NOTES

- A TREE SUFFERING FROM CONSTRUCTION ACTIVITIES MAY EXPERIENCE SEVERAL YEARS OF DECLINE BEFORE IT'S EVENTUAL DEATH. AWARENESS & GOOD COMMUNICATION BETWEEN THE PROPERTY OWNER, ARBORIST, PROJECT MANAGER & CONTRACTOR BEFORE, DURING & AFTER CONSTRUCTION IS VITAL TO SAVING TREES. BELOW ARE ROOT & BARK PROTECTION GUIDELINES, HOWEVER, TREE PRESERVATION IS SITE SPECIFIC & OTHER METHODS MAY ALSO BE APPROPRIATE.
- PREVENTION, PRE-CONSTRUCTION ACTION: EVEN WITH A PRESERVATION PLAN IN PLACE, CONSTRUCTION NEAR A TREE AFFECTS A TREE'S ENVIRONMENT AND CAN LEAD TO DAMAGE. A TREE'S RESPONSE TO CONSTRUCTION WILL DEPEND ON THE DEGREE OF SITE MODIFICATIONS AND THE STARTING HEALTH AND SIZE OF THE TREE. PROPER WATERING IS ESSENTIAL TO THE TREE'S SURVIVAL; ENSURE IT IS WELL WATERED IN THE MONTHS PRIOR TO PROJECT START. MULCH PROTECTED ROOT ZONE TO HELP INSULATE SOILS.
- SOIL COMPACTION, MATERIALS STORAGE & CONSTRUCTION DEBRIS CAN HARM TREE ROOT HEALTH LEADING TO DIEBACK & TREE DEATH. MOST ROOTS LIE WITHIN THE UPPER 6"-24" OF SOIL. MINIMIZE TREE INJURY WITH PROPERLY PLACED & SIZED BARRICADES.
- GRADE CHANGES, EVEN AS LITTLE AS 2" OF FILL, CAN CAUSE DEATH OF A TREE. LOWERING THE GRADE CAN DESTROY MAJOR PORTIONS OF A ROOT SYSTEM, CAUSING DECLINE AND EVENTUAL DEATH. AVOID CHANGING THE GRADE WHEREVER POSSIBLE.
- IF ROOT CUTTING BECOMES NECESSARY DURING CONSTRUCTION, ONLY CUT SECONDARY & TERTIARY ROOTS (LESS THAN 2" IN DIAMETER) WITH A SHARP BLADED SAW, MAKING CLEAN CUTS PERPENDICULAR TO THE NATURAL GROWTH DIRECTION. BACKFILL WITHIN ONE HOUR OF CUTTING ROOTS, WATER THE TREE WITHIN 24 HOURS OF ROOT CUTTING. SEVERING ROOTS CAN HAVE A SIGNIFICANT IMPACT ON TREE HEALTH, SURVIVAL AND STABILITY.
- FOLLOW-UP: POST-CONSTRUCTION MAINTENANCE, PROVIDE SUPPLEMENTAL IRRIGATION DURING DRY PERIODS AND MONITOR THE TREE FOR SEVERAL YEARS FOLLOWING CONSTRUCTION.

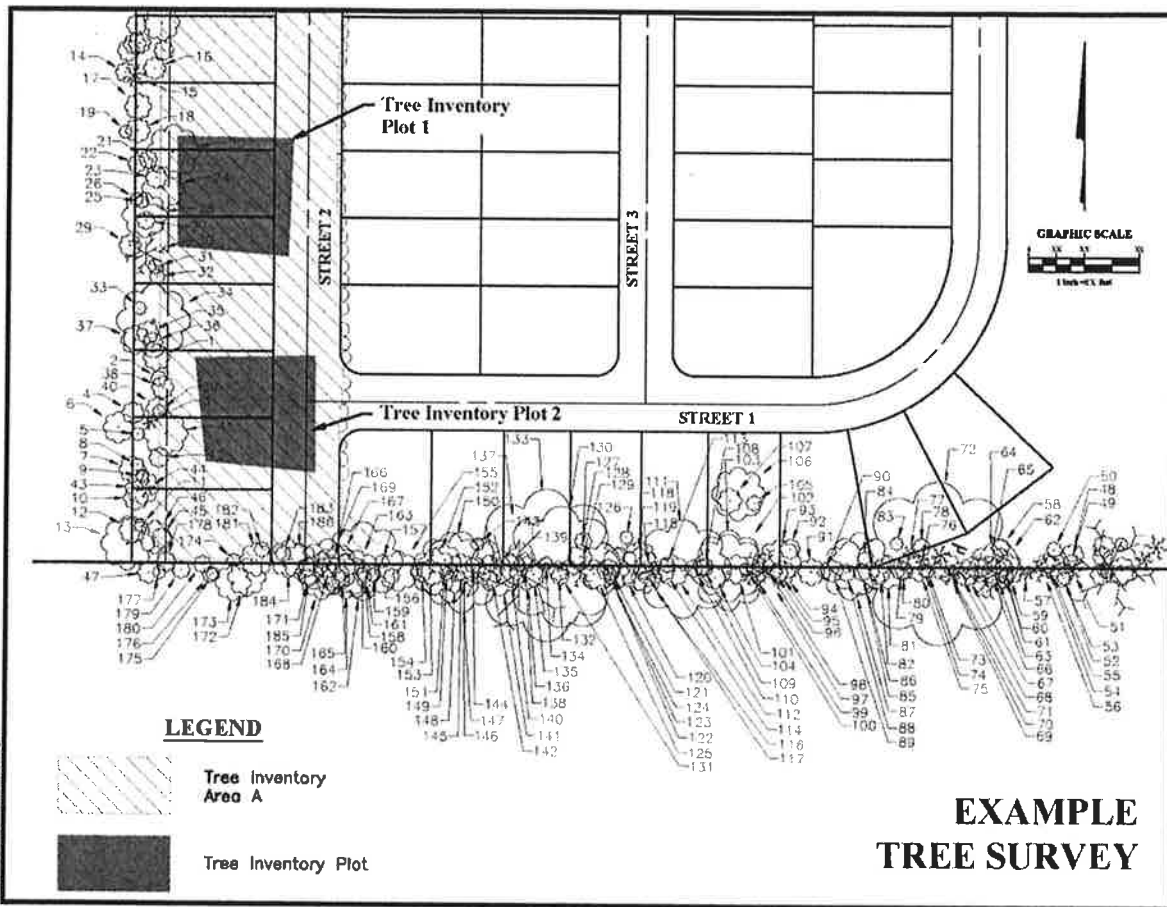
TREE PROTECTION SPECIFICATIONS

- PROVIDE TREE PROTECTION FENCING WHEN DISTURBANCE WILL OCCUR WITHIN 25' OF THE PROTECTED ROOT ZONE (PRZ).
- NO EQUIPMENT SHALL OPERATE AND NOTHING SHALL BE STORED INSIDE THE PROTECTIVE FENCING, INCLUDING DURING FENCE INSTALLATION AND REMOVAL, WITH THE ONLY EXCEPTION BEING PROVISIONS OF TEMPORARY BARK PROTECTION.
- PROVIDE TEMPORARY BARK PROTECTION (BOARD WRAP) ONLY WHEN TREE PROTECTION FENCING MUST BE TEMPORARILY REMOVED AND ENCROACHMENT INTO PROTECTED ROOT ZONE (PRZ) IS DEEMED NECESSARY AS A LAST RESORT TO COMPLETE CONSTRUCTION WHILE ATTEMPTING TO AVOID REMOVAL OF THE TREE.
 - WRAP TRUNK IN BURLAP, INSTALL A RING OF $\pm 8'$ LONG 2"x6" PLANKS LOOSELY BANDED ONTO THE TREE WITH STRAPS (VELCRO, STEEL, GALV. WIRE OR SIMILAR), STAPLED TO PLANKS. IF LENGTHY CONSTRUCTION, INSPECT & LOOSEN BOARDS EVERY 6 MONTHS.
 - DEMOLITION OR EXCAVATION SHALL PROCEED WITH EXTREME CAUTION, USING HAND TOOLS AND OTHER LOW IMPACT EQUIPMENT SUCH AS AIR EXCAVATION TOOLS. APPLY WATER SLOWLY WITH SOAKER HOSE OR SPRINKLER FOR 4 HOURS MINIMUM, ± 12 HOURS PRIOR TO THE WORK. COVER ANY EXPOSED CUT ROOTS WITH SOIL OR WOOD CHIPS AND MAINTAIN SOIL ABOVE WILT POINT AT ALL TIMES.
- PROVIDE ADEQUATE WATER IF THERE IS NO IRRIGATION SYSTEM IN PLACE.
- PRUNING SHOULD BE PERFORMED BY AN APPROVED ARBORIST.
- THE OWNER'S REPRESENTATIVE OR MUNICIPALITY MAY INSPECT THE WORK AT ANY TIME.



TREE PROTECTION DETAIL (ROOT ZONE & ABOVE GRADE)

SCALE: NOT TO SCALE



ORDINANCE NO.

AN ORDINANCE ADOPTING OXFORD CODIFIED ORDINANCE CHAPTER 1148 ENTITLED LANDSCAPING AND TREE PRESERVATION.

WHEREAS, the City of Oxford is a recognized “Tree City USA” community by the national Arbor Day Foundation; and

WHEREAS, the City of Oxford Environmental Commission has worked extensively over the past 3 years to develop legislation to better protect mature trees and heavily vegetated areas within the city limits; and

WHEREAS, the Environmental Commission’s original proposed zoning text amendments were reviewed by the Planning Commission and went before City Council for a first reading on March 19, 2019; and

WHEREAS, Council directed the Environmental Commission to work with Community Development staff to revise said zoning text amendments; and

WHEREAS, a new draft of zoning text amendments was initiated on December 30, 2019; and

WHEREAS, Council finds in accordance with Section 1135.02 of the Codified Ordinances of the City of Oxford, the City of Oxford Planning Commission held public hearings on January 14, 2020 and on February 11, 2020 and that following the public hearings did deliberate and as a result of those deliberations, the Planning Commission recommended adopting Oxford Codified Ordinance Chapter 1148 entitled Landscaping and Tree Preservation.

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

SECTION I: Council hereby accepts the recommendation of the Planning Commission and adopts Oxford Codified Ordinance Chapter 1148 entitled Landscaping and Tree Preservation as follows:

CHAPTER 1148 Landscaping and Tree Preservation

1148.01 PURPOSE.

The purposes of the landscaping and tree preservation standards outlined 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 new plantings as well as preservation of existing vegetation, especially established areas of mature vegetation. The regulations included in this chapter are also intended to prevent the 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 demonstrates adherence to core standards of sound urban forest management, thus promoting a greener, healthier community.

1148.02 APPLICABILITY.

Except as provided by this section, all property that is being developed within the City is subject to the requirements of this chapter. The following lots, uses and situations shall be exempt from compliance with this chapter:

- (a) Lots used for single-family, two-family or three-family dwellings, where initial construction of the unit(s) has been completed are exempt. In cases where an existing single-, two- or three-family dwelling has been demolished, the requirements of this chapter shall apply when any new dwelling unit is constructed. All landscaping requirements found herein shall apply individually to lots within new subdivisions until issuance of a Certificate of Code Compliance, however such lots shall continue to be bound by all other requirements and conditions as may be related to approval of the subdivision.

- (b) Any lot within the UP Uptown District is exempt. However, this does not exempt parking areas on private property from complying with the landscaping provisions of Chapter 1149.
- (c) Golf courses, parks, playgrounds, and similar types of uses are exempt.
- (d) Expansions or alterations to developments which do not constitute a “substantial expansion” are exempt. Should one of the criteria for a substantial expansion outlined below be met, the entire site must come into conformance with the provisions of this chapter. A substantial expansion is hereby defined as:
 - (1) An expansion to a building that is 50% or greater when the combined floor area of the existing structure(s) is less than 1,000 square feet; or
 - (2) An expansion to a building that is 40% or greater when the combined floor area of the existing structure(s) is greater or equal to 1,000 square feet and less than 10,000 square feet; or
 - (3) An expansion to a building that is 30% or greater when the combined floor area of the existing structure is greater than or equal to 10,000 square feet and less than 25,000 square feet; or
 - (4) An expansion to a building that is 20% or greater when the combined floor area of the existing structure(s) is greater than or equal to 25,000 square feet and less than 50,000 square feet; or
 - (5) An expansion to a building that is 10% or greater when the combined floor area of the existing structure(s) is greater than or equal to 50,000 square feet.

1148.03 STREET TREE REQUIREMENT.

Trees shall be planted in the tree lawn or other appropriate areas in street rights-of-way as required in Chapter 935 of the City of Oxford Codified Ordinances, subject to the discretion of the City Engineer or other applicable authority for changes in the public right-of-way. Trees planted in the tree lawn shall be installed by the applicant requesting development approval and maintained in good condition until project construction is complete.

1148.04 TREE PLANTING REQUIREMENTS.

- (a) Development sites, defined as all property contained within one or more parcels to be developed exclusive of existing right-of-way, shall be landscaped with trees and ground cover and shall comply with the standards of this section as applicable.
- (b) Residential Single-, Two- and Three-Family Standards
 - (1) On single-family lots, a minimum of one (1) tree shall be planted within the required front yard area.
 - (2) On two-family lots, a minimum of one (1) tree for each unit shall be planted within the corresponding required front yard area.
 - (3) On three-family lots, a minimum of two (2) trees shall be planted within the required front yard area.
- (c) Nonresidential and Residential Multi-Family Standards
 - (1) Overall Site Trees
A minimum of one (1) tree for every ten (10) feet of linear lot frontage on a public street right-of-way shall be provided on the development site. However in the case of corner lots with frontage on two public streets, the amount of required trees shall be calculated based only on the street with the longest frontage.
 - (2) Front Yard Trees
A minimum of one (1) tree for every twenty five (25) feet of linear lot frontage on a public street right-of-way shall be provided within the required front yard area; such trees may contribute toward fulfilling the overall site planting requirement specified in subsection (1) above. In the case of corner lots with frontage on two public streets, the amount of required trees shall be calculated based only on the street with the longest frontage.
 - (3) Parking Area Trees
Trees in parking lot areas as may be required by Section 1149.05(e)(6) may also contribute toward fulfilling the overall site planting requirement specified in subsection (1) above, but shall not count toward fulfilling subsection (2) above.
- (d) Upon planting, each required tree shall be a minimum two (2) inch caliper and must be a species that appears on the City’s Tree List or is deemed by the Zoning Administrator (or his/her designee) to be an acceptable species for the location.
- (e) Each existing tree meeting the standards for minimum caliper and placement that is preserved may be counted as one (1) required tree, and each existing tree that is ten (10) inches or greater in diameter at

breast height (DBH) may be counted as two (2) required trees, provided that any such trees are documented in accordance with 1148.05(b) below.

- (f) Any dead or severely diseased trees used to fulfill these regulations shall be replaced at the request of the Zoning Administrator.

1148.05 TREE PRESERVATION REQUIREMENTS.

(a) Tree Replanting

- (1) All existing trees ten (10) inches DBH or greater in size shall be replaced at a rate of one (1) inch caliper for every two (2) inches caliper removed, except as provided in subsection (2) below.
- (2) The following trees shall be exempted from required planting:
 - A. Trees within future public rights-of-way or private accessways;
 - B. Trees within the building footprint of proposed structures or within fifteen (15) feet from the perimeter of such structures;
 - C. Trees that are damaged, diseased, over-mature, interfere with utility lines, or are an inappropriate or undesirable species for that specific location;
 - D. Trees removed for a stormwater retention pond or detention basin;
 - E. Trees within five (5) feet of hard-surfaced parking areas, driveways, or walkways;
 - F. Trees that pose potential danger to life or property;
 - G. Trees removed for necessary utility installations or are within utility easements;
 - H. For individual single-family lots, all trees within the front and side yards.
- (3) Each replanted tree shall be a minimum two (2) inch caliper and must be a species that appears on the City's Tree List or is deemed by the Zoning Administrator (or his/her designee) to be an acceptable species for the location.
- (4) Nothing prevents caliper inches planted to comply with the requirements of Section 1148.03 or Section 1148.04 from counting toward any tree replacements required by this section. The applicant shall be responsible for calculating how tree replacements are to be fully or partially compensated by required plantings.

(b) Documentation

(1) General Requirements

- A. Existing trees with a DBH of ten (10) inches or greater shall be labeled on the applicable required site plan as either "To Be Removed" or "To Be Saved." Trees smaller than ten (10) inches DBH to be preserved and counted toward the site tree planting requirements of Section 1148.04 shall also be labeled.
- B. Those trees that are labeled "To Be Saved" shall be protected from construction equipment through methods as depicted on the Tree Protection Detail in Attachment H or through means found acceptable to the Zoning Administrator or designee.
- C. Clearing limits are to be marked and fenced off in the field according to such plans before construction or clearing can begin.

(2) Tree Survey

- A. A tree survey shall be required for nonresidential and multi-family developments, as well as all Major Subdivisions.
- B. The tree survey shall document the location, DBH, and species for each individual tree, except as provided in subsection C. below. The Zoning Administrator may, at his/her discretion, accept estimations of these details for heavily wooded areas or sites over one (1) acre. In considering estimates, the Zoning Administrator may allow the use of techniques such as site photographs, aerial photographs, site visits, or survey sampling.
- C. The tree survey need not account for the following areas:
 1. Areas comprising trees exempted by Section 1148.05(a)(2);
 2. For developments that are not Major Subdivisions: Areas of the development property more than one hundred (100) feet away from the nearest proposed structure/improvement that in the judgment of the Zoning Administrator are a reasonably safe distance away from the area to be impacted/disturbed by construction activities; and
 3. For Major Subdivisions: Areas that are delineated on the applicable site plan and proposed to be legally protected in perpetuity. The burden shall be on the

applicant to demonstrate how trees within such identified areas are to be permanently preserved, excepting removal of dead or invasive vegetation which shall be allowed in all instances. One or more of the following methods shall be utilized:

- a. A duly executed and recorded conservation easement to be held by a qualified organization approved by the City; or
 - b. A set of covenants and restrictions corresponding to a conservation area clearly delineated on the record plat, or delineated and described through means of a separate legal instrument.
- D. Any area designated for conservation pursuant to Section 1148.05(b)(2)(C)(3) above that is disturbed in a manner contrary to the agreed upon restrictions shall be subject to the surveying and replanting requirements of this chapter. In such cases, the applicant shall compensate the City for the loss of protected trees either by replanting as applicable and/or paying in-lieu fees in accordance with Section 1148.06 below.

1148.06 IN-LIEU FEE OPTION.

For cases involving discretionary approval by a public body (i.e. Major Subdivisions, Planned Developments and Conditional Uses) or Landscape Plan Review, an agreement may be made to accept funds into the City's planting program in-lieu of up to fifty (50) percent of the total number of trees to be planted as required by Section 1148.04 and/or replanted as required by Section 1148.05. The total amount of funds shall be based upon the latest Fee Ordinance adopted by City Council, as may be applicable.

1148.07 REVIEW PROCEDURES.

(a) Discretionary Review

For cases involving discretionary approval by a public body (i.e. Major Subdivisions, Planned Developments and Conditional Uses), the procedures as required within respective chapters of this Zoning Code shall be followed.

(b) Administrative Review

For cases not involving discretionary approval by a public body, the Zoning Administrator or designee shall have the authority to administer the regulations of this chapter, as well as to make interpretations in applying the standards of this chapter.

(c) Landscape Plan Review

- (1) Landscape Plan Review is provided as an alternate review process to achieve compliance with the provisions of this chapter. This process is available to all development projects that would normally be subject to subsection (b) above.
- (2) The Planning Commission shall serve as the approving authority for Landscape Plan Review. A majority vote is required to approve.
- (3) The Zoning Administrator may, at any time, consult the Planning Commission in making a determination on a plan's compliance with the standards of this chapter, and thus has the ability to require Landscape Plan Review for any development project to which this chapter is applicable per Section 1148.02.
- (4) An applicant/developer also has the right to request in writing a Landscape Plan Review by the Planning Commission, either to accommodate an alternative landscape site design which does not strictly adhere to the standards of this chapter, or to appeal the Zoning Administrator's application or interpretation of the standards of this chapter.
- (5) In conducting Landscape Plan Review in accordance with the criteria outlined in subsection (6) below, the Planning Commission shall have the ability to waive or modify any numerical regulations of this chapter.

(6) Decision Criteria

The Planning Commission shall utilize the following criteria in making a determination on whether to approve or deny a Landscape Plan:

- A. The proposed plan embodies the overall spirit and intent of this chapter and adheres to the general purposes as stated;
- B. The proposed plan demonstrates careful planning of buildings, uses, and all other development components in a way that is as harmonious as possible with existing natural features and resources; and

- C. The proposed plan would result in a more attractive visual appearance and result in a greater prevalence of trees and vegetation than the present conditions.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY

PREPARED BY: LAW (STAFF)

ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTIONS 1101.4(400) ENTITLED GENERAL STATEMENT, 1101.4(403) ENTITLED TYPICAL SECTIONS, AND 1101.4(410) ENTITLED LANDSCAPE PLAN IN CHAPTER 1101 ENTITLED SUBDIVISION REGULATIONS AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTIONS 1101.4(400) ENTITLED GENERAL STATEMENT, 1101.4(403) ENTITLED TYPICAL SECTIONS AND 1101.4(410) ENTITLED LANDSCAPE PLAN IN CHAPTER 1101 ENTITLED SUBDIVISION REGULATIONS TO BE IN COMPLIANCE WITH CHAPTER 1148 OF THE OXFORD CODIFIED ORDINANCES ENTITLED LANDSCAPING AND TREE PRESERVATION.

WHEREAS, Council finds in accordance with Section 1135.02 of the Codified Ordinances of the City of Oxford, the City of Oxford Planning Commission held public hearings on January 14, 2020 and on February 11, 2020 and that following the public hearings did deliberate and as a result of those deliberations, the Planning Commission recommended repealing Oxford Codified Ordinance Sections 1101.4(400) entitled General Statement, 1101.4(403) entitled Typical Sections, and 1101.4(410) entitled Landscape Plan in Chapter 1101 entitled Subdivision Regulations and adopting new Oxford Codified Ordinance Sections 1101.4(400) entitled General Statement, 1101.4(403) entitled Typical Sections and 1101.4(410) entitled Landscape Plan in Chapter 1101 entitled Subdivisions Regulations to be in compliance with Chapter 1148 of the Oxford Codified Ordinances entitled Landscaping and Tree Preservation.

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

SECTION I: Council hereby repeals Oxford Codified Ordinance Sections 1101.4(400) entitled General Statement, 1101.4(403) entitled Typical Sections, and 1101.4(410) entitled Landscape Plan in Chapter 1101 Subdivision Regulations and adopts new Oxford Codified Ordinance Sections 1101.4(400) entitled General Statement, 1101.4(403) entitled Typical Sections, and 1101.4(410) entitled Landscape Plan in Chapter 1101 entitled Subdivision Regulations to be in compliance with Chapter 1148 of the Oxford Codified Ordinances entitled Landscaping and Tree Preservation as follows: (additions are **bolded**; deletions are ~~struck through~~)

400 GENERAL STATEMENT

- (A) In laying out a subdivision, the subdivider shall comply with the following design standards and requirements. The regulations contained herein, the Zoning Ordinance, Comprehensive Plan, Stormwater Drainage Plan, Water System Master Plan, and the City of Oxford Thoroughfare Plan shall control the manner in which streets, lots, and other elements of a subdivision are arranged on the land. These design controls shall help ensure:
- (1) Convenient and safe streets;
 - (2) Creation of useable lots;
 - (3) Provision of space for public utilities;
 - (4) Reservation of land for recreation uses;
 - (5) To minimize the impact on natural resources and the environment, and
 - (6) To ensure that planning of attractive, connected and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned, unconnected, undirected, haphazard growth.
- (B) The Planning Commission has the responsibility for reviewing the layout of each future subdivision early in its design development. The development shall be laid out
- (1) To minimize
 - (a) The effect on ground water and aquifer recharge;
 - (b) Excavation and embankment;

- (c) Unnecessary impervious cover; and
- (d) **The complete removal of mature trees.**
- (2) To provide adequate access to lots and sites; and
- (3) To mitigate adverse effects of noise, odor, traffic, drainage, utilities and increased storm water runoff on neighboring properties.

403 TYPICAL SECTIONS

Subdivisions shall be designed and constructed to conform to the Typical Sections incorporated by reference herein as Attachment H. The Typical Sections adopted as the standards for construction and design in the City are the following:

- (A) Principal Arterial street typical section;
- (B) Minor Arterial street typical section;
- (C) Major Collector street typical section;
- (D) Minor Collector street typical section;
- (E) Local street typical section;
- (F) Alley typical section;
- (G) Typical cul-de-sac details;
- (H) Temporary turn around;
- (I) Dead End/ Stub Street typical section (Hammerheads);
- (J) Multi-Use Path typical section;
- (K) Utility typical section; Utility locations;
- (L) **Tree Protection Detail;**
- (M) **Tree Survey;**
- (~~LN~~) Typical Lot Consolidation/Split;
- (~~MO~~) Standard Plat of Survey;
- (~~NP~~) Record Plats
- W.1: Standard Record Plat Title Sheet;
- W.2: Standard Record Plat.

410 LANDSCAPE PLAN

- (A) A landscape plan shall be submitted with each plat application for proposed developments in accordance with Chapter 1149 of the Zoning Code and Chapter 935 of the City of Oxford Codified Ordinance, unless an exception is granted by the Planning Commission pursuant to these Regulations.
 - (1) The landscape plan shall identify existing and proposed trees, shrubs, and ground covers; natural features such as rock outcroppings; and other landscaping elements.
 - (2) Where existing plants are to be retained, the applicant shall include in the plans proposed methods of protecting them during construction **such as but not limited to the Tree Protection Detail.**
 - (3) **The landscape plan shall demonstrate compliance with the requirements of Chapter 1148.**
- (B) Buffering

Buffering is the provision of an area between different land uses that attempts to minimize negative environmental impacts from one to the other. Buffers shall provide a year-round visual screen in order to minimize adverse impacts. They may consist of fencing, evergreens, berms, rocks, boulders, mounds, or combinations thereof to achieve the same objectives. Multi-use paths are permitted in the buffer area. Every subdivider shall provide sufficient buffering or additional lot depth when topographical or other barriers do not provide reasonable screening and when the Planning Commission determines that there is a need to shield;

 - (1) Neighboring properties from any adverse external effects of a development; or

- (2) The development from negative impacts of adjacent uses such as streets or railroads.
- (3) Requirements
 - (a) Plant materials shall be sufficiently large and planted in such a fashion that a year-round screen at least eight (8) feet in height shall be produced within three (3) growing seasons.
 - (b) All plantings shall be installed according to accepted horticultural standards.
 - (c) A five (5') foot minimum buffer width from parking lots, garbage collection, utility areas, and loading and unloading areas shall be provided.
 - (d) Twenty (20') foot width minimum from all other land uses.
 - (i) When adjoining undeveloped, vacant or agricultural land, such buffer width may be reduced to ten (10') feet.

In high-density developments, when building design and siting do not provide privacy, the Planning Commission may require landscaping, fences, or walls to screen dwelling units for privacy. Buffers shall be measured from the property line.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY

PREPARED BY: LAW (STAFF)

ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTIONS 1143.03(c)(13) ENTITLED LANDSCAPING, 1143.05(c)(13) ENTITLED LANDSCAPING, AND 1143.07(d)(13) ENTITLED LANDSCAPING IN CHAPTER 1143 ENTITLED DISTRICTS AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTIONS 1143.03(c)(13) ENTITLED LANDSCAPING, 1143.05(c)(13) ENTITLED LANDSCAPING, AND 1143.07(d)(13) ENTITLED LANDSCAPING IN CHAPTER 1143 ENTITLED DISTRICTS TO BE IN COMPLIANCE WITH CHAPTER 1148 OF THE OXFORD CODIFIED ORDINANCES ENTITLED LANDSCAPING AND TREE PRESERVATION.

WHEREAS, Council finds in accordance with Section 1135.02 of the Codified Ordinances of the City of Oxford, the City of Oxford Planning Commission held public hearings on January 14, 2020 and on February 11, 2020 and that following the public hearings did deliberate and as a result of those deliberations, the Planning Commission recommended repealing Oxford Codified Ordinance Sections 1143.03(c)(13) entitled Landscaping, 1143.05(c)(13) entitled Landscaping, and 1143.07(d)(13) entitled Landscaping in Chapter 1143 entitled Districts and adopting new Oxford Codified Ordinance Sections 1143.03(c)(13) entitled Landscaping, 1143.05(c)(13) entitled Landscaping, and 1143.07(d)(13) entitled Landscaping in Chapter 1143 entitled Districts to be in compliance with Chapter 1148 of the Oxford Codified Ordinances entitled Landscaping and Tree Preservation.

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

SECTION I: Council hereby repeals Oxford Codified Ordinance Sections 1143.03(c)(13) entitled Landscaping, 1143.05(c)(13) entitled Landscaping, and 1143.07(d)(13) entitled Landscaping in Chapter 1143 entitled Districts and adopts new Oxford Codified Ordinance Sections 1143.03(c)(13) entitled Landscaping, 1143.05(c)(13) entitled Landscaping, and 1143.07(d)(13) entitled Landscaping in Chapter 1143 entitled Districts to be in compliance with Chapter 1148 of the Oxford Codified Ordinances entitled Landscaping and Tree Preservation as follows: (additions are **bolded**; deletions are ~~struck through~~)

- (13) Landscaping.
 - A. **Landscaping of the site shall comply with the requirements of Chapter 1148.**
~~Existing mature trees should be preserved and maintained when possible.~~
- (13) Landscaping.
 - A. **Landscaping of the site shall comply with the requirements of Chapter 1148.**
~~Existing mature trees should be preserved and maintained when possible.~~
- (13) Landscaping.
 - A. **Landscaping of the site shall comply with the requirements of Chapter 1148.**
~~Existing mature trees should be preserved and maintained when possible.~~

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY

PREPARED BY: LAW (STAFF)

ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTIONS 1143.12(d)(2) ENTITLED LANDSCAPING AND 1143.16(d) ENTITLED SUPPLEMENTARY REGULATIONS IN CHAPTER 1143 ENTITLED DISTRICTS AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTIONS 1143.12(d)(2) ENTITLED LANDSCAPING AND 1143.16(d) ENTITLED SUPPLEMENTARY REGULATIONS IN CHAPTER 1143 ENTITLED DISTRICTS TO BE IN COMPLIANCE WITH CHAPTER 1148 OF THE OXFORD CODIFIED ORDINANCES ENTITLED LANDSCAPING AND TREE PRESERVATION.

WHEREAS, Council finds in accordance with Section 1135.02 of the Codified Ordinances of the City of Oxford, the City of Oxford Planning Commission held public hearings on January 14, 2020 and on February 11, 2020 and that following the public hearings did deliberate and as a result of those deliberations, the Planning Commission recommended repealing Oxford Codified Ordinance Sections 1143.12(d)(2) entitled Landscaping and 1143.16(d) entitled Supplementary Regulations in Chapter 1143 entitled Districts and adopting new Oxford Codified Ordinance Sections 1143.12(d)(2) entitled Landscaping and 1143.16(d) entitled Supplementary Regulations in Chapter 1143 entitled Districts to be in compliance with Chapter 1148 of the Oxford Codified Ordinances entitled Landscaping and Tree Preservation.

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

SECTION I: Council hereby repeals Oxford Codified Ordinance Sections 1143.12(d)(2) entitled Landscaping and 1143.16(d) entitled Supplementary Regulations in Chapter 1143 entitled Districts and adopts new Oxford Codified Ordinance Sections 1143.12(d)(2) entitled Landscaping and 1143.16(d) entitled Supplementary Regulations in Chapter 1143 entitled Districts to be in compliance with Chapter 1148 of the Oxford Codified Ordinances entitled Landscaping and Tree Preservation as follows: (additions are **bolded**; deletions are ~~struck through~~)

(2) Landscaping:

Landscaping of the site shall comply with the requirements of Chapter 1148.
~~The required front yard, with the exception of the area used for vehicle access shall be landscaped with trees, shrubs and ground cover. A minimum of 1 tree for every 25 linear feet of frontage shall be planted in this area provided that the placement of the trees does not interfere with sight distance entering or leaving the site. Each tree shall be a minimum of 6 feet tall and have a minimum 2-inch diameter at breast height (DBH).~~

~~A. — A minimum of 50% of the trees shall be hardwood type, as listed on the City's Tree List maintained by the Environmental Commission.~~

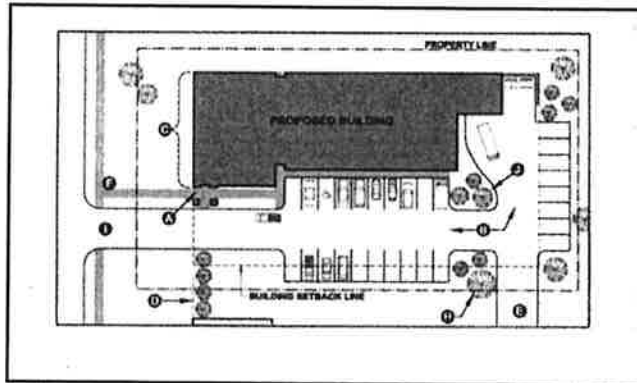
~~B. — All landscaping material must be maintained in good condition. Any missing or dead materials must be replaced in a timely manner.~~

(d) Supplementary Regulations:

(1) **Landscaping of the site shall comply with the requirements of Chapter 1148.**
~~The required front yard shall be landscaped with trees, shrubs and ground cover. A minimum of 1 tree for every 25 feet of linear feet of frontage, with the exception of the area used for vehicle access. The tree spacing shall be consistent with the requirements outlined in Oxford Codified Ordinance Section 935.06. Trees shall be hardwood type, as listed on the City's Tree List maintained by the Environmental Commission. Each tree shall be a minimum 2" caliper in diameter at breast height (DBH). All landscaping material shall be maintained in good condition. Any missing or dead material shall be replaced in a timely manner.~~

- (2) The placement of any proposed building shall be consistent with the average setback of the blockface.
- (3) Development should preserve the historic character of Oxford while embracing high quality design that complements existing building.
- (4) New building shall be designed in style, mass, scale and materials compatible with the surrounding properties.
- (5) Addition to an existing building shall be sympathetic to the architectural scale and style of the existing building. The material for the addition shall also be similar and consistent with the existing building.
- (6) The maximum pedestrian walking distance from the street to the entrance of the building shall not be more than 150% of the required front yard setback, or the average front yard setback distance, whichever is larger.
- (7) Buffering shall be provided along the property lines adjacent to residential zoned properties. Such buffering shall consist of a solid green or dense green hedge a minimum of 6 feet tall. Green hedges shall be 6 feet tall at planting and maintain at least 90 percent opacity over time.
- (8) Hours of operation shall be limited to 8 am to 9 pm, or subject to the approval from the Planning Commission.
- (9) All parking shall be located to the side or to the rear of the building. No more than 50% of the frontage upon the street could be used for parking area.

Location of Off-Street Parking
Illustration Only



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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY

PREPARED BY: LAW (STAFF)

ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTIONS 1145.01(a) ENTITLED PURPOSE, 1145.05(a) ENTITLED PRELIMINARY PLAN, AND 1145.06(b) ENTITLED GENERAL DECISION STANDARDS IN CHAPTER 1145 ENTITLED PLANNED DEVELOPMENTS AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTIONS 1145.01(a) ENTITLED PURPOSE, 1145.05(a) ENTITLED PRELIMINARY PLAN, AND 1145.06(b) ENTITLED GENERAL DECISION STANDARDS IN CHAPTER 1145 ENTITLED PLANNED DEVELOPMENTS TO BE IN COMPLIANCE WITH CHAPTER 1148 OF THE OXFORD CODIFIED ORDINANCES ENTITLED LANDSCAPING AND TREE PRESERVATION.

WHEREAS, Council finds in accordance with Section 1135.02 of the Codified Ordinances of the City of Oxford, the City of Oxford Planning Commission held public hearings on January 14, 2020 and on February 11, 2020 and that following the public hearings did deliberate and as a result of those deliberations, the Planning Commission recommended repealing Oxford Codified Ordinance Sections 1145.01(a) entitled Purpose, 1145.05(a) entitled Preliminary Plan, and 1145.06(b) entitled General Decision Standards in Chapter 1145 entitled Planned Developments and adopting new Oxford Codified Ordinance Sections 1145.01(a) entitled Purpose, 1145.05(a) entitled Preliminary Plan, and 1145.06(b) entitled General Decision Standards in Chapter 1145 entitled Planned Developments to be in compliance with Chapter 1148 of the Oxford Codified Ordinances entitled Landscaping and Tree Preservation.

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

SECTION I: Council hereby repeals Oxford Codified Ordinance Sections 1145.01(a) entitled Purpose, 1145.05(a) entitled Preliminary Plan, and 1145.06(b) entitled General Decision Standards in Chapter 1145 entitled Planned Developments and adopts new Oxford Codified Ordinance Sections 1145.01(a) entitled Purpose, 1145.05(a) entitled Preliminary Plan, and 1145.06(b) entitled General Decision Standards in Chapter 1145 entitled Planned Developments to be in compliance with Chapter 1148 of the Oxford Codified Ordinances entitled Landscaping and Tree Preservation as follows: (additions are **bolded**; deletions are ~~struck through~~)

(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

- F. Include covenants, easements, and other private measures that will help ensure the long-term administrative viability of a development
 - G. Be functional within a time period that helps ensure a viable development
 - H. **Minimize removal or destruction of existing natural features such as mature trees**
- (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.
- (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) **Landscape plan.**

- A. **The plan shall demonstrate compliance with the requirements of Chapter 1148.**

(87) **Elevations.**

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

(98) **Other.**

Photographs of the existing site and its surroundings.

(109) **Digital Submittal.**

Adobe PDF version of all information submitted to also be submitted on a current digital format.

(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.
- (14) **Proposed construction will not result in the complete elimination of existing mature tree canopy. Effort shall be made to direct disturbance and construction around or away from existing mature tree canopy without completely taking away use of the site or connectivity to existing infrastructure.**

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY

PREPARED BY: LAW (STAFF)

ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTIONS 1147.02(a)(1) ENTITLED CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT AND 1147.02(c)(2) ENTITLED GENERAL DECISION STANDARDS IN CHAPTER 1147 ENTITLED CONDITIONAL USES AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTIONS 1147.02(a)(1) ENTITLED CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT AND 1147.02(c)(2) ENTITLED GENERAL DECISION STANDARDS TO BE IN COMPLIANCE WITH CHAPTER 1148 OF THE OXFORD CODIFIED ORDINANCES ENTITLED LANDSCAPING AND TREE PRESERVATION.

WHEREAS, Council finds in accordance with Section 1135.02 of the Codified Ordinances of the City of Oxford, the City of Oxford Planning Commission held public hearings on January 14, 2020 and on February 11, 2020 and that following the public hearings did deliberate and as a result of those deliberations, the Planning Commission recommended repealing Oxford Codified Ordinance Sections 1147.02(a)(1) entitled Contents of application for conditional use permit and 1147.02(c)(2) entitled General Decision Standards in Chapter 1147 entitled Conditional Uses and adopting new Oxford Codified Ordinance Sections 1147.02(a)(1) entitled Contents of application for conditional use permit and 1147.02(c)(2) entitled General Decision Standards in Chapter 1147 entitled Conditional Uses to be in compliance with Chapter 1148 of the Oxford Codified Ordinances entitled Landscaping and Tree Preservation.

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

SECTION I: Council hereby repeals Oxford Codified Ordinance Sections 1147.02(a)(1) entitled Contents of application for conditional use permit and 1147.02(c)(2) entitled General Decision Standards in Chapter 1147 entitled Conditional Uses and adopts new Oxford Codified Ordinance Sections 1147.02(a)(1) entitled Contents of application for conditional use permit and 1147.02(c)(2) entitled General Decision Standards in Chapter 1147 entitled Conditional Uses to be in compliance with Chapter 1148 of the Oxford Codified Ordinances entitled Landscaping and Tree Preservation as follows: (additions are **bolded**; deletions are ~~struck through~~)

(1) Contents of application for conditional use permit.

Thirteen complete sets of all information shall be submitted with an application. The Zoning Administrator may modify this requirement based upon the type of materials included. Please 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. **Application Fee.**

B. **Description of Use and Site.**

A written, detailed description shall include the following information. A separate response is required for each subsection.

1. The name, mailing address, and telephone number of the applicant and the property owner.
2. If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf.
3. A legal description of the site, including all separate lots.
4. A description of the existing uses of the site.
5. The zoning district in which the site is located.
6. A description of the proposed use.

- a. A description of operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.
 - b. The hours of operation.
7. A narrative statement that evaluates the compatibility of the proposed use with the general vicinity and adjacent properties.
 - a. How the use is similar to or different from existing area uses and if there will be any interaction between the proposed use and existing uses.
 - b. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites.
 - c. If the use will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions.
 - d. How any potential negative effects on adjacent land will be mitigated.
8. A statement about why the location proposed is more appropriate for the use than other locations.
9. A statement of the necessity or desirability of the proposed use to the neighborhood or community.
10. Separate, detailed statements that individually address each of the items listed as potential concerns for the proposed use.
11. A list of the names and mailing addresses of all land owners within 200 feet of the site.
12. Such other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by Planning Commission.

C. Site Plan.

A scaled site plan 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.

1. North arrow.
2. Scale.
3. Vicinity map.
4. All existing and proposed lot lines within the site.
5. Dimensions of all lots and of the entire site and any adjacent rights-of-way.
6. Location, height, and use of all proposed and existing structures.
7. Location and design of all proposed vehicle management areas.
8. Location, size, and type of all proposed signs.
9. Location, height, and type of all proposed screening and landscaping.
10. Distances to residential zoning districts if within 1,000 feet.
11. The use of land and location of structures on adjacent property and across adjacent rights-of-way.
12. Other information as required by the Planning Commission.

D. Landscape Plan.

The plan shall demonstrate compliance with the requirements of Chapter 1148.

- ~~ED.~~ Elevations of proposed structures, or typical elevations if structures are not yet designed, shall be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use.
- ~~FE.~~ Other.
Photographs of the existing use and its surroundings.

(2) General Decision Standards.

All Conditional Uses shall satisfy these General Decision Standards.

- A. The proposed use is in fact a Conditional Use appropriate for in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- F. 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.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. 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.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. 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.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. Proposed construction will not result in the complete elimination of existing mature trees on the site. Effort shall be made to direct disturbance and construction around or away from existing mature trees without completely taking away use of the site or connectivity to existing infrastructure.**
- ~~NM.~~ All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY

PREPARED BY: LAW (STAFF)

ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE SECTION 1149.05(e)(6) ENTITLED LANDSCAPING IN CHAPTER 1149 ENTITLED PARKING AND SITE ACCESS AND ADOPTING NEW OXFORD CODIFIED ORDINANCE SECTION 1149.05(e)(6) ENTITLED LANDSCAPING IN CHAPTER 1149 ENTITLED PARKING AND SITE ACCESS TO BE IN COMPLIANCE WITH CHAPTER 1148 OF THE OXFORD CODIFIED ORDINANCES ENTITLED LANDSCAPING AND TREE PRESERVATION.

WHEREAS, Council finds in accordance with Section 1135.02 of the Codified Ordinances of the City of Oxford, the City of Oxford Planning Commission held public hearings on January 14, 2020 and on February 11, 2020 and that following the public hearings did deliberate and as a result of those deliberations, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1149.05(e)(6) entitled Landscaping in Chapter 1149 entitled Parking and Site Access and adopting new Oxford Codified Ordinance Section 1149.05(e)(6) entitled Landscaping in Chapter 1149 entitled Parking and Site Access to be in compliance with Chapter 1148 of the Oxford Codified Ordinances entitled Landscaping and Tree Preservation.

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

SECTION I: Council hereby repeals Oxford Codified Ordinance Section 1149.05(e)(6) entitled Landscaping in Chapter 1149 entitled Parking and Site Access and adopts new Oxford Codified Ordinance Section 1149.05(e)(6) entitled Landscaping in Chapter 1149 entitled Parking and Site Access to be in compliance with Chapter 1148 of the Oxford Codified Ordinances entitled Landscaping and Tree Preservation as follows: (additions are **bolded**; deletions are ~~struck through~~)

- (6) Landscaping.
 - A. Purpose.
 - 1. Trees and other vegetation help to limit the negative effects of large, paved areas by improving stormwater control, reducing erosion, avoiding unnatural microclimates, and improving aesthetics. This section requires minimum landscaping requirements to satisfy this purpose.
 - B. Trees and Landscaped Areas
 - 1. Trees
 - a. A parking area shall have 2 trees per parking facility plus 1 tree for every 5 parking spaces or fraction thereof generally distributed throughout the parking area. Any dead or severely diseased trees used to fulfill these regulations shall be replaced at the request of the Zoning Administrator.
 - b. Trees shall be selected for the local soil and climate. The area and soil depth of the site shall be adjusted to sustain the tree. Immediately following planting, each tree shall be a minimum of 6 feet tall and have a minimum 2-inch caliper. At maturity, each tree shall have a clear trunk at least four feet above the adjacent parking surface and average mature crown greater than 12 feet.
 - c. **Each existing healthy tree meeting the minimum caliper standard that is preserved may be counted as one (1) required tree, and each existing healthy tree with a diameter at breast height (DBH) of ten (10) inches or greater that is preserved may be counted as two (2) required trees, provided that any such trees are properly documented in accordance with**

- ~~1148.05(b) and are situated no further than ten (10) feet from the proposed parking area. Each existing tree that meets the minimum regulations for a newly planted tree shall count as 1 tree.~~
- ~~Tree species shall be selected from the City's Tree List, or deemed by the Zoning Administrator (or his/her designee) to be an acceptable species for the location. Each newly planted or existing tree with a minimum 6-inch diameter at breast height that is in a living and healthy condition shall count as 2 trees.~~
- d. ~~Tree species shall be selected from the City's Tree List, or deemed by the Zoning Administrator (or his/her designee) to be an acceptable species for the location. Each newly planted or existing tree with a minimum 6-inch diameter at breast height that is in a living and healthy condition shall count as 2 trees.~~
- C. Landscaped areas.
All areas that are not paved shall be landscaped and shall satisfy the following regulations:
1. Shrubs, vines, and ground cover shall be healthy stock.
 2. Shrubs shall be a minimum of 1 gallon.
 3. Shrubs shall be maintained so that their height does not exceed 3 feet above the adjacent parking surface.
 4. Lawn grass shall be a species common to Southwest Ohio. Sod shall be used in areas subject to erosion.
 5. Synthetic or artificial lawns or plants may not be used in lieu of plant requirements.
 6. Concrete and asphalt shall not be used in landscaped areas. Decorative aggregate and other pervious surfaces may be used in landscaped areas if approved by the Zoning Administrator.
- D. Alternate design plan.
If the design regulations in this chapter will not result in an appropriate parking area for the site on which a use is located or proposed, a property owner may apply to the Planning Commission for a Conditional Use Permit to approve an Alternate Design Plan per procedure in Section 1147.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY

PREPARED BY: LAW (STAFF)

ORDINANCE NO.

AN ORDINANCE ADOPTING ADDITIONAL EXHIBITS INTO ATTACHMENT H ENTITLED TYPICAL SECTION DRAWINGS IN PART ELEVEN, TITLE ONE OF THE OXFORD CODIFIED ORDINANCES TO BE IN COMPLIANCE WITH CHAPTER 1148 OF THE OXFORD CODIFIED ORDINANCES ENTITLED LANDSCAPING AND TREE PRESERVATION .

WHEREAS, Council finds in accordance with Section 1135.02 of the Codified Ordinances of the City of Oxford, the City of Oxford Planning Commission held public hearings on January 14, 2020 and on February 11, 2020 and that following the public hearings did deliberate and as a result of those deliberations, the Planning Commission recommended adding additional exhibits to Attachment H entitled Typical Section Drawings in Part Eleven, Title One of the Oxford Codified Ordinances to be in compliance with Chapter 1148 of the Oxford Codified Ordinances entitled Landscaping and Tree Preservation.

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

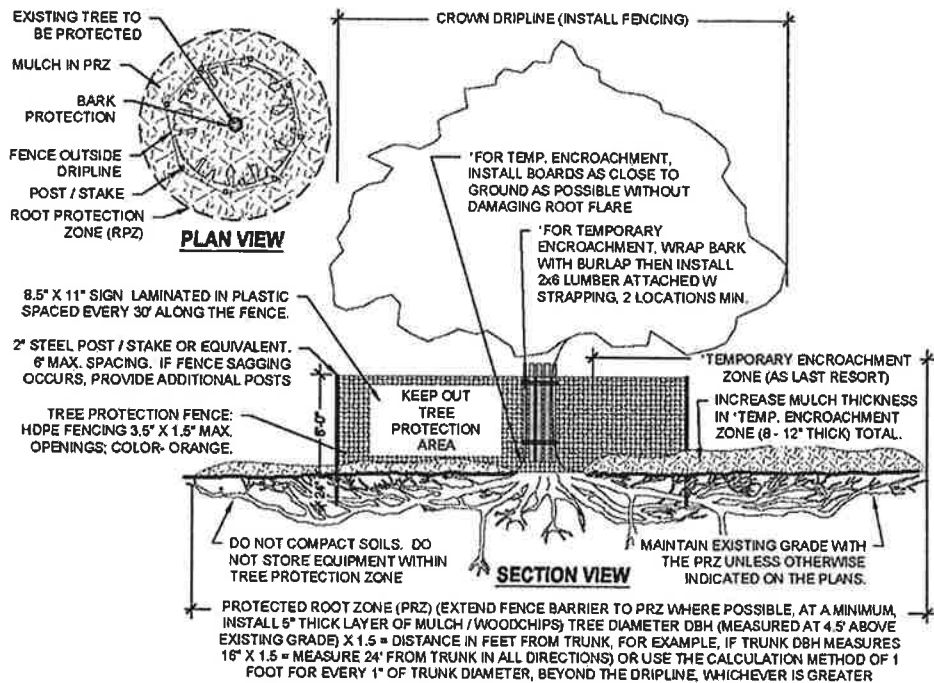
SECTION I: Council hereby adopts additional exhibits into Attachment H entitled Typical Section Drawings in Part Eleven, Title One of the Oxford Codified Ordinances to be in compliance with Chapter 1148 of the Oxford Codified Ordinances entitled Landscaping and Tree Preservation as follows:

TREE PROTECTION NOTES

- A TREE SUFFERING FROM CONSTRUCTION ACTIVITIES MAY EXPERIENCE SEVERAL YEARS OF DECLINE BEFORE ITS EVENTUAL DEATH. AWARENESS & GOOD COMMUNICATION BETWEEN THE PROPERTY OWNER, ARBORIST, PROJECT MANAGER & CONTRACTOR BEFORE, DURING & AFTER CONSTRUCTION IS VITAL TO SAVING TREES. BELOW ARE ROOT & BARK PROTECTION GUIDELINES, HOWEVER, TREE PRESERVATION IS SITE SPECIFIC & OTHER METHODS MAY ALSO BE APPROPRIATE.
- PREVENTION, PRE-CONSTRUCTION ACTION: EVEN WITH A PRESERVATION PLAN IN PLACE, CONSTRUCTION NEAR A TREE AFFECTS A TREE'S ENVIRONMENT AND CAN LEAD TO DAMAGE. A TREE'S RESPONSE TO CONSTRUCTION WILL DEPEND ON THE DEGREE OF SITE MODIFICATIONS AND THE STARTING HEALTH AND SIZE OF THE TREE. PROPER WATERING IS ESSENTIAL TO THE TREE'S SURVIVAL; ENSURE IT IS WELL WATERED IN THE MONTHS PRIOR TO PROJECT START. MULCH PROTECTED ROOT ZONE TO HELP INSULATE SOILS.
- SOIL COMPACTION, MATERIALS STORAGE & CONSTRUCTION DEBRIS CAN HARM TREE ROOT HEALTH LEADING TO DIEBACK & TREE DEATH. MOST ROOTS LIE WITHIN THE UPPER 6"-24" OF SOIL. MINIMIZE TREE INJURY WITH PROPERLY PLACED & SIZED BARRICADES.
- GRADE CHANGES, EVEN AS LITTLE AS 2" OF FILL, CAN CAUSE DEATH OF A TREE. LOWERING THE GRADE CAN DESTROY MAJOR PORTIONS OF A ROOT SYSTEM, CAUSING DECLINE AND EVENTUAL DEATH. AVOID CHANGING THE GRADE WHEREVER POSSIBLE.
- IF ROOT CUTTING BECOMES NECESSARY DURING CONSTRUCTION, ONLY CUT SECONDARY & TERTIARY ROOTS (LESS THAN 2" IN DIAMETER) WITH A SHARP BLADED SAW, MAKING CLEAN CUTS PERPENDICULAR TO THE NATURAL GROWTH DIRECTION. BACKFILL WITHIN ONE HOUR OF CUTTING ROOTS, WATER THE TREE WITHIN 24 HOURS OF ROOT CUTTING. SEVERING ROOTS CAN HAVE A SIGNIFICANT IMPACT ON TREE HEALTH, SURVIVAL AND STABILITY.
- FOLLOW-UP, POST-CONSTRUCTION MAINTENANCE, PROVIDE SUPPLEMENTAL IRRIGATION DURING DRY PERIODS AND MONITOR THE TREE FOR SEVERAL YEARS FOLLOWING CONSTRUCTION.

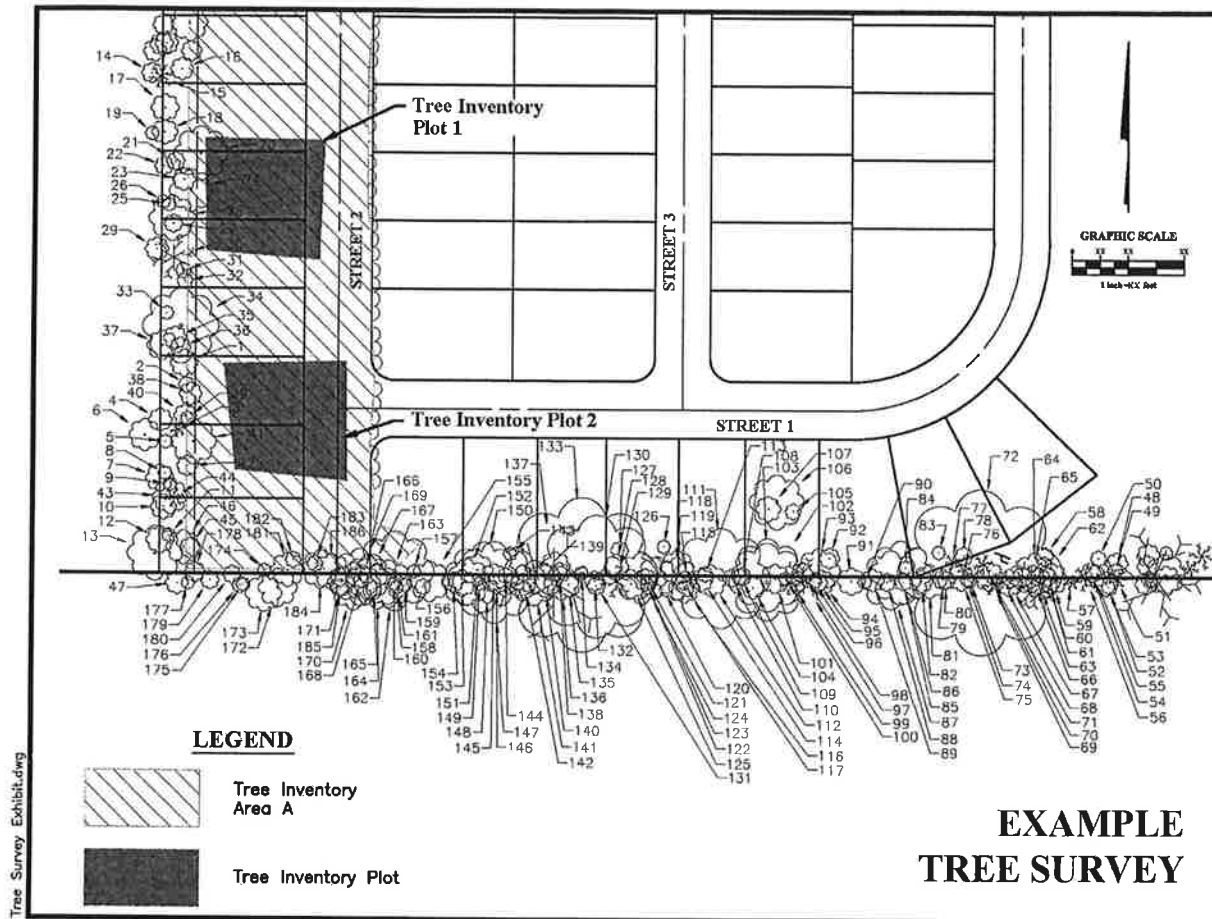
TREE PROTECTION SPECIFICATIONS

- PROVIDE TREE PROTECTION FENCING WHEN DISTURBANCE WILL OCCUR WITHIN 25' OF THE PROTECTED ROOT ZONE (PRZ).
- NO EQUIPMENT SHALL OPERATE AND NOTHING SHALL BE STORED INSIDE THE PROTECTIVE FENCING, INCLUDING DURING FENCE INSTALLATION AND REMOVAL, WITH THE ONLY EXCEPTION BEING PROVISIONS OF TEMPORARY BARK PROTECTION.
- PROVIDE TEMPORARY BARK PROTECTION (BOARD WRAP) ONLY WHEN TREE PROTECTION FENCING MUST BE TEMPORARILY REMOVED AND ENCROACHMENT INTO PROTECTED ROOT ZONE (PRZ) IS DEEMED NECESSARY AS A LAST RESORT TO COMPLETE CONSTRUCTION WHILE ATTEMPTING TO AVOID REMOVAL OF THE TREE.
 - WRAP TRUNK IN BURLAP, INSTALL A RING OF 4" LONG 2"x6" PLANKS LOOSELY BANDED ONTO THE TREE WITH STRAPS (VELCRO, STEEL, GALV. WIRE OR SIMILAR), STAPLED TO PLANKS. IF LENGTHY CONSTRUCTION, INSPECT & LOOSEN BOARDS EVERY 6 MONTHS.
 - DEMOLITION OR EXCAVATION SHALL PROCEED WITH EXTREME CAUTION, USING HAND TOOLS AND OTHER LOW IMPACT EQUIPMENT SUCH AS AIR EXCAVATION TOOLS. APPLY WATER SLOWLY WITH SOAKER HOSE OR SPRINKLER FOR 4 HOURS MINIMUM, ± 12 HOURS PRIOR TO THE WORK. COVER ANY EXPOSED CUT ROOTS WITH SOIL OR WOOD CHIPS AND MAINTAIN SOIL ABOVE WILT POINT AT ALL TIMES.
- PROVIDE ADEQUATE WATER IF THERE IS NO IRRIGATION SYSTEM IN PLACE.
- PRUNING SHOULD BE PERFORMED BY AN APPROVED ARBORIST.
- THE OWNER'S REPRESENTATIVE OR MUNICIPALITY MAY INSPECT THE WORK AT ANY TIME.



TREE PROTECTION DETAIL (ROOT ZONE & ABOVE GRADE)

SCALE: NOT TO SCALE



TREE INVENTORY																				
Plot/Area	ID	Common Name	Scientific	Condition	Size	Notes	Plot/Area	ID	Common Name	Scientific	Condition	Size	Notes	Plot/Area	ID	Common Name	Scientific	Condition	Size	Notes
Area A	1	Pine oak	Quercus palustris	Good	12		Area A	61	American elm	Ulmus americana	Good	8		Plot 1	197	Sugar maple	Carya ovata	Good	6	
	2	American elm	Ulmus americana	Good	7			62	Black walnut	Juglans nigra	Good	10			198	Sugar maple	Acer saccharum	Good	10	
	3	Black cherry	Prunus serotina	Good	8			63	Shagbark hickory	Carya cordifolia	Good	10			199	Sugar maple	Acer saccharum	Good	10	
	4	Shagbark hickory	Carya ovata	Good	7			64	White oak	Quercus alba	Good	7			200	Red oak	Quercus rubra	Good	22	
	5	Black cherry	Prunus serotina	Good	7			65	White oak	Quercus alba	Good	9			201	Red oak	Quercus rubra	Good	15	
	6	Black cherry	Prunus serotina	Good	6			66	Sugar maple	Acer saccharum	Good	10			202	White oak	Quercus alba	Good	11	
	7	White oak	Quercus alba	Good	11			67	White oak	Quercus alba	Good	16			203	American elm	Ulmus americana	Good	11	
	8	Shagbark hickory	Carya ovata	Good	8			68	Red oak	Quercus rubra	Good	17			204	Sugar maple	Carya ovata	Good	6	
	9	White oak	Quercus alba	Good	10			69	Red oak	Quercus rubra	Good	12			205	Red oak	Quercus rubra	Good	20	
	10	Shagbark hickory	Carya ovata	Good	10			70	Red oak	Quercus rubra	Good	15			206	Sugar maple	Acer saccharum	Good	7	
	11	Black cherry	Prunus serotina	Good	11			71	Red oak	Quercus rubra	Good	10			207	White oak	Quercus alba	Good	10	
	12	Red maple	Acer rubrum	Good	7			72	Sugar maple	Acer saccharum	Good	9			208	White oak	Quercus alba	Good	11	
	13	Red maple	Acer rubrum	Good	9			73	Shagbark hickory	Carya cordifolia	Good	10			209	Sugar maple	Carya ovata	Good	10	
	14	Sugar maple	Acer saccharum	Good	8			74	Black walnut	Juglans nigra	Good	11			210	White oak	Quercus alba	Good	6	
	15	Sugar maple	Acer saccharum	Good	18			75	American elm	Ulmus americana	Good	7			211	White oak	Quercus alba	Good	11	
	16	Black cherry	Prunus serotina	Good	9			76	Black cherry	Prunus serotina	Good	10			212	White oak	Quercus alba	Good	11	
	17	Red maple	Acer rubrum	Good	11			77	Sugar maple	Acer saccharum	Good	9			213	White oak	Quercus alba	Good	11	
	18	Red maple	Acer rubrum	Good	9			78	White oak	Quercus alba	Good	12			214	Sugar maple	Carya ovata	Good	8	
	19	Shagbark hickory	Carya ovata	Good	6			79	White oak	Quercus alba	Good	13			215	White oak	Quercus alba	Good	10	
	20	Red maple	Acer rubrum	Good	7			80	Sugar maple	Acer saccharum	Good	13			216	Sugar maple	Carya ovata	Good	8	
	21	Red maple	Acer rubrum	Good	15			81	Green ash	Fraxinus pennsylvanica	Dead	9			217	Sugar maple	Carya ovata	Good	14	2 Trunks
	22	Red oak	Quercus rubra	Good	6			82	American elm	Ulmus americana	Good	8			218	White oak	Quercus alba	Good	11	
	23	Pin oak	Quercus palustris	Good	9			83	Sugar maple	Acer saccharum	Good	9			219	White oak	Quercus alba	Good	11	
	24	White oak	Quercus alba	Good	6			84	White oak	Quercus alba	Good	8			220	Sugar maple	Carya ovata	Good	13	
	25	Red maple	Acer rubrum	Good	0			85	Red oak	Quercus rubra	Good	10			221	White oak	Quercus alba	Good	13	
	26	White oak	Quercus alba	Good	17			86	White oak	Quercus alba	Good	6			222	White oak	Quercus alba	Good	6	
	27	White oak	Quercus alba	Good	7			87	Shagbark hickory	Carya cordifolia	Good	10	2 Trunks		223	White oak	Quercus alba	Good	11	
	28	White oak	Quercus alba	Good	6			88	Black walnut	Juglans nigra	Good	10			224	Sugar maple	Carya ovata	Good	13	
	29	White oak	Quercus alba	Good	14			89	Shagbark hickory	Carya ovata	Good	7			225	Sugar maple	Carya ovata	Good	10	
	30	White oak	Quercus alba	Good	11			90	Shagbark hickory	Carya ovata	Good	10			226	White oak	Quercus alba	Good	10	
	31	White oak	Quercus alba	Good	13			91	Red oak	Quercus rubra	Good	12			227	White oak	Quercus alba	Good	10	
	32	White oak	Quercus alba	Good	16			92	White oak	Quercus alba	Good	18			228	White oak	Quercus alba	Good	6	
	33	Shagbark hickory	Carya ovata	Good	6			93	White oak	Quercus alba	Good	13			229	Sugar maple	Carya ovata	Good	10	
	34	White oak	Quercus alba	Good	9			94	White oak	Quercus alba	Good	16	2 Trunks		230	Sugar maple	Carya ovata	Good	10	
	35	White oak	Quercus alba	Good	20			95	Green ash	Fraxinus pennsylvanica	Dead	12			231	White oak	Quercus alba	Good	10	
	36	White oak	Quercus alba	Good	2			96	Red oak	Quercus rubra	Good	21			232	White oak	Quercus alba	Good	10	
	37	White oak	Quercus alba	Good	8			97	Green ash	Fraxinus pennsylvanica	Dead	18	2 Trunks		233	White oak	Quercus alba	Good	12	
	38	Sugar maple	Acer saccharum	Good	7			98	Shagbark hickory	Carya ovata	Good	10			234	Green ash	Fraxinus pennsylvanica	Dead	10	
	39	Sugar maple	Acer saccharum	Good	7			99	White oak	Quercus alba	Good	9			235	Sugar maple	Carya ovata	Good	14	
	40	White oak	Quercus alba	Good	13			100	White oak	Quercus alba	Good	10			236	American elm	Ulmus americana	Good	10	
Area B	41	White oak	Quercus alba	Good	13		Area B	101	White oak	Quercus alba	Good	8		Plot 1	237	Shagbark hickory	Carya cordifolia	Good	10	
	42	Red oak	Quercus rubra	Good	13			102	White oak	Quercus alba	Good	8			238	White oak	Quercus alba	Good	10	
	43	White oak	Quercus alba	Good	13			103	White oak	Quercus alba	Good	8			239	White oak	Quercus alba	Good	10	
	44	White oak	Quercus alba	Good	13			104	White oak	Quercus alba	Good	8			240	White oak	Quercus alba	Good	10	
	45	White oak	Quercus alba	Good	13			105	White oak	Quercus alba	Good	8			241	White oak	Quercus alba	Good	10	
	46	White oak	Quercus alba	Good	13			106	White oak	Quercus alba	Good	8			242	White oak	Quercus alba	Good	10	
	47	White oak	Quercus alba	Good	13			107	White oak	Quercus alba	Good	8			243	White oak	Quercus alba	Good	10	
	48	White oak	Quercus alba	Good	13			108	White oak	Quercus alba	Good	8			244	White oak	Quercus alba	Good	10	
	49	White oak	Quercus alba	Good	13			109	White oak	Quercus alba	Good	8			245	White oak	Quercus alba	Good	10	
	50	White oak	Quercus alba	Good	13			110	White oak	Quercus alba	Good	8			246	White oak	Quercus alba	Good	10	
	51	White oak	Quercus alba	Good	13			111	White oak	Quercus alba	Good	8			247	White oak	Quercus alba	Good	10	
	52	White oak	Quercus alba	Good	13			112	White oak	Quercus alba	Good	8			248	White oak	Quercus alba	Good	10	
	53	White oak	Quercus alba	Good	13			113	Sugar maple	Acer saccharum	Good	7			249	White oak	Quercus alba	Good	10	
	54	White oak	Quercus alba	Good	8			114	Shagbark hickory	Carya cordifolia	Good	8			250	White oak	Quercus alba	Good	10	
	55	White oak	Quercus alba	Good	9			115	White oak	Quercus alba	Good	8			251	White oak	Quercus alba	Good	10	
	56	Black cherry	Prunus serotina	Good	6			116	Sugar maple	Acer saccharum	Good	10			252	Shagbark hickory	Carya cordifolia	Good	14	3 Trunks
	57	Shagbark hickory	Carya cordifolia	Good	12			117	Sugar maple	Acer saccharum	Good	10			253	White oak	Quercus alba	Good	10	
	58	Shagbark hickory	Carya ovata	Good	12			118	White oak	Quercus alba	Good	17			254	White oak	Quercus alba	Good	8	
	59	Red oak	Quercus rubra	Good	10			119	Red maple	Acer rubrum	Good	17			255	White oak	Quercus alba	Good	10	
	60	White oak	Quercus alba	Good	8			120	Shagbark hickory	Carya cordifolia	Good	8			256	Red maple	Acer rubrum	Good	10	

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 21, 2020

Zachary Moore
Prepared By:

Account Code No. #:

Budgeted Amount:

March 31, 2020
Date Prepared:

PC-2020-04, FINAL PLANNED DEVELOPMENT, South Farm Section Four, 6.8133 acres, West end of Roberts Drive, South Farm Development LLC, Applicant

Recommendation: Approval with Conditions

Proposal Summary:

On behalf of South Farm Development, LLC, John Bayer of Bayer Becker has submitted an application for a Final Planned Development consisting of 25 single-family residential lots situated on a 6.8-acre development site. The site is located just west of the existing South Farm subdivision (as seen from Kehr Road), which currently consists of 11 homes on a cul-de-sac (Morgan Circle). A record plat is currently on the books for 13 individual lots, but all are presently unimproved with no street or other means of access provided – thus, a replat will be necessary to achieve the newly proposed design. Proposed lots range between 3,620 and 5,362 square feet in size, with most around 3,800 to 4,000 square feet.

Council previously approved a joint application for a Preliminary Planned Development (PD) and Preliminary Subdivision on September 17, 2019, subject to 12 conditions. Approval of a Final Planned Development (PD) is the next step in the process. The applicant has also submitted an application for Final Subdivision (a.k.a. Final Plat), which is a separate but related decision item that is being processed alongside the Final PD.

It should be noted that the original applications filed referred to this subdivision as South Farm *Section 2*. After further evaluation by Bayer Becker's surveying team, a request was made to change the name to *Section 4*, since technically Sections 2 and 3 already exist "on paper" in the Butler County Recorder's records. It is a best practice to use consecutive numbering when conducting replats.

Discussion and Recommended Conditions:

The Planning Commission considered the subject application at its March 10, 2020 meeting. There were three main points of discussion: (1) the proposed approval timeline of 5 years, with staff clarifying that if the development is not completely constructed at the end of the 5 years (or after a 1 year extension if granted by the Planning Commission) then re-approval is required; (2) concern for haphazard development of individual lots leading to interruptions in sidewalks; and (3) establishment of a new Homeowners Association (HOA), and its relationship to the existing HOA already in place for Section 1. One member of the public, Mr. Mike Rudolph, spoke on behalf of the existing South Farm HOA and inquired as to how the new HOA would be set up. The applicant commented that the residents of the new phase would be members of both the existing HOA and the new HOA being created. Due to this being a private matter, the Planning Commission did not recommend a condition on this subject, but there was general agreement expressed between the applicant and Mr. Rudolph on how to proceed.

Upon consideration of the decision standards, the Planning Commission voted 6-0-1 to recommend approval of the Final Planned Development subject to the following conditions, which serve as a “refresh” of the original 12 approval conditions for the Preliminary PD/Subdivision (Ord No. 3535):

- 1) The area to be conserved as permanent protected open space on Lots 26, 27 and 28 shall be clearly delineated on the final record plat, together with a set of covenants and restrictions to apply to said area detailing how natural vegetation is to be preserved and maintained in perpetuity.
- 2) The proposed Water Quality Basin in the open space north of Roberts Drive shall be maintained by the Home Owners Association, not the City of Oxford.
- 3) The maximum residential lot coverage shall be increased from 40% to 65%.
- 4) The minimum front yard setback shall be reduced from 30 feet to 15 feet.
- 5) The minimum number of entrances to an existing street system shall be reduced from 2 to 1.
- 6) The maximum street length for Hoover Drive shall be increased from 500 feet to 600 feet.
- 7) South side alley encroachment into the required 25 foot perimeter setback shall be allowed.
- 8) On-street parking shall not be allowed on the east side of Hoover Drive.
- 9) Landscaping/plantings proposed at the end of the Hoover Drive stub, within the right-of-way, are hereby removed from the Plan and shall not be planted.
- 10) Cluster box units (CBUs) serving the development shall be located on the north side of Roberts Drive, 50 feet east from the Hoover Drive intersection. Mailbox slots shall not be oriented toward the street and shall be accessible for all. Any changes to CBU location(s), positioning, or design/access shall be subject to major/minor change procedures, per Section 1145.10 or as amended.
- 11) All homes shall have a minimum of 1 window on each elevation. The homes on Lots 1 and 25 shall each have a minimum of 2 windows on façades directly facing Roberts Drive.
- 12) All homes shall be a maximum of 2 stories.
- 13) Any concrete or block foundation on an elevation facing a public street that is exposed more than 2 feet shall be covered with brick, wood, stone or stucco.
- 14) Air conditioning and heat pump equipment shall be located only in the side yards or rear of the lot.
- 15) The homes on Lots 14 through 25 shall have driveway access to the rear alley only, and shall not have front-loaded garages.
- 16) Final Plan approval shall be valid for 5 years, with an opportunity for the Planning Commission to grant an additional 1 year extension per the Zoning Code. All public infrastructure, including streets, trails, utilities, and sidewalks (except those on lots where the dwelling has yet to be built) shall be in place within 1 year of Final Plat approval.

Approved By:

Department Head:
City Manager:

SPL/MAE / 4-17-20
DRE / 4-17-20

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION AND APPROVING THE FINAL PLANNED DEVELOPMENT APPLICATION FOR SOUTH FARM SECTION IV WITH CONDITIONS.

WHEREAS, Council hereby finds the Planning Commission held a public hearing on March 10, 2020 in accordance with Chapter 1145 of the Codified Ordinances of the City of Oxford, on the application of South Farm Development LLC, for a Final Planned Development for South Farm Section IV consisting of 6.8133 acres (Exhibit "A"); and

WHEREAS, the Planning Commission, after due deliberation found the application satisfies the code requirements in Chapter 1145 of the Codified Ordinances of the City of Oxford, and recommended approval of the Final Planned Development application for South Farm Section IV with conditions.

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

SECTION 1: Council hereby accepts the recommendation of the Planning Commission and further approves the Final Planned Development application for South Farm Section IV with the following conditions:

1. The area to be conserved as permanent protected open space on Lots 26, 27 and 28 shall be clearly delineated on the final record plat, together with a set of covenants and restrictions to apply to said area detailing how the natural vegetation shall be preserved and maintained in perpetuity.
2. The proposed Water Quality Basin in the open space north of Roberts Drive shall be maintained by the Home Owners Association, not the City of Oxford.
3. The maximum residential lot coverage shall be increased from 40% to 65%.
4. The minimum front yard setback shall be reduced from 30 feet to 15 feet.
5. The minimum number of entrances to an existing street system shall be reduced from 2 to 1.
6. The maximum street length for Hoover Drive shall be increased from 500 feet to 600 feet.
7. South side alley encroachment into the required 25 foot perimeter setback shall be allowed.
8. On-street parking shall not be allowed on the east side of Hoover Drive
9. Landscaping/plantings proposed at the end of the Hoover Drive stub, within the right-of-way, are hereby removed from the Plan and shall not be planted.
10. Cluster box units (CBUs) serving the development shall be located on the north side of Roberts Drive, 50 feet east from the Hoover Drive intersection. Mailbox slots shall not be oriented toward the street and shall be accessible for all. Any changes to CBU location(s), positioning, or design/access shall be subject to major/minor change procedures, per Section 1145.10 or as amended.
11. All homes shall have a minimum of 1 window on each elevation. The homes on Lots 1 and 25 shall each have a minimum of 2 windows on facades directly facing Roberts Drive.
12. All homes shall be a maximum of 2 stories.
13. Any concrete or block foundation on an elevation facing a public street that is exposed more than 2 feet shall be covered with brick, wood, stone or stucco.
14. Air conditioning and heat pump equipment shall be located only in the side yards or rear of the lot.

15. The homes on Lots 14 through 25 shall have driveway access to the rear alley only, and shall not have front-loaded garages.
16. Final Plan approval shall be valid for 5 years, with an opportunity for the Planning Commission to grant an additional 1 year extension per the Zoning Code. All public infrastructure, including streets, trails, utilities, and sidewalks (except those on lots where the dwelling has yet to be built) shall be in place within 1 year of Final Plat approval.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: WILLIAM SNAVELY

PREPARED BY: LAW (STAFF)

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2020-04

Date – March 10, 2020

GENERAL INFORMATION

Applicant:	South Farm Development LLC c/o John Boyle & Michael Shea
Engineer:	Bayer Becker c/o John Bayer
Location:	West end of Roberts Drive, adjoining existing South Farm Section 1
Owners:	Cobblestone Community Church; John Boyle et al.
 Action Request:	 Final Planned Development for South Farm Section 2 (to replat 13 unimproved lots into 25 new single-family lots)
Current Use:	Vacant Land
Site Size:	6.84 acres
Zoning:	R-1B Single-Family Medium Density Residential District
Surrounding Land Uses:	Church, Single-Family Residential and Vacant Land

PROPOSAL SUMMARY

On behalf of South Farm Development LLC, John Bayer of Bayer Becker has submitted an application for a Final Planned Development consisting of 25 single-family residential lots situated on a 6.84-acre development site. The site is located just west of the existing South Farm subdivision (as seen from Kehr Road), which currently consists of 11 homes on a cul-de-sac (Morgan Circle). Access is to be provided by extending an existing public street stub on Roberts Drive, as well as realigning the right-of-way for Hoover Drive with construction as a new street. A record plat is currently on the books for 13 individual lots, but all are presently unimproved with no street or other means of access provided – thus, a replat will be necessary to achieve the newly proposed design. Proposed lots range between 3,620 and 5,362 square feet in size, with most around 3,800 to 4,000 square feet.

City Council approved a joint application for a Preliminary Planned Development and Preliminary Subdivision on September 17, 2019, subject to 12 conditions. Approval of the Final Planned Development is the next step prior to Final Plat approval by Council, recording the plat, and commencement of construction. The 16 conditions recommended by staff at this stage serve as a “refresh” of the original 12 approval conditions listed for the Preliminary PD/Subdivision (Ord No. 3535).

AGENCY REVIEWS

Two rounds of review were conducted with the Police, Fire, Engineering and Economic Development Departments. The second round presented a chance for the applicant to revise plans in response to issues discovered by City departments. The following comments were received:

	<u>1st Round</u>	<u>2nd Round</u>
Police:	Returned without comments	Returned with comments
Fire:	Returned without comments	Returned with comments
Engineering:	Returned with comments	Returned without comments
Econ. Dev.:	Returned without comments	Returned with comments

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners and a sign was posted at the front of the property. No public comments have been received as of the writing of this report.

STAFF RECOMMENDATION

Staff recommends **approval** of the Final Planned Development application subject to the following conditions:

- 1) The area to be conserved as permanent protected open space on Lots 26, 27 and 28 shall be clearly delineated on the final record plat, together with a set of covenants and restrictions to apply to said area detailing how natural vegetation is to be preserved and maintained in perpetuity.
- 2) The proposed Water Quality Basin in the open space north of Roberts Drive shall be maintained by the Home Owners Association, not the City of Oxford.
- 3) The maximum residential lot coverage shall be increased from 40% to 65%.
- 4) The minimum front yard setback shall be reduced from 30 feet to 15 feet.
- 5) The minimum number of entrances to an existing street system shall be reduced from 2 to 1.
- 6) The maximum street length for Hoover Drive shall be increased from 500 feet to 600 feet.
- 7) South side alley encroachment into the required 25 foot perimeter setback shall be allowed.
- 8) On-street parking shall not be allowed on the east side of Hoover Drive.
- 9) Landscaping/plantings proposed at the end of the Hoover Drive stub, within the right-of-way, are hereby removed from the Plan and shall not be planted.
- 10) Cluster box units (CBUs) serving the development shall be located on the north side of Roberts Drive, 50 feet east from the Hoover Drive intersection. Mailbox slots shall not be oriented toward the street and shall be accessible for all. Any changes to CBU location(s), positioning, or design/access shall be subject to major/minor change procedures, per Section 1145.10 or as amended.
- 11) All homes shall have a minimum of 1 window on each elevation. The homes on Lots 1 and 25 shall each have a minimum of 2 windows on façades directly facing Roberts Drive.
- 12) All homes shall be a maximum of 2 stories.
- 13) Any concrete or block foundation on an elevation facing a public street that is exposed more than 2 feet shall be covered with brick, wood, stone or stucco.
- 14) Air conditioning and heat pump equipment shall be located only in the side yards or rear of the lot.
- 15) The homes on Lots 14 through 25 shall have driveway access to the rear alley only, and shall not have front-loaded garages.
- 16) Final Plan approval shall be valid for 5 years, with an opportunity for the Planning Commission to grant an additional 1 year extension per the Zoning Code. All public infrastructure, including streets, trails, utilities, and sidewalks (except those on lots where the dwelling has yet to be built) shall be in place within 1 year of Final Plat approval.

STAFF ANALYSIS

Commentary

Staff comments on site conditions and a number of key development aspects are provided below. For this report, staff dwells mostly on adjustments or changes to the plan in comparison to the approved Preliminary Planned Development:

- **Density:** The gross density of the proposed development during the Preliminary stage was **3.73** dwelling units/acre (25 units / 6.7 acres). The latest density of **3.65** dwelling units/acre (25 units / 6.84 acres) remains closely consistent with the prior density figure. The density decreased due to a slight increase in total site area, resulting from an adjustment to the open space parcel containing the water quality basin.
- **Dwellings:** Each of the 25 lots proposed would support a single-family dwelling, in keeping with the underlying R-1B zoning. Housing units fall into 2 different categories: those with **front-loaded garages** on the east side of Hoover Drive, and those with **rear-loaded garages** on the west side of Hoover. Sample architectural plans from the Olde Winton development in Fairfield were provided as part of the application. Staff requested the applicant provide a list of key architectural aspects to serve as the exact controlling standards to enforce, as opposed to relying on the general “character” of houses depicted in the sample plans. Condition #s 11-15 represent the recommended architectural controls, including provisions ensuring adequate transparency/glazing and rear-loaded orientation for the western lots.

- **Landscaping/Screening:** The applicant has submitted a revised Landscape Plan which includes proposed street tree plantings in the right-of-way as well as additional “buffer” landscaping along the southern edge of the site falling primarily within HOA maintained open space. Greater detail for the buffer landscaping had been required as a condition of the Preliminary Planned Development, consistent with Section 1145.12(h)(2) which specifies that *the required perimeter setback area [25 feet] shall be retained in natural woods or suitably landscaped with grass, ground cover, shrubs, trees, or earthen mound.* The table below outlines the plantings proposed in the submitted Landscape Plan:

SPECIES Common Name	SPECIES Type	HEIGHT at Maturity	STREET TREE Quantity	BUFFER Quantity
Paperbark Maple	Deciduous	20-30 feet	6	-
American Yellowwood	Deciduous	30-50 feet	2	2
Hardy Rubber Tree	Deciduous	40-60 feet	7	-
Maidenhair Tree Autumn Gold	Deciduous	40-50 feet	10	-
Skyline Thornless Honey Locust	Deciduous	35-45 feet	16	-
Autumn Gold Bald Cypress	Deciduous	-	-	3
Wichita Blue Juniper	Evergreen	10-15 feet	-	11
Buttonbush	Deciduous Shrub	30 inches	-	15
Spicebush	Deciduous Shrub	18 inches	-	12
TOTAL			41	43

Staff supports the proposed landscaping plan, with the exception of plantings proposed within the public right-of-way at the end of the Hoover Drive stub – encompassing six (6) Wichita Blue Juniper and three (3) Spicebush. There is concern that a manicured look to landscaping in this area may create a perception among future residents that the street is designed to be a permanent dead-end, when in fact it is a temporary stub. The intention of the buffer landscaping is to shield lots from a possible future roadway or development adjacent to South Farm, and to this end there is no need to screen the end of the stub that may ultimately be connected through. Condition #9 addresses this subject.

- **Lot Coverage:** The Preliminary Planned Development approval authorized an increase in the maximum lot coverage from 40% to 65% per lot, and shall continue to prevail for the Final Planned Development. The maximum standard for alley-loaded lots remains slightly less, at 60%.
- **Lot Dimensions:** A comparison of proposed lot dimensions to those required in the underlying R1-B zoning district is provided below.

	LOT SIZE	LOT WIDTH
Standard (R-1B)	7,500 square feet	65 feet
Proposed (Front Loaded)	3,620 square feet	40 feet
Proposed (Rear Loaded)	3,800 square feet	40 feet

- **Lighting:** The applicant’s submitted construction drawings show a total of 4 street lights: 1 at the Roberts/Hoover intersection, 1 just south of the Roberts/alley intersection, 1 in the middle of the Hoover segment, and 1 at the Hoover/alley intersection.
- **Neighborhood Conservation Overlay:** The applicant has submitted a written request for establishment of a Neighborhood Conservation (NC) Overlay District to encompass the entire proposed development. Under Chapter 1146 of the Zoning Code, NC Overlays reduce the number of unrelated occupants in any given dwelling down to 2, as opposed to the normal limit of 4. A previous subdivision proposal, Heritage Vineyard, had also proposed a “preemptive” approval of an NC Overlay prior to selling off lots to new owners. In keeping with the same procedure followed for Heritage Vineyard, the overlay review and approval process can begin following approval and recording of the plat. The developer has already submitted a letter asking for consideration of an NC overlay upon recordation of the plat.
- **Open Space:** The Planned Development Code requires a minimum of **20%** of a site (in this case, 1.34 acres) to be devoted to open space, exclusive of a required 25-foot setback around the site perimeter. The applicant’s plan complies by reserving **26.5%** (1.78 acres) as open space – this is actually slightly more than the **25%** (1.68 acres) shown on the Preliminary Plan. The division of land would result in three separate open space parcels, all under common ownership. A significant degree of existing woodlands fall within these areas and are required to be retained in a natural state with corresponding legal restrictions. The applicant has agreed to language proposed by staff, which appears on the Final PD Plan and will eventually appear on the Final Plat as well.
- **Postal Delivery:** USPS recently rolled out a new nationwide policy requiring all new developments to have combined delivery utilizing cluster mailbox units (CBUs), as opposed to traditional individual mailboxes on each lot. During review of the application, the applicant proposed two potential locations for cluster mailbox units (CBUs) – one on the north side of Roberts Drive, east of Hoover; and another off the private alley west of Hoover. Staff supports the former, which was the original intended location during Preliminary Plan review, as a much safer and logical option so long as it is positioned a sufficient distance away from the intersection. Having mail units in the alley would likely cause *all* residents, not just those with rear garage access, to drive down the alley every day to retrieve mail and thereby use it as a “de facto” public street, which is not its purpose. Condition #10 addresses the topic of postal delivery.
- **Setbacks:** A comparison of proposed setbacks to those required in the underlying R-1B zoning district is provided below. The applicant was previously granted a waiver for the front yard setbacks, due to the Planned Development Code specifically calling for adherence to these setbacks in Section 1145.12(e)(2). Proposed setbacks are the same as were shown during the Preliminary stage.

	SETBACKS		
	Front Yard	Side Yard	Rear Yard
Standard (R-1B)	30 feet	8 feet each side	35 feet
Proposed (Garages in Front)	20 feet	5 feet each side	5 feet
Proposed (Garages in Rear)	15 feet	5 feet each side	20 feet

- **Sidewalks & Trail Connections:** Sidewalks are proposed on both sides of Hoover Drive as well as the south side of the Roberts Drive extension. Crosswalks at Roberts & Hoover have been slightly reconfigured to result in the shortest possible on-street crossing distance. On the north side of Roberts, in place of a sidewalk the developer has agreed to construct a multi-purpose trail segment for a future phase of the Oxford Area Trails System (OATS). During review of the Construction Drawings, it was determined that in order to allow enough space for a tree lawn and street trees between the pathway and the street, the width of Roberts Drive needed to be reduced. As a result, Roberts Drive went from 35 feet wide to 30 feet wide, allowing for a 10-foot wide trail

and 5-foot wide tree lawn on the north side. The 30 foot street width also matches the existing street width in Section 1, thus negating the need for a “bump-out” to 35 feet as was previously shown.

- **Signage:** The applicant’s proposal does not contain any information on gateway signage or other permanent types of signage to be installed on or near the site. There is already existing gateway signage on Kehr Road announcing arrival into Section 1, and could likewise serve the same purpose for Section 2 as well.
- **Streets & Traffic Circulation:** Apart from the changes to Roberts Drive as previously discussed in the Sidewalks section above, there have also been some other minor adjustments to the private alley behind the western rear-loaded lots. The alley width near Hoover has been reduced from 25 feet to 20 feet, in order to accommodate room for the landscaping buffer and necessary drainage. The Fire Chief has no objection to this change so long as on-street parking is prohibited on the eastern side of Hoover, so that a fire truck can successfully complete a turning movement (see Condition #8).
- **Utilities:** There are no significant utility-related updates to share since the time of Preliminary Planned Development approval.

Decision Standards

All Final Planned Developments shall satisfy the General Decision Standards provided in Section 1145.06(b) as well as Additional Final Plan Decision Standards in 1145.06(c). The standards found within these sections are below with staff analysis provided for each:

General Decision Standards

- 1. The proposed planned development is in fact permitted in the zoning districts in which it is proposed.**
Single-family dwellings are a permitted use under the R1-B Zoning District. The resulting density of 3.65 dwelling units/acre has been found to be consistent with the underlying zoning.
- 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.**
Not applicable.
- 3. The uses and site plan will satisfy the general intent of this Zoning Code.**
The proposed subdivision design satisfies one of the key purposes of a Planned Development, in providing for an environmentally sensitive and cohesive development that is an attractive alternative to a traditional subdivision. Open Space Residential Developments, as provided for in the City’s Subdivision Regulations but not technically followed as part of this submittal, are encouraged in order to conserve and protect the natural environment and rural landscapes within the City, and furthermore to promote efficient land development that reduces the costs of infrastructure, public service provision and ensures the orderly coordination of public streets.
- 4. The uses and site plan will be compatible with the general intent of the Comprehensive Plan.**
One of the Comprehensive Plan’s stated objectives is to create new residential areas with traditional neighborhood qualities, with an emphasis on protecting natural areas and creating new open spaces. The Plan further encourages implementation of alternative cluster style subdivision development. Staff believes this development proposal fulfills these objectives as well as the overall spirit of the Comprehensive Plan.

5. **The size and shape of the site are sufficient for the proposed planned development.**
The size and shape are found to be sufficient.
6. **The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.**
The applicant has taken great care to preserve a buffer around the perimeter of the subdivision as open space, including on the east side of the property adjoining the existing South Farm subdivision. The development will be in keeping with the surrounding existing and future land uses, including undeveloped land to the west, south, and east which is also zoned R-1B.
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.**
Staff does not believe this development will pose any of these concerns.
8. **Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.**
Other than single-family residential dwellings, no other accessory uses (such as a club house or other amenities) are proposed at this time. Conservation area restrictions would, in effect, prevent these sorts of uses from being developed on open space parcels held in common by the Home Owners Association. Accessory uses pursued by future resident owners, such as sheds, fences, etc. would be reviewed against the Zoning Code in effect at the time.
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.**
Opportunity for comment was provided to Fire, Police and Service Departments, and all have been responsive and thoughtful in their review and feedback. Prior concerns over sufficient pavement width, accessibility, and maneuverability have been settled, or can be accommodated with appropriate approval conditions.
10. **Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.**
Based on the information submitted, it does not appear that there will be any unusual or more substantial public expenditure involved than what is typically involved for development of a conventional residential subdivision. Significant extensions or upgrades are not required in order for the development to "tap in" to existing water and sewer utilities, or to have appropriate roadway access.
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.**
Though the housing units proposed in this "revised" South Farm section would differ in size and character in comparison to those currently located on Morgan Circle, the development would likely stand as its own unique enclave serving a specific market segment that is believed to have a short supply of available housing products at this point in time.
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.**
The Engineering Division has expressed that a Traffic Impact Study will not be necessary for this development, as the existing configuration between Roberts Drive and Kehr Road is

expected to be able to handle the additional traffic load from the 25 new lots in combination with the 11 existing lots on Morgan Circle. The developer has agreed to participate in the OATS trail project by constructing a trail segment within their subdivision boundary; this segment would contribute to a trail route currently planned along Roberts Drive and crossing Kehr Road.

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

Staff believes the applicant has designed their planned lots in such a way as to reduce the impacts to existing natural wooded areas on site. Restriction language to be provided on the record plat should help ensure the continued protection of resources present.

Additional Final Plan Decision Standards

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

Staff believes the submitted Final Plan substantially conforms to the Preliminary Plan. The roadway, pathway and parcel configurations are generally the same as previously shown and roughly the same amount of open space is provided.

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

In response to Preliminary Plan conditions, the applicant has: (1) effectively incorporated a bicycle/multi-purpose trail into their proposal along the northern side of Roberts Drive; (2) submitted a detailed Landscape Plan for review and approval; (3) agreed to conservation restrictions for certain delineated open space areas; and (4) satisfied the Fire Chief's prior concerns over the alley intersection with Hoover.

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.

The applicant is seeking approval of the entirety of the planned development, therefore this criterion is not applicable.

SUBMITTED BY:



Zachary Moore, AICP
Planner

DATE: February 26, 2020

APPENDIX

RELEVANT ZONING CODE PROVISIONS

Chapter 1101 constitutes the City of Oxford's Subdivision Regulations, in which Section 1101.4 provides design and construction standards to follow. Within the Zoning Code (Title Three), Section 1143.02 provides base zoning standards for the R1-B district and Chapter 1145 governs Planned Development applications.

1101.4 – Design standards and construction standards.

400 – General Statement

- (A) In laying out a subdivision, the subdivider shall comply with the following design standards and requirements. The regulations contained herein, the Zoning Ordinance, Comprehensive Plan, Stormwater Drainage Plan, Water System Master Plan, and the City of Oxford Thoroughfare Plan shall control the manner in which streets, lots, and other elements of a subdivision are arranged on the land. These design controls shall help ensure:
 - (1) Convenient and safe streets;
 - (2) Creation of useable lots;
 - (3) Provision of space for public utilities;
 - (4) Reservation of land for recreation uses;
 - (5) To minimize the impact on natural resources and the environment, and
 - (6) To ensure that planning of attractive, connected and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned, unconnected, undirected, haphazard growth.
- (B) The Planning Commission has the responsibility for reviewing the layout of each future subdivision early in its design development. The development shall be laid out
 - (1) To minimize
 - (a) The effect on ground water and aquifer recharge;
 - (b) Excavation and embankment;
 - (c) Unnecessary impervious cover;
 - (2) To provide adequate access to lots and sites; and
 - (3) To mitigate adverse effects of noise, odor, traffic, drainage, utilities and increased storm water runoff on neighboring properties.

401 – Suitability of Land

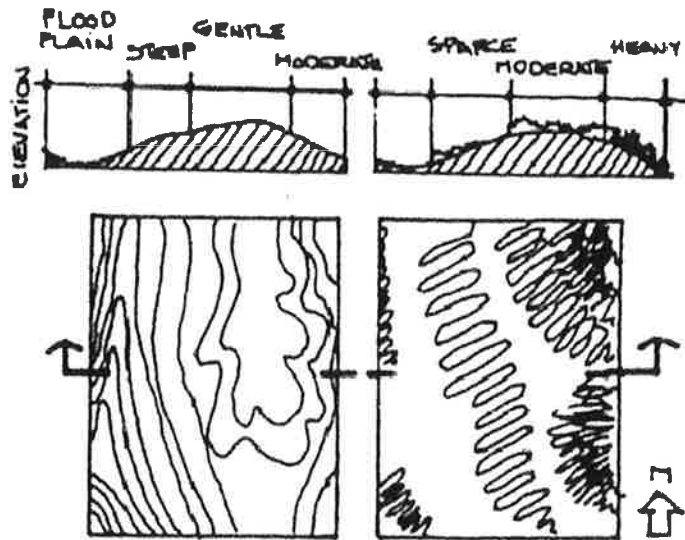
If the Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to poor drainage, flood hazard, topography, inadequate water or sewer supply, slippage potential, unstable subsurface conditions due to poor soils or other reasons and other such conditions which may endanger health, life, safety, or property and, if by any public agencies concerned it is determined that in the best interest of the public the land should not be developed for the purpose proposed, the Planning Commission shall not approve the subdivision unless adequate methods for solving the problems are advanced by the subdivider. For major subdivisions a written statement may be required by the Planning Commission describing characteristics of the development site, such as bedrock geology and soils, topography, flood prone areas, existing vegetation, structures and road networks, visual features, and past and present use of the site.

402 – Sensitive Development Areas

- (A) A Sensitive Development Area is defined as any land(s) or soil(s) proposed to be subdivided 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 Subdivision Plat, the applicant must create an inventory of sensitive areas identified in Section 402 (d) 1-8 from publicly available resources such as OEPA, ODNR, HAPC, FEMA, USFWS, OHPO, OKI, Butler County Soil and Water Conservation District, and other public entities. This information shall be provided with the preliminary application. Design of the subdivision shall be based on a site analysis provided by the applicant.
- (C) After the approval of the Preliminary Subdivision Plat, 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 report 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 subdivision shall be based on the site analysis provided by the applicant. 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.
 - (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 containing native mature trees.
 - (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 and 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.



403 – Typical Sections

Subdivisions shall be designed and constructed to conform to the Typical Sections incorporated by reference herein as Attachment H. The Typical Sections adopted as the standards for construction and design in the City are the following:

- (A) Principal Arterial street typical section;
- (B) Minor Arterial street typical section;
- (C) Major Collector street typical section;
- (D) Minor Collector street typical section;
- (E) Local street typical section;
- (F) Alley typical section;
- (G) Typical cul-de-sac details;
- (H) Temporary turn around;
- (I) Dead End/ Stub Street typical section (Hammerheads);
- (J) Multi-Use Path typical section;
- (K) Utility typical section; Utility locations;
- (L) Typical Lot Consolidation/Split;
- (M) Standard Plat of Survey;
- (N) Record Plats
- W.1: Standard Record Plat Title Sheet;
- W.2: Standard Record Plat.

404 – Streets

The purpose of a street network is to connect spatially separated places and to enable movement from one place to another. More specifically, the street network provides continuous and direct routes; provides greater emergency vehicle access; provides convenience and safety to drivers and pedestrians and to provide access to residents for goods and services.

Although the Planning Commission has established general street guidelines, many of the specific technical standards governing the Public Streets are regulated by the City of Oxford's Engineering Division.

(A) Relation to Adjoining Street System

- (1) The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas, or their proper projection where adjoining land is not subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the possible future development of adjacent tracts. The Planning Commission reserves the right to disapprove any street plan which does not represent good design or does not ensure continuity of the existing street system.

- (2) Offset streets shall be avoided within a proposed subdivision and adjacent to an existing subdivision.
 - (3) The street and alley arrangement(s) shall be such, so as not to cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.
 - (4) Streets obviously in alignment with existing streets shall bear the names of the existing streets. All proposed street names shall be checked against duplication or near duplication of other street names.
 - (5) Wherever the tract to be subdivided abuts a dedicated or platted half-width street or alley, the other half-width of such street or alley falling within the proposed subdivision shall be platted.
 - (6) Any subdivision with its main entrance onto an Arterial or Collector street shall provide a 25% wider opening at the entrance to the subdivision than the rest of the subdivision street width, unless otherwise determined by the Planning Commission.
- (B) Street Classifications
- (1) The classification of all proposed streets shall be determined by the Planning Commission and shall conform to the Official City Thoroughfare Plan. The proposed use of the street, type of traffic and future traffic volume shall also be considered in determining the classification of a street.
Street Classifications:
 - (a) Principal Arterial
 - (b) Minor Arterial
 - (c) Major Collector
 - (d) Minor Collector
 - (e) Local streets
 - (f) Alleys
- (C) Street Improvements
- (1) All public streets in residential subdivisions shall be the minimum width necessary to safely and adequately accommodate the vehicular traffic needs specific to the proposed subdivision, while balancing the needs of safe alternative modes of transportation. In all instances, street widths shall be measured from back-to-back of the installed curb. Minimum street width requirements are contained in Attachment H.
 - (2) The City Engineer shall determine the need for a traffic impact study, based upon the level of impact of this development upon surrounding traffic flow and safety.
 - (3) All street and public ways shall be constructed to their full specified width and to the appropriate grade and shall be surfaced in accordance with applicable standard specifications of the City. Such construction shall be subject to inspection by the City Engineer prior to release of the performance bond by Council. It is the duty of the subdivider to give proper notification to the City Engineer:
 - (a) Before the commencement of the work;
 - (b) Twenty-four hours prior to seeking an inspection; and
 - (c) At the end of the one-year maintenance improvements.
 - (4) Proposed streets shall intersect one another and existing street(s) at right angles as topography and other limiting factors allow.
 - (5) Street grade shall be designed to the Ohio Department of Transportation Highway Design Manual and acceptable to the City Engineer.
 - (6) Where a tract of land is of such size, location or contour, preventing a lot arrangement directly related to a normal street design, there may be established one or more, dead-end/stub streets or other arrangements, provided that proper access shall be given to all lots from a dedicated street.
 - (7) A cul-de-sac, dead-end/stub street or loop street shall not exceed 500 feet in length unless otherwise approved by the Planning Commission due to topography or unusual circumstances. (See also Section 405(B)(4))
 - (8) All subdivisions shall have at least two (2) entrances to an existing street system unless otherwise determined by the Planning Commission. The spacing of the entrances shall be separated and in accordance with traffic engineering standards.
- (D) Street Connectivity
- The purpose of this section is to support the creation of a highly connected transportation system within the City in order to enhance traffic circulation efficiency for drivers,

pedestrians, and bicyclists; promote various modes of transportation; connect neighborhoods to each other and to local destinations such as schools and parks; reduce emergency response times; reduce vehicle miles of travel and travel time; increase effectiveness of municipal services delivery.

- (1) The following standard shall be met in all new residential development in order to increase connectivity.

- (a) Any residential development shall be required to achieve a connectivity index of 1.2 or greater unless the Planning Commission determines that this requirement is impractical due to topography, existing development, and/or natural features. A connectivity index is a ratio of the number of street links (road sections between intersections and cul-de-sacs) divided by the number of street nodes (intersections and cul-de-sac heads).

The following illustration provides an example of how to calculate the index. Street links on existing adjacent streets that are not part of the proposed subdivision are not included in the connectivity index calculation. The measure of connectivity is the number of street links divided by the number of nodes. Nodes exist at street intersections as well as cul-de-sac heads. Links are the stretches of road that connect nodes. Stub outs shall also be considered as links. In this example, there are five (5) links (circles) and four (4) nodes (stars); therefore, the connectivity index is 1.25.

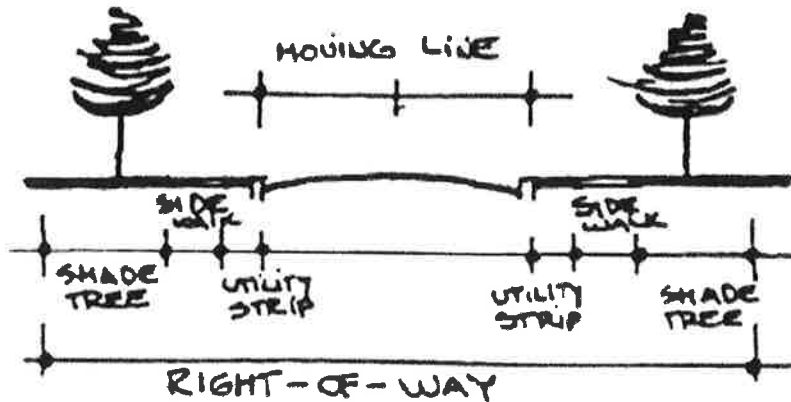


(E) Private Streets

- (1) No primary access into a subdivision shall be a private road.
- (2) Private streets shall conform to the minimum street standards, including construction materials, unless otherwise approved by the Planning Commission upon the City Engineer's recommendation.
 - (a) Sidewalks are required along a private street as required on public streets.
- (3) Any proposed private street shall serve a minimum of six (6) lots in order to be platted and recorded as a private street.
- (4) All lots utilizing a private street for access shall be provided with an access easement and maintenance agreement, to be noted on the Record Plat and to be outlined with the appropriate covenants and restrictions as to ensure that the private street is appropriately maintained. Such maintenance agreement shall be acceptable to the Planning Commission and Law Director.
- (5) The Planning Commission may require passing lanes, turnarounds, and overhead and width clearances as necessary to accommodate, public utility and fire and emergency vehicles.

(F) Rights-of-Way

Defined as a general term identifying land or property, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right-of-way shall include the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final Record Plat is to be separate and distinct from the lots or parcels adjoining such rights-of-way and not included within the dimensions or areas of such lots or parcels, provided the size of the lot for zoning purposes shall be determined by the applicable zoning resolution.



- (1) The right-of-way width required shall reflect future development as indicated by the Thoroughfare Plan and the Typical Section Drawings in Attachment H herein.
- (2) When a road is not referenced in the City of Oxford Thoroughfare Plan, or the Typical Section Drawings in Attachment H, the right-of-way width shall be established per the recommendation of the City of Oxford Engineer, and shall be approved by the Planning Commission.
- (3) The right-of-way shall be measured from lot line to lot line and shall be sufficiently wide to contain the roadway, curbs, sidewalks, utilities, graded areas and shade trees.
- (4) The right-of-way of a new street that is a continuation of an existing street shall in no case be continued at a width less than that of the existing street unless otherwise approved by the City Engineer and Planning Commission.

(G) Street Signage

Street signs, regulation signage, and warning signs shall be erected by the subdivider before building permits for homes are obtained. The subdivider shall maintain such signage until such time when the City accepts the streets for public use. All regulatory and warning signs shall meet the Ohio Manual of Uniform Traffic Control Devices. All signage shall be regulated by the City of Oxford Engineering Division.

(H) Parking

- (1) Off-street parking lots shall follow the Vehicle Management Chapter 1149 of the Zoning Code including landscaping, screening and lighting.

405 – Pedestrian/Multi-Use Paths

(A) Sidewalks

- (1) Concrete sidewalks, not less than five feet in width, shall be constructed along both sides of all streets, both private and public, and shall be in accordance with the City of Oxford's Curb, Gutter & Sidewalk Specifications Manual unless otherwise determined by the Planning Commission.
- (2) Sidewalks shall be required as a continuation of any existing sidewalk adjoining the lands to be subdivided.
- (3) It shall be the responsibility of the subdivider, prior to the release of the performance bond, to install any missing sidewalk segment on any undeveloped lots and in accordance with Section 106.

(B) Bike Paths/ Walking Trails

- (1) All bike paths or walking trails shall be elevated and/or distinguished from driving surfaces through the use of durable, low maintenance, hard surface materials such as asphalt, concrete, or other material approved by the City Engineer, to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

- (2) Bike paths shall be installed in accordance with these regulations, the City of Oxford Comprehensive Plan, Thoroughfare Plan and Typical Section Drawings in Attachment H.
- (3) All proper easements, dedication and maintenance shall be recorded on the Record Plat.
- (4) Cul-de-sacs that exceed 300 feet in length shall provide a multi-use path and easement at the end of such cul-de-sac. The purpose of this is to provide connectivity to neighboring subdivisions as well as emergency access.

406 – Infrastructure

- (A) **Water Lines**
An approved public water supply shall be provided for each lot within the subdivision areas and shall be in accordance with the City of Oxford Water and Sanitary Sewer Improvement Specifications Manual. Fire hydrants shall be installed in all subdivisions wherever required by the City Engineer and the Fire Chief in accordance with Ohio Fire Code and NFPA standards.
- (B) **Sanitary Sewers**
The subdivider shall install sanitary sewer lines to serve each lot. All such sewer lines shall be constructed in accordance with regulations and requirements the City of Oxford Water and Sanitary Sewer Improvement Specifications Manual, the Sanitary Sewer Pump Station Requirements and under the inspection of the City Engineer.
- (C) **Storm Drainage**
All necessary facilities, either underground pipe or drainage ditches, shall be installed to provide adequate disposal of surface water, groundwater and the waters of any natural watercourse and shall be in accordance with the City of Oxford Storm Water Management Design Manual.
- (D) **Detention/Retention**
All necessary detention or retention facilities shall be installed in accordance with the City of Oxford Storm Water Management Design Manual.
- (E) **Utilities**
Items of work which pertain to underground utilities, such as gas mains, electric lines and telephone cables, shall be constructed according to the standards and specifications of the utility company involved. Every effort shall be made to have all utilities provided underground.
- (F) **Street Lights**
 - (1) One street light shall be installed in conformance with the Ohio Department of Transportation specifications within 50 feet of every intersection created by the subdivision, at the end of a cul-de-sac or dead end/stub street, and at intervals not exceeding 400 feet. A street light shall have a fixture of at least 9,500 lumens. The City Engineer may vary from the spacing standards where the City Engineer determines that public safety or professional engineering design practice makes it necessary to vary the spacing standards.
 - (2) Streetlights shall be designed, with appropriate lamps and reflectors, to minimize light pollution.
 - (3) Light poles shall be consistent with the overall architectural theme and scale of the site.
 - (4) Streetlights along the sidewalks shall not exceed 16' in height in accordance with Chapter 1149 of the Planning and Zoning Code. Streetlights for the purpose of illuminating an intersection, parking facility or roadway for safety purposes shall not exceed 32' in height.
- (G) **Sedimentation and Erosion Control**
The subdivider shall comply with all requirements of Ohio's Standards for Stormwater Management Land Development and Urban Stream Protection, City of Oxford Storm Water Management Design Manual and subsequent amendments or revisions, as hereby incorporated into these regulations. In the development of a subdivision, the subdivider shall not cause or allow earth-disturbing activities that can pollute a public or private surface ditch, subsurface drainage, stream, river or lake. The subdivider shall also, to the greatest extent possible, take steps so that sediment will not be deposited onto an adjoining property or public right-of-way. Adequate control of soil erosion and sedimentation, through the use of best management practices with both temporary and permanent measures, shall be used during all phases of clearing, grading, and construction to conserve

soil resources and to maintain existing water quality. The Engineering Division will continuously monitor site development and efforts of sedimentation and erosion control.

407 – Driveways

- (A) Minimizing driveway access points or curb cuts by using access roads, shared entrances and access management best practices shall be encouraged.
- (B) All lots using common driveways shall provide a driveway easement and maintenance agreement noted on the Record Plat.
- (C) Driveways shall have a maximum grade of eight (8%) percent.
- (D) Residential driveway access shall not be permitted onto Principal and Minor Arterials or Major Collector streets. Subdivisions shall be designed to encourage residential driveway access by using, but not limited to, alleys, access roads or common driveways.
- (E) Shared driveways shall serve a maximum of three (3) lots and shall not exceed three hundred (300') feet unless otherwise determined by the Planning Commission.
- (F) Driveways shall be in accordance with Chapter 1149 of the Planning and Zoning Code and the Curb, Gutter, Sidewalk Manual.

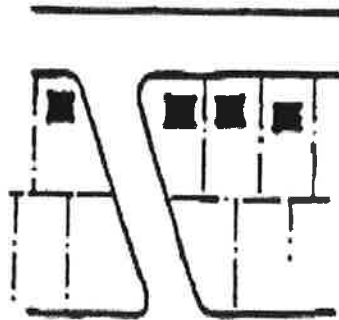
408 – Blocks

Blocks shall be arranged to accommodate lots and building sites of the size and character required by these Regulations and the applicable zoning district, to provide for adequate community facilities, and with regard to the limitations and opportunities of topography. Irregularly shaped blocks, blocks intended for dead end/stub and loop streets, and blocks containing interior parks and playgrounds may be approved by the Planning Commission if properly designed and located.

- (A) The maximum block length shall be 800 feet.
- (B) Where blocks are over 600 feet in length, a public walkway which traverses the block may be required to be dedicated and installed by the subdivider.
- (C) In platting residential lots, the depth of the block should not exceed 350 feet.
- (D) Blocks in the traditional gridiron pattern should consist of two tiers of lots and an alley right-of-way easement may be required to separate them where appropriate to continue an existing alleyway.

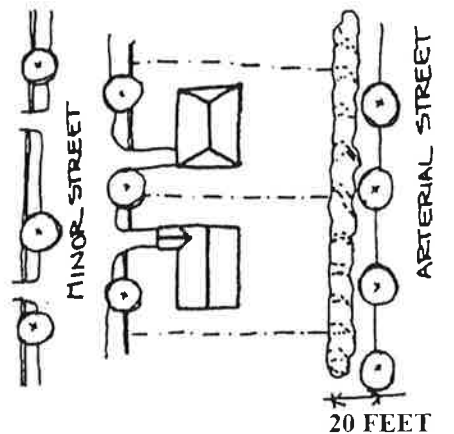
409 – Lots

- (A) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development. Consideration should be given to natural features and sites of historical significance.



- (B) All side lines of lots shall be at right angles to straight street lines and radial to curved street lines except where a variation to this rule will provide a better street and lot layout.
- (C) Through lots (extending from one parallel street to the other) are discouraged to avoid problems between adjoining owners, creating double frontage lots and to reduce the number of streets.
- (D) No lot shall have an area or width less than that required by applicable sections of the Zoning Code except those pursuant to the Open Space Residential Development Regulations.
- (E) Where corner lots back upon lots facing the side street, the corner lots shall have extra width sufficient to permit the establishment of front building lines on both the front and side of the lots adjoining the streets.
- (F) All utility easements on individual lots shall be in accordance with the Record Plat and Street Standards of Attachment H herein.
- (G) Each lot shall front (abut) on an approved street.

- (H) Lots may not be created in a new, proposed subdivision, by dividing land at the end of stub streets in adjacent, existing subdivision(s), such stub streets being intended to promote continuity of street systems in adjoining subdivisions, unless otherwise determined by the Planning Commission.



- (I) Twenty (20') feet minimum, of additional lot depth or a buffer strip, in accordance with the landscape standards of Chapter 1149 of the Zoning Code, Chapter 935 of the Codified Ordinance and Section 410 below, may be required where a residential lot in a subdivision backs up to a railroad right-of-way, a high pressure gasoline or natural gas line, open drainage ditch, an arterial street or highway, an industrial area or other existing land use which may have a detrimental effect on the residential use of the property.
- (J) Lands abutting State or Federal highways, collector streets, or arterials should be platted with the view of making the lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic on such trafficways; and with the view also to minimizing interference with traffic on such trafficways as well as the accident hazard.
- (K) Panhandle or flag lots are specifically prohibited.
- (L) All lot numbers shall be assigned by the Butler County Auditor's office and addresses will be provided by the City of Oxford Community Development Department.

410 – Landscape Plan

- (A) A landscape plan shall be submitted with each plat application for proposed developments in accordance with Chapter 1149 of the Zoning Code and Chapter 935 of the City of Oxford Codified Ordinance, unless an exception is granted by the Planning Commission pursuant to these Regulations. The landscape plan shall identify existing and proposed trees, shrubs, and ground covers; natural features such as rock outcroppings; and other landscaping elements. Where existing plants are to be retained, the applicant shall include in the plans proposed methods of protecting them during construction.
- (B) **Buffering**
Buffering is the provision of an area between different land uses that attempts to minimize negative environmental impacts from one to the other. Buffers shall provide a year-round visual screen in order to minimize adverse impacts. They may consist of fencing, evergreens, berms, rocks, boulders, mounds, or combinations thereof to achieve the same objectives. Multi-use paths are permitted in the buffer area. Every subdivider shall provide sufficient buffering or additional lot depth when topographical or other barriers do not provide reasonable screening and when the Planning Commission determines that there is a need to shield;
- (1) Neighboring properties from any adverse external effects of a development; or
 - (2) The development from negative impacts of adjacent uses such as streets or railroads.
 - (3) **Requirements**
 - (a) Plant materials shall be sufficiently large and planted in such a fashion that a year-round screen at least eight (8) feet in height shall be produced within three (3) growing seasons.
 - (b) All plantings shall be installed according to accepted horticultural standards.
 - (c) A five (5') foot minimum buffer width from parking lots, garbage collection, utility areas, and loading and unloading areas shall be provided.

- (d) Twenty (20') foot width minimum from all other land uses.
 - (i) When adjoining undeveloped, vacant or agricultural land, such buffer width may be reduced to ten (10') feet.

In high-density developments, when building design and siting do not provide privacy, the Planning Commission may require landscaping, fences, or walls to screen dwelling units for privacy. Buffers shall be measured from the property line.

411 – Maintenance of Improvements

Whenever any subdivision contains park areas, sewage treatment plants, water systems, drainage facilities or any other improvements to be used in common by persons living in the subdivision and which improvements cannot be maintained or are not maintained by an existing public agency, the deed restrictions applicable to the subdivision shall contain provisions establishing trusteeships and assessment procedures that will enable adequate care and maintenance to be provided for such improvements at the cost of persons residing in the subdivision.

412 – Deed Restrictions and Covenants

Deed restrictions or covenants running with the land may be included to provide for the creation of a Home Owner's Association, Condominium Association, or Board of Trustees in which individual owners share common responsibilities for the cost and upkeep of common open space, private driveways or streets, park areas, sewage treatment plants, water systems, drainage facilities or other facilities and the enforcement of the covenants and restrictions relating to the development. Any restrictions or easements; declaration of covenants, bylaws of a Home Owner's Association and its incorporation; Declaration of Condominium Ownership or other covenants, if any, shall be reviewed and approved by the City of Oxford Law Director and shall be recorded with the Record Plat. Enforcement of said Restrictions and Covenants is not the responsibility of the City.

1143.02 R-1B Single-Family Medium Density Residential District.

- (a) Purpose.
This district is designed to provide and preserve single family residential development of a moderately low density character within and adjacent to areas of similar development.
- (b) Uses.
 - (1) Permitted uses.
 - A. Single-family dwellings.
 - B. Accessory buildings and uses incidental to the principal use that do not include any activity conducted as business.
 - C. Day Care Home Type B family.
 - (2) Conditional uses.
The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.
 - A. Community-Oriented Residential Social Service Facilities (CORSSF's).
 - B. Shared Housing for the elderly.
 - C. Government owned and/or operated parks and recreation facilities.
 - D. Bed and breakfast homes for transients.
 - E. Open space recreation areas that are privately or publicly owned, such as golf courses, tennis courts, parks, forests, or wildlife preserves.
 - F. Day care facilities, including Child Day Care, Child Day Care Center, and Day Care Home Type A family.
 - G. Schools: primary, intermediate, and secondary, both public and private.
 - H. Places of worship.
- (c) Site Development Regulations. (Unless superseded by Conditional Use Requirements)
 - (1) Lot requirements.
 - A. Minimum lot area 7,500 sq. feet
 - B. Minimum lot width 65 feet
 - (2) Yard requirements.
 - A. Minimum front yard depth 30 feet
 - B. Minimum rear yard depth 35 feet
 - C. Minimum side yard width 8 feet on each side
 - (3) Structural requirements.
 - A. Maximum building height 35 feet
 - (4) Lot coverage.
 - A. Lots with vehicular access from a public street
 - 1. Lot total – 35 percent
 - 2. All enclosed buildings – 25 percent of lot

3. Front yard – 25 percent of front yard
- B. Lots with vehicular access from a rear or side alley, and no access from a public street
 1. Lot total – 40 percent
 2. All enclosed buildings – 25 percent of lot
 3. Front yard – 5 percent of front yard

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.

1145.07 Action by Planning Commission

- (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.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 19, 2020

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

REVISED DOCUMENTS

PC-2020-04, FINAL PLANNED DEVELOPMENT, South Farm Section Two, 6.8133 acres, West end of Roberts Drive, South Farm LLC, Applicant

FYI-

Fire Department – An Autoturn Exhibit is included for your review

Police Department – The Final PUD Plan includes the new location for the Cluster Box relocated from Roberts Drive to the Alley

All- A memo has been included which answers the Zoning review

 X Review

 Revisions

 Other

Please return no later than: **March 1 2020** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments

without/comments

Drawings reviewed by:


John Detherage, Fire Chief
PRINTED NAME

Date:

2-24-2020

City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 4, 2020

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2020-04, FINAL PLANNED DEVELOPMENT, South Farm Section Two, 6.8133 acres, West end of Roberts Drive, South Farm LLC, Applicant

 X Review Revisions Other

Please return no later than: **February 20, 2020** Note: If no comments are received, we will assume the project meets your department's standards.

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

Hoover Dr. and alley intersection must be increased from 20' to 25' as was previously submitted.

Drawings reviewed by:


John Detherage, Fire Chief

PRINTED NAME

Date: 2-6-2020

City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 19, 2020

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

REVISED DOCUMENTS

PC-2020-04, FINAL PLANNED DEVELOPMENT, South Farm Section Two, 6.8133 acres, West end of Roberts Drive, South Farm LLC, Applicant

FYI-

Fire Department – An Autoturn Exhibit is included for your review

Police Department – The Final PUD Plan includes the new location for the Cluster Box relocated from Roberts Drive to the Alley

All- A memo has been included which answers the Zoning review

 X Review Revisions Other

Please return no later than: **March 1 2020** Note: If no comments are received, we will assume the project meets your department's standards.

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

without/comments

Drawings reviewed by: Scott Otto Date: 2/25/2020

Scott Otto
PRINTED NAME

Police Department

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2020-04, FINAL PLANNED DEVELOPMENT, South Farm Section Two, 6.8133 acres, West end of Roberts Drive, South Farm LLC, Applicant

Fire Department – An Autoturn Exhibit is included for your review
Police Department – The Final PUD Plan includes the new location for the Cluster Box relocated from Roberts Drive to the Alley
All- A memo has been included which answers the Zoning review

 X Review Revisions Other

Please return no later than: **March 1 2020** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Location of Cluster Box for mail is okay from police standpoint.

Drawings reviewed by: CPL Date: 2-24-2020

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: **January 28, 2020**

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

From: **Community Development Department**

PC-2020-04, FINAL PLANNED DEVELOPMENT, South Farm Section Two, 6.8133 acres, West end of Roberts Drive, South Farm LLC, Applicant

 X Review Revisions Other

Please return no later than: **February 20, 2020** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

(see Fire Chief 2nd response)

Drawings reviewed by:


John Detherage, Fire Chief

PRINTED NAME

Date: 1-31-2020

City of Oxford
Inter-Office Review Transmittal Sheet

Date: January 28, 2020

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2020-04, FINAL PLANNED DEVELOPMENT, South Farm Section Two, 6.8133 acres, West end of Roberts Drive, South Farm LLC, Applicant

 X Review Revisions Other

Please return no later than: **February 20, 2020** Note: If no comments are received, we will assume the project meets your department's standards.

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

without/comments

Drawings reviewed by:



Date: 2-6-20



PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: January 28, 2020

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2020-04, FINAL PLANNED DEVELOPMENT, South Farm Section Two, 6.8133 acres, West end of Roberts Drive, South Farm LLC, Applicant

 X Review Revisions Other

Please return no later than: **February 20, 2020** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

see memo dated 2/12/2020.
- SAO

Drawings reviewed by: *Scott Otto* Date: 2/12/2020
 Scott Otto
PRINTED NAME



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Scott Otto, P.E.
City Engineer

RE: PC-2020-04
Final Planned Development - South Farm Section Two

DATE: February 12, 2020

The Engineering Division offers the following comment:

- The Construction Drawings as part of this packet are not approved by the Engineering Division as submitted. The Construction Drawings for the Planned Development are being reviewed and commented on under a separate permit application. Comments from the Engineering Division have been forwarded to the Community Development Department for distribution to the designer.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: January 28, 2020

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

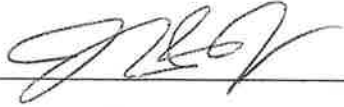
PC-2020-04, FINAL PLANNED DEVELOPMENT, South Farm Section Two, 6.8133 acres, West end of Roberts Drive, South Farm LLC, Applicant

 X Review Revisions Other

Please return no later than: **February 20, 2020** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:  Date: 2/18/2020
John A. Jones
PRINTED NAME



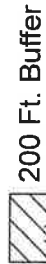
PC-2020-04

Surrounding Property Owners Notifications Map

Legend



Subject Area



200 Ft. Buffer



Oxford Corp. Limit



Address Point

Parcel

16.5' Vacated ROW



Building Footprint



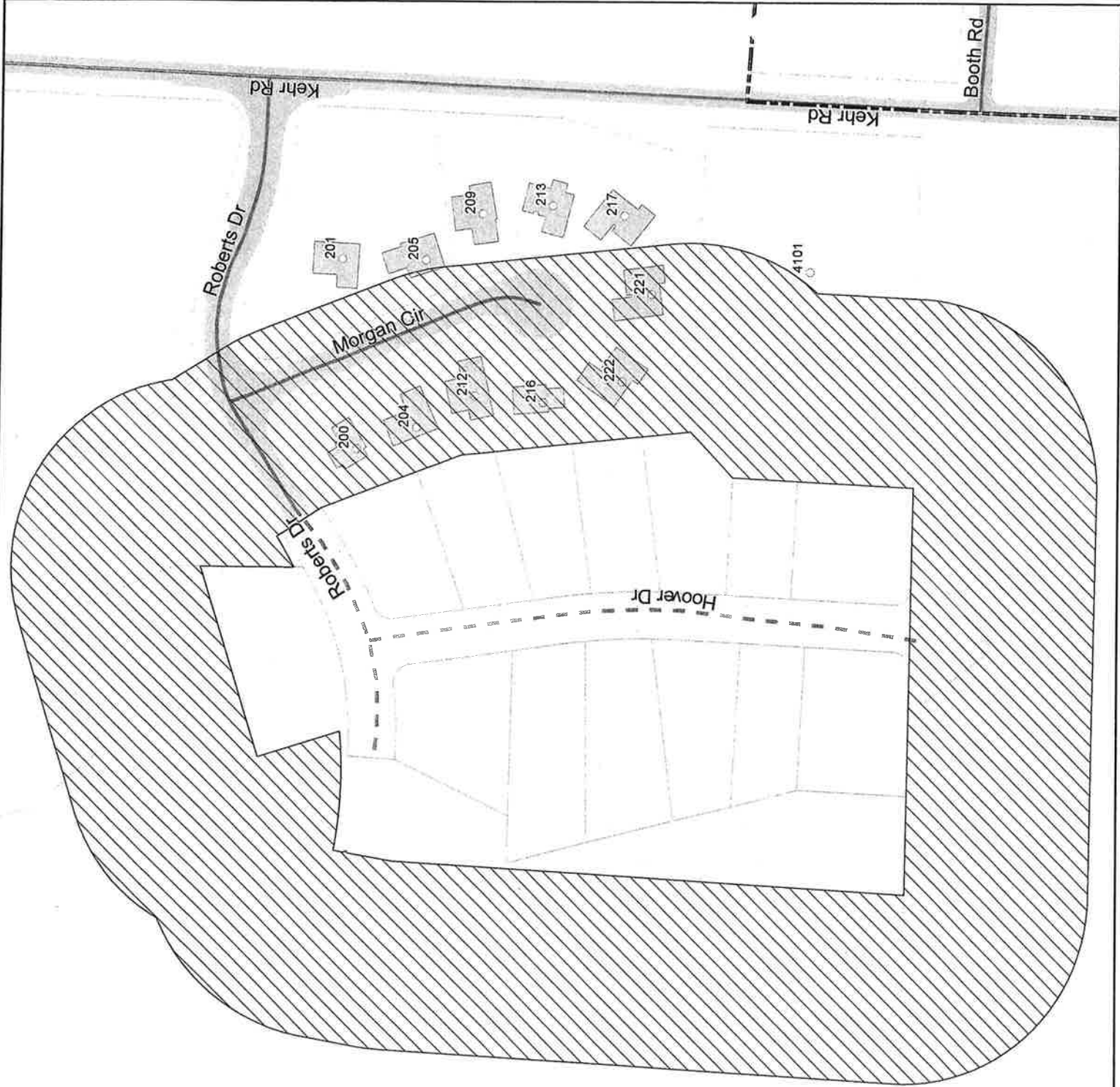
Paved Roadway



1 inch = 150 feet

Prepared on Tuesday, February 18, 2020

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



January 23, 2020

Mr. Zach Moore
Planner
City of Oxford
15 South College Avenue
Oxford, Ohio 45056

Re: South Farm Section Two

Dear Mr. Moore,

Please be advised that South Farm Development LLC, has our permission to submit applications for the approval of a Final Planned Development on a portion of parcel H4100-132-000-014 located adjacent to Roberts Drive.

Should you have any questions, please do not hesitate to contact us.

Sincerely,



Cobblestone Community Church, Inc.

ANDREW HOLZWORTH / LEAD PASTOR

January 23, 2020

Mr. Zach Moore
Planner
City of Oxford
15 South College Avenue
Oxford, Ohio 45056

Re: South Farm Section Two

Dear Mr. Moore,

Please be advised that South Farm Development LLC, has our permission to submit applications for the approval of a Final Planned Development parcels H4100-137-000-040 thru 061.

Should you have any questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Boyle, et al".

John Boyle, et al



Internal Use Only:	
Case No.	PC-2020-04
Date Filed	1/27/20

Planned Development Application

Application Type

Choose One

☐

Preliminary

☒

Final

☐

Preliminary & Final

Applicant Information

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

Name * South Farm LLC

Mailing Address * 3225 Indian Creek Road

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number * 513-260-2234 Email Address msfarm3225@yahoo.com

Owner Information

Name * John Boyle, et al Cobblestone Community Church Inc.

Mailing Address * 3225 Indian Creek Road 152 Ryan Drive, Suite

City, State & Zip Code * Oxford, Ohio 45056 Oxford, Ohio 45056

Telephone Number * 513-260-2234 Email Address msfarm3225@yahoo.com

Engineer/Surveyor Information

Name * Bayer Becker

Mailing Address * 110 South College Avenue, Suite 101

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number * 513-523-4270 Email Address johnbayer@bayerbecker.com

Location and Lot Information

Name of Subdivision * South Farm Section Two

Location of Property * West end of Roberts Drive

Legal Description * H4100-132-000-014, H4100-137-000-049 thru 061

Zoning District * R-1B Total Area * 6.8133 Acres

Submission Requirements and Documentation

The application requirements (Section 1145.05¹) 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. If any information is submitted in color or on non-standard paper, more copies may be required. The Zoning Administrator may modify this requirement based upon

O. 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.

(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.

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The Butler County Auditor Real Estate Search² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number.

Decision Process

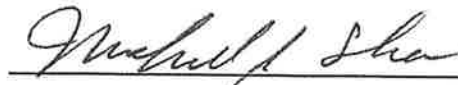
A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval. The review is based on the General Decision Standards found in Section 1145.06¹.

Fees & Receipt

The fees for a Preliminary, Final, or combined Preliminary and Final Planned Development application are \$470.00 plus \$100.00 per acre, plus \$10.00 postage charge.

Sign and Date

Applicant Signature *



Date *

1/29/20

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

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

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



February 18, 2020

RECEIVED
City of Oxford

Mr. Zachary Moore
Planner
City of Oxford
15 South College Avenue
Oxford, Ohio 45056

FEB 18 2020

Re: South Farm, Section Two
Final PUD Submittal

Community Development

Dear Mr. Moore:

Enclosed please find the following items in support of South Farm Development LLC's revised Application for Final Planned Development approval for South Farm, Section Two to be located at the end of Roberts Drive:

- 1) One copy of responses to comments provided via an email from Zachary Moore on February 6, 2020.
- 2) Thirteen individual packets containing one (1) copy of each of the following:
 - a. Executed Final Planned Development Application.
 - b. An Affidavit from Cobblestone Community Church Inc. granting South Farm Development LLC permission to submit applications for the approval of a Final Planned Development.
 - c. An Affidavit from John Boyle et al. granting South Farm Development LLC permission to submit applications for the approval of a Preliminary Planned Development.
 - d. List of property owners within 200 feet of the site.
 - e. Legal description of the property.
 - f. Letter from South Farm Development LLC regarding intention to request a Neighborhood Conservation District Overlay.
 - g. Photos of the subject site and surrounding area.
 - h. Draft of proposed covenants and restrictions.
 - i. Marketing Material for homes in Olde Winton development.
 - j. Typical Building Floor Plans and Elevations.
 - k. Landscape Plan.
 - l. Final Development Plan.
 - m. Construction Drawings.
- 3) Applicant:
South Farm Development LLC
3225 Indian Creek Road
Oxford, Ohio 45056
513-260-2234

Owner:

*John Boyle, et.al
3225 Indian Creek Road
Oxford, Ohio 45056
513-260-2234*

*Cobblestone Community Church Inc.
152 Ryan Drive, Suite 5
Oxford, Ohio 45056*

4) Design Professionals:

*Engineer, Surveyor & Landscape Architect:
Bayer Becker
110 S. College Ave., Suite 101
Oxford, OH 45056
513-336-6600*

5) Description of use and site:

- a. A legal description of the boundary of the proposed development is enclosed.
- b. The property is currently vacant.
- c. The property is zoned R-1B, Single Family Medium-Density Residential District.
- d. A description of the proposed planned development:

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

South Farm, Section Two is a single family residential cluster development wherein the homes are clustered in the center of the development surrounded by natural open space area. The builder of South Farm Section Two has been successful in building homes in a similar development in the City of Fairfield. The size of the proposed lots and homes are similar to those in the Olde Winton development located on Winton Road in the City of Fairfield, Ohio.

The development shall consist of 25 single family homes located along a public street, however vehicular access to the homes located on the west side of Hoover Drive is provided via an alley located to the rear of the homes.

A separate Homeowners Association (HOA) will be established for South Farm, Section Two. The HOA will be responsible for the maintenance of the alley, snow removal for all the residences, and maintenance of the open space and all the lawns and landscaping around the homes.

Two different housing products will be provided within this development:

- *The east side of Hoover Drive will contain 3,620 SF minimum lots with driveway access to the public roadway. Homes will contain a minimum of 1,300 SF. Front yard setback shall be 20 feet with a 5 foot rear yard setback.*
- *The west side of Hoover Drive will contain 3,800 SF minimum lots with driveway access to a private alley located behind the homes. Homes will contain a minimum of 1,130 SF. Front yard setback shall be 15 feet with a 20 foot rear yard setback.*
- *Side yard setbacks for all lots within the development will be a minimum 5 feet on each side.*
- *All homes will contain attached 2 car garages.*

- ii. A description of any nonresidential operations, including types of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.
Not applicable.
- iii. The hours of operation of any nonresidential use.
Not applicable.
- iv. 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.
Not applicable.
- e. A narrative statement that evaluates the compatibility of the proposed planned development with the general vicinity and adjacent properties.
 - i. 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.
The proposed single family residential homes will be comparable in size with the existing single family homes located to the east on Morgan Circle and contain similar building materials. The proposed one and two story homes will be constructed of a mix of brick, stone and vinyl building materials.
5 foot wide sidewalks will be constructed along the south side of Roberts Drive and along both sides of the proposed Hoover Drive, as required by the Subdivision Regulations. Said sidewalk will connect to the existing sidewalk on the south side of Roberts Drive to the east. A 10-foot wide asphalt bike path shall be installed on the north side of Roberts Drive, as required by the Preliminary Planned Development Approval for the development.
 - ii. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites.
The proposed homes to be constructed within South Farm, Section Two will be comparable in size and contain similar building materials as the existing homes in South Farm, Section One.
 - iii. If the proposed uses will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibrations or emissions.
The proposed use, residential, will not involve any operations that create potential nuisances.
 - iv. How any potential negative effects on adjacent land will be mitigated.
South Farm, Section Two will not have a negative effect on adjacent land. The properties to the east contain single family residences, the property to the north and west contains Cobblestone Community Church and the property to the south is vacant and is owned by the Talawanda School District. South Farm Development LLC intends to maintain the existing tree buffer along the east and west property lines of the development. Areas along the south property line which will be graded for construction will be planted to provide a vegetative buffer.
- f. A statement about why the location proposed is appropriate for the planned development.

The subject property is an ideal location for South Farm, Section Two for several reasons:

- 1) *Per the Comprehensive Plan, South Farm, Section Two is located in an area designated for future neighborhood growth, Character Area – Neighborhood General 3.*
 - 2) *The property is zoned appropriately for residential development, R-1B single family medium density residential.*
 - 3) *Property was previously approved and is currently subdivided for 13 single family lots and public dedicated streets, Roberts Drive and Hoover Drive.*
 - 4) *The proposed density of the development is 4.04 units/acre is significantly lower than the allowable density of the R-1B district, 5.81 units per acre.*
 - 5) *The property contains mature vegetation on the east and west sides of the property and cleared in the middle, which lends itself nicely for a cluster development.*
 - 6) *South Farm, Section Two will contain a Neighborhood Conservation Overlay District.*
 - 7) *The infrastructure is currently in place to support a residential development of this nature.*
 - 8) *Provides a type of residential housing that is currently not available in Oxford.*
 - 9) *The development will contain over 20% open space and maintain the existing vegetation along both the east and west property lines.*
- g. A statement of the necessity or desirability of the proposed planned development to the neighborhood or community.

There is a shortage of available single family residential lots within the City of Oxford for individuals to construct a new home. South Farm, Section Two will fulfill this need. With the maintenance free exteriors, and smaller lot sizes the homes will be attractive to empty nesters and young professionals.

- h. How the proposed mix of dwelling types and/or commercial uses advances community goals of diversity, affordability and market changes.

South Farm Section Two will provide the City of Oxford with a housing stock that they currently do not have - single family lots which will be marketed to the empty nester, young professional demographic with the exterior maintenance being provided by the HOA.

- 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.

Public water and sanitary sewer are available to the property. Stormwater retention has been provided in the existing retention pond to the north. A water quality basin will be provided to meet the requirements of the Ohio EPA National Pollutant Discharge Elimination System (NPDES) Permit. Overall impact from this development on the community is negligible, as 13 single family lots have been recorded for this property but never constructed.

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

The proposed 25 single family lots will generate an additional 13 trips (3 entering and 10 exiting) in the AM Peak and 14 trips (9 entering and 5 exiting) in the PM Peak hour over the originally approved 13 lots. To accommodate pedestrian circulation, sidewalks will be provided on both sides of Hoover Drive and the south side of Roberts Drive. Additionally, a 10-foot wide asphalt bike path shall be installed on the north side of Roberts Drive.



bayerbecker.com
513.336.6600
mason | cincinnati | oxford | fort mitchell

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

Enclosed please find Draft Covenants and Restrictions for the development.

This development is modeled after the Olde Winton Development located on the east side of Winton Road, north of Nilles Road in the City of Fairfield. We encourage you, Planning Commission members and City Council members to visit the development prior to the Planning Commission meeting.

Please place this item on the March 10th Planning Commission Meeting agenda.

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

Sincerely,

A handwritten signature in dark ink, appearing to read 'John A. Bayer'.

John A. Bayer

Enclosures

Cc: Mike Shea
John Boyle



February 18, 2020

bayerbecker.com

513.336.6600

mason | cincinnati | oxford | fort mitchell

RECEIVED
City of Oxford

FEB 18 2020

Zachary Moore, AICP
Planner
City of Oxford
15 South College Avenue
Oxford, Ohio 45056

Re: South Farm – Section 2
Final PUD Review Comments

Community Development

Zachary,

The final PUD submittal for South Farm Section 2 have been revised based upon your review comments dated February 6, 2020. In addition to the revised submittal, we offer the following comment responses:

1. The maximum lot coverage for each lot type (Front-Loaded and Rear-Loaded) needs to be provided on the Final Development Plan, as it was for the Preliminary. The Preliminary had listed 60% max coverage for Rear-Loaded and 65% for Front-Loaded.

The Final PUD Plan has been revised to include the appropriate maximum lot coverages.

2. On this Plan as well as the Record Plat later submitted, please ensure the spelling is "Roberts" Drive, not "Robert's" Drive.

Comment noted, the plans have been revised accordingly.

3. I see the alley width where it intersects Hoover Drive has yet to be amended, per the latest comment on the Construction Drawings.

During final engineering design, it was determined that the City of Oxford firetruck could access a 20-foot-wide alley. This width reduction was explored to increase the landscape buffer along the southern property line. Additionally, it was determined that storm catch basins and swale are required along the alley to collect stormwater runoff from the property adjacent to the south. Please refer to the enclosed AutoTURN exhibit.

4. I see the street and sidewalk pavement has yet to be extended to the south property line, per another comment associated with the Construction Drawings.

Stormwater runoff drains from the property to the south onto the South Farm Section 2 property in this vicinity. In order to collect this runoff before it enters the roadway, a drainage swale and catch basins are required in this location. Additionally, the property to the south is not owned by a party associated with South Farm LLC. Therefore, construction limits have been designed as to not impact this adjacent parcel.

5. A Conservation Area needs to be clearly delineated on the Final Development Plan (and later the Record Plat) for Lots 26, 27, and 28 with associated restriction language provided. I have attached sample language we would like to see included. All open space areas, apart from those to be disturbed by construction activities (for the alley, water quality basin, buffer landscaping, or other infrastructure), should be delineated as such – inclusive of the 25' perimeter setback. Please also include the conservation area as an item in the legend.

The Final PUD Plan has been revised to show Conservation Area for all open space areas that will not be impacted by construction activities.

6. The open space legend item and coloration on the map can be removed from the Final Development Plan. This aspect has been internally reviewed, and is not necessary to be conveyed on the official plans at this stage. What matters most is the conservation area within the open space to be restricted from clear cutting and development activities.

The Final PUD Plan has been revised to remove open space from the legend and plan review.

7. Will the curb ramp up to the bike trail on the north side of Roberts Drive (west of Hoover) be concrete? If so, this small section needs to show as a concrete texture.

The curb ramp to the bike trail will be concrete, the plans have been revised accordingly.

8. How will the 2 mail units east of Hoover be oriented on the concrete pad? Will the units be accessible (i.e. with a ramp installed off the street)?

Please refer to comment response #10 below.



bayerbecker.com
513.336.6600

mason | cincinnati | oxford | fort mitchell

9. After speaking with the Police Chief, it is likely the curbs around the Roberts/Hoover intersection will be yellow-zoned. Please move the CBU concrete pad back another 10 feet to ensure it will not interfere with a future yellow "no parking" zone.

Please refer to comment response #10 below.

10. The Oxford Postmaster has informed me that in order for the units to be serviced by the mail carrier, there will need to be a pull-off for the mail truck. Apparently postal carriers cannot dismount their vehicle while in the street. This will probably entail reconfiguring the bike path as well, which should still be located in the right-of-way.

The proposed mail units have been relocated to the north end of the alley – allowing for the mail carrier to pull off of the street before dismounting. Please confirm that this location is acceptable.

11. Our Planned Development chapter in Section 1145.09(b) requires the development to be substantially established within 1 year of approval, with an opportunity for an additional 1 year extension if granted by the Planning Commission. That sounds like an awfully short time frame for developing out a subdivision. For comparison, Red Brick Estates/Heritage Vineyard was allotted 5 years by one of the approval conditions. Let's discuss how best to address the timing provision for South Farm.

It is the intent of the developer to pursue an allotment of 5 years for substantial establishment of the development. Please advise on providing this provision for the development.

12. Though the sample elevation drawings are great for demonstrating the intended home products, we need the exact controlling aspects to be identified as part of this approval. You may propose your own architectural standards, or I can suggest some for inclusion in our recommendation. I do not think such standards need to touch on exterior materials, but rather focus on bulk/height, orientation, and transparency/windows. For instance, the dwellings on Lots 1 and 25 should have at least 2 windows on the facades facing Roberts Drive.

The following architectural standards are proposed for the development:

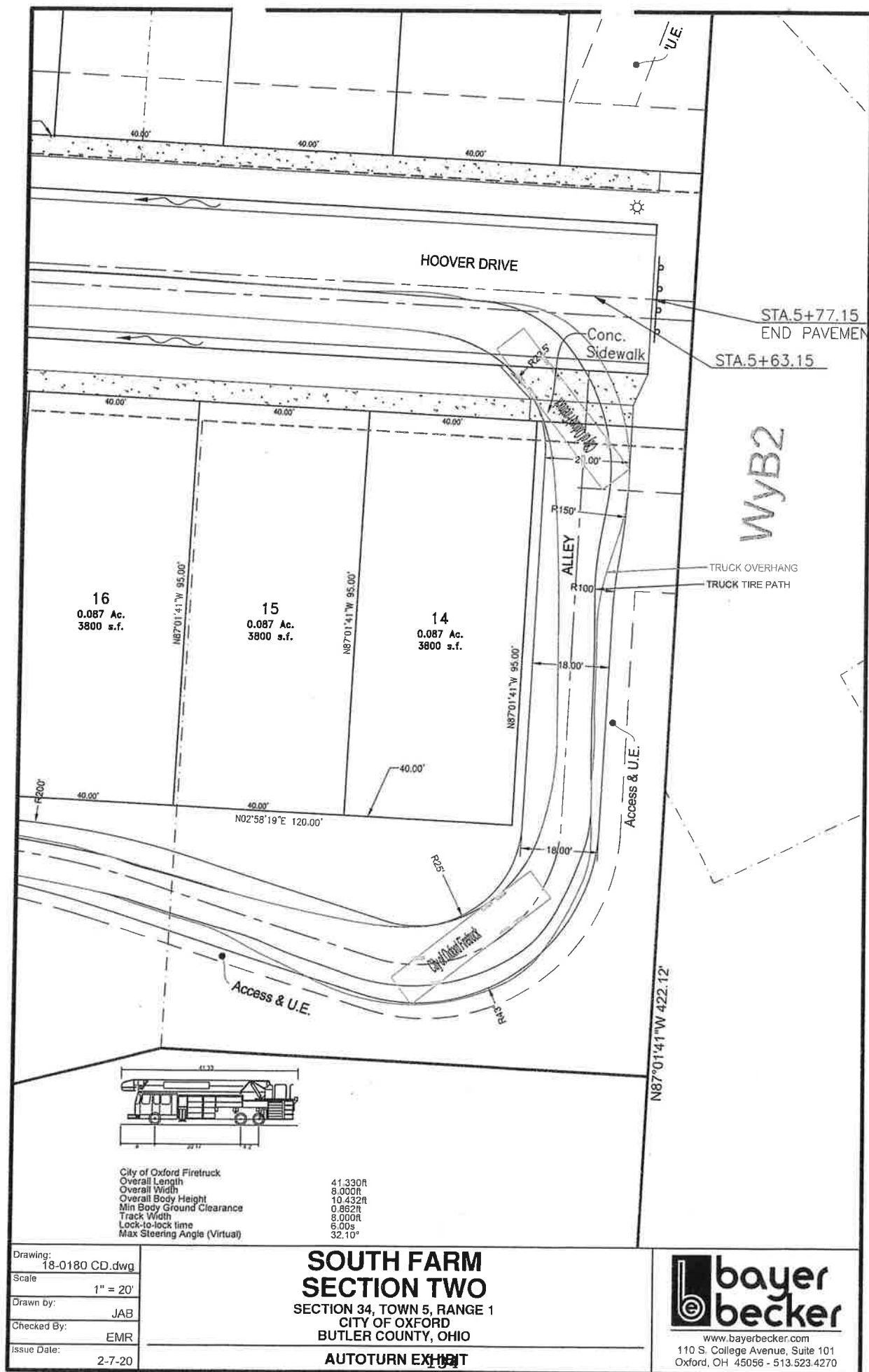
- All homes shall have a minimum of 1 window on each elevation.
- All homes shall have some kind of brick or stone façade materials on any side facing a public street.
- All homes with 1-story above grade shall have a maximum height of 19 feet as measured from top of foundation.
- The minimum square footage of any home shall be 1,130 square feet.
- Dimensional shingle roofs shall be provided on all homes.
- No outside television or radio aerial or antenna, satellite dish or other aerial or antenna, for reception or transmission, shall be maintained on any Lot or Dwelling Unit, except one satellite dish per Dwelling Unit is permitted provided it does not exceed one (1) meter in diameter and, to the extent practical, it is screened from view from all streets. Owners shall be solely responsible for any such damage or repairs that result from such attachments or installations.
- Above ground pools and permanent recreational equipment such as basketball hoops and swing sets are prohibited.
- Air conditioning and heat pump equipment shall be located only in the side yards or rear of the lot.
- Any concrete or block foundation on an elevation facing a public street that is exposed more than two feet shall be covered with brick, wood, stone, or stucco.
- Adjacent homes shall have varied building materials or colors or architectural elements so as to provide variation in appearance.

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

Sincerely,

John Bayer
Civil Engineer
Bayer Becker
513.466.8084
johnbayer@bayerbecker.com

cc: John Boyle, JNB Homes
Mike Shea, South Farm LLC



Drawing:
18-0180 CD.dwg
Scale
1" = 20'
Drawn by:
JAB
Checked By:
EMR
Issue Date:
2-7-20

**SOUTH FARM
SECTION TWO**
SECTION 34, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO
AUTOTURN EXHIBIT

**bayer
becker**
www.bayerbecker.com
110 S. College Avenue, Suite 101
Oxford, OH 45056 - 513.523.4270

July 1, 2019

Mr. Zach Moore
Planner
City of Oxford
15 South College Avenue
Oxford, Ohio 45056

Re: South Farm, Section Two
Neighborhood Conservation Overlay District

Dear Mr. Moore,

Upon recordation of the Record Plat for South Farm, Section Two, South Farm Development LLC intends to request approval of a Neighborhood Conservation Overlay District to be placed on the South Farm, Section Two.

Should you have any questions or wish to discuss further, please feel free to contact me.

Sincerely,



South Farm Development LLC

Date: January 23, 2020
Description: South Farm - Section Two
Location: City of Oxford,
Butler County, Ohio



Situated in the State of Ohio, Congress Lands West of the Miami River, Section 34, Town 5, Range 1, City of Oxford, Butler County and being the dedicated roadways of Roberts Drive and Hoover Drive and all of Lots 3696-3708 of the Replat for South Farm, Section 2 & 2A as recorded in Official Record 7959, Page 1551 of the Butler County, Ohio Recorder's Office and part of Lot 3695 of The Final Plat For South Farm, Section 3 as recorded in Official Record 7951, Page 589 of the Butler County, Ohio Recorder's Office and being further described as follows:

Beginning at the southwest corner of Lot 2892 of South Farm, Section 1 as recorded in Plat Envelope 2357, Page "A" of the Butler County, Ohio Recorder's Office and being the northwest corner of Part Lot 2821 and being the lands of Jonathan V. Lodder as recorded in Official Record 8995, Page 1056 of the Butler County, Ohio Recorder's Office and being the **True Point of Beginning**;

thence, leaving the southwest corner of said South Farm, Section 1 and with the westerly boundary of said lands of Jonathan V. Lodder, South 48° 37' 33" West, 64.01 feet;

thence, South 02° 58' 19" West, 203.17 feet to the southwest corner of said lands of Jonathan V. Lodder and being on the northerly boundary of Part Lot 2821 and being the lands of Talawanda School District Board of Education as recorded in Official Record 6978, Page 2200 of the Butler County, Ohio Recorder's Office;

thence, leaving the southwest corner of said lands of Jonathan V. Lodder and with the northerly boundary of said lands of Talawanda School District Board of Education as recorded in Official Record 6978, Page 2200 and as recorded in Official Record 7861, Page 23 of the Butler County, Ohio Recorder's Office, North 87° 01' 41" West, 422.12 feet;

thence, leaving the northerly boundary of said lands of Talawanda School District Board of Education as recorded in Official Record 6978, Page 2200 and on a new division line through said Lot 3695 for the following five courses:

- 1) North 02° 58' 19" East, 418.78 feet;
- 2) North 20° 14' 10" East, 60.00 feet;
- 3) with a curve to the left, having a central angle of 15° 17' 30", a radius of 322.00 feet, an arc length of 85.94 feet, and a chord bearing and distance of South 77° 24' 35" East, 85.68 feet;
- 4) North 00° 44' 45" West, 135.57 feet;
- 5) North 77° 49' 39" East, 216.52 feet to the easterly boundary of said Lot 3695;

thence, leaving said new division line and with the easterly boundary of said Lot 3695, South 03° 15' 17" West, 131.14 feet to the northerly right of way of Roberts Drive;

6900 Tylersville Road, Suite A
Mason, OH 45040
513-336-6600

110 South College Ave, Suite 101
Oxford, OH 45056
513-523-4270

1404 Race Street, Suite 204
Cincinnati, OH 45202
513-834-6151

209 Grandview Drive
Fort Mitchell, KY 41017
859-261-1113

<http://www.bayerbecker.com>

thence, leaving the easterly boundary of said Lot 3695 and with the northerly right of way of said Roberts Drive, North 57° 47' 03" East, 52.69 feet;

thence, continuing with said northerly right of way of said Roberts Drive, South 03° 36' 43" East, 5.70 feet to the northerly right of way of said Roberts Drive and being on the westerly boundary of said South Farm, Section 1;

thence, with the westerly boundary of said South Farm, Section 1, South 20° 55' 13" East, 208.72 feet;

thence, continuing with the westerly boundary of said South Farm, Section 1, South 05° 49' 43" East, 247.00 feet to the **True Point of Beginning** containing 296,786 square feet or 6.813 acres of land, more or less.



View from the center of Roberts Dr. facing west towards future development.



View from east property line north of Roberts Dr. facing north.



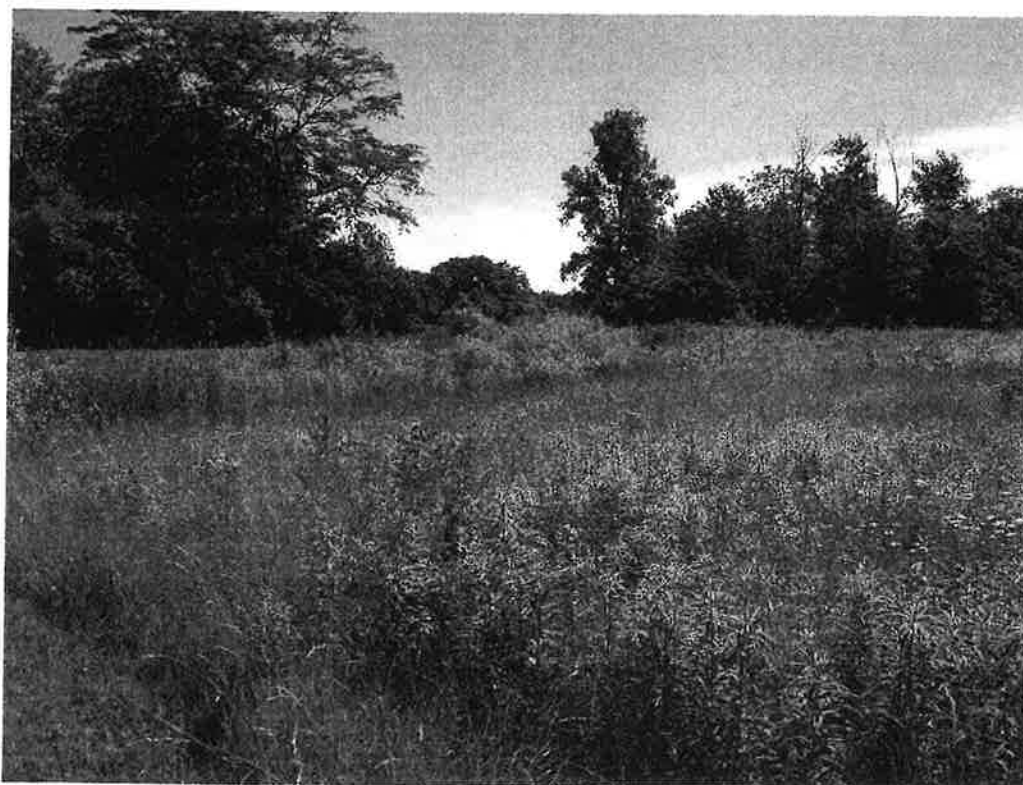
View from east property line north of Roberts Dr. facing south.



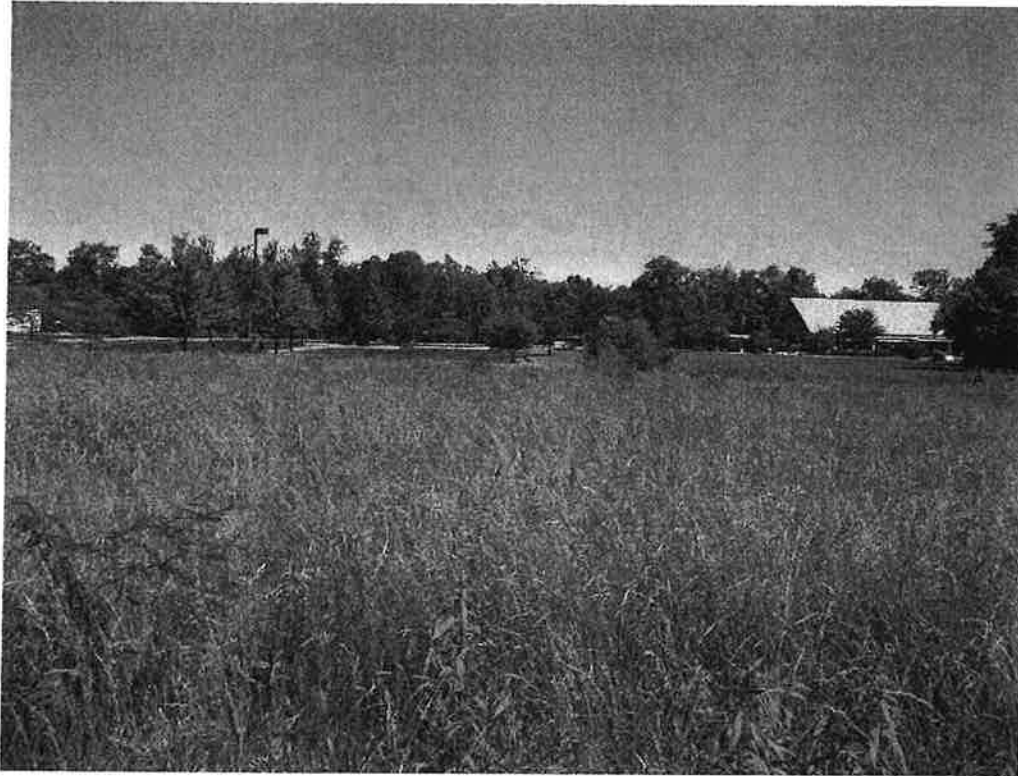
View from north property line facing west.



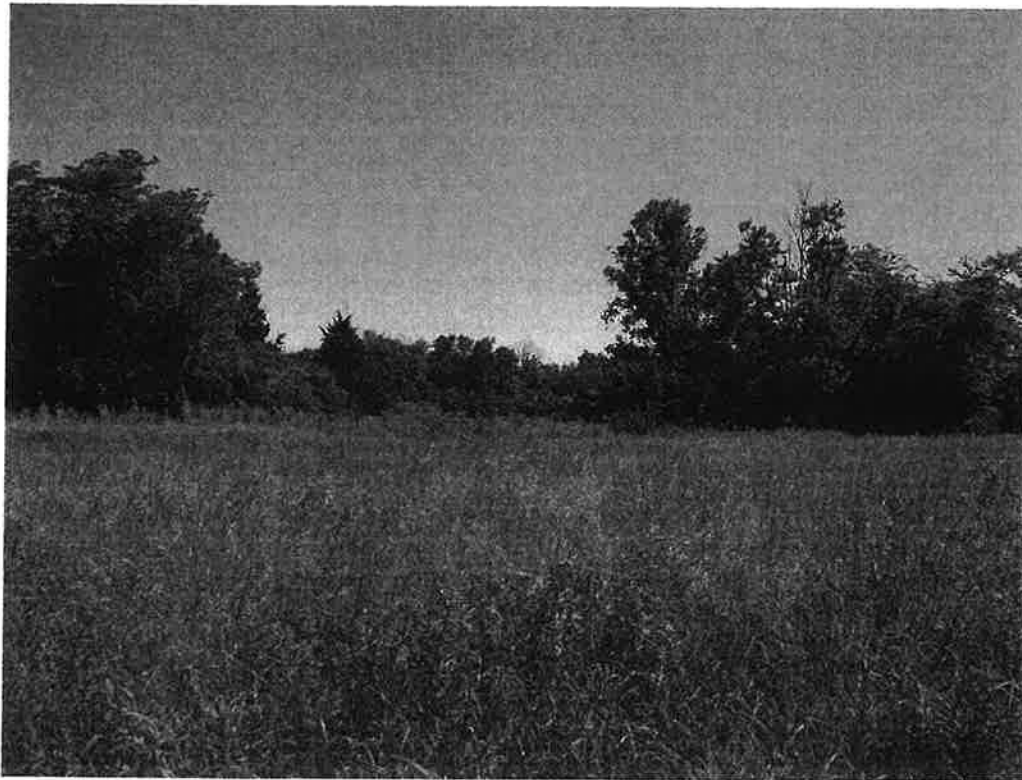
View from the north property line facing south towards future development.



View from the north property line facing southeast towards future development.



View from the west property line facing north.



View from the west property line facing east.



View from the center of the property of the future development facing east.



View from the center of the property of the future development facing south.

CHAPTER 833 TREES, SHRUBS & OTHER PLANTS

- **Steel beam definition:** frame on land between prop

- CHAPTER 1101 SUBDIVISION REGULATIONS (SECTION 410 LANDSCAPE PLAN)

Landscape plan to be submitted in accordance with Chapter 1148 of the Zoning Code

- > South Buffer

© 2004 Blackwell Publishing Ltd, *Journal of Internal Medicine* 255: 103–110

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

Know what's below.
Call before you dig.

particulars of the firm shall come to certain conclusions

GENERAL NOTES

- A. SEE SHEET L2.0 FOR PLANTING NOTES & DETAILS.
- B. INSTALL ROOT RIBBED ROOT BARRIER BY WWW.GREENBELT.COM OR EQUIVALENT, ALONG ALL CONCRETE EDGES WITHIN 8" OF NEW TREE PLANTING. REFER DEPTH TO EXTEND THE FULL DEPTH OF ADJACENT CONCRETE. SEE DETAIL 2, SHEET L2.0.
- C. BURLAP TO BE PARTIALLY REMOVED FROM ROOTBALLS AND TWINE REMOVED ENTIRELY. SEE NOTE SHEET L2.0.
- D. MULCH SHOULD NOT TOUCH TREE TRUNK AND VOLCANO MULCHING IS PROHIBITED. SEE NOTES SHEET L2.0.

2

100

Job Name:		THE ANSALONE RESIDENCE	
Job Address:		L77 # 4089 OLIVE WHITTON CT FAIRFIELD 01030-4504	
WFO No.	Job No.	Plan No.	Sheet
97018		1416	FT / REAR
ELEV'S			
5464 WESLEY WAY HAMMILLTON, 01145-0111 OFF (513) 892-8749			
PRINTOUT DATE:		JULY 04, 2017	
DATE:		06/20/17	
DESCRIPTION:		STUDY PLAN	
DRAWN BY:		TVC	
CHECKED BY:		TVC	
SHEET NO.		1	



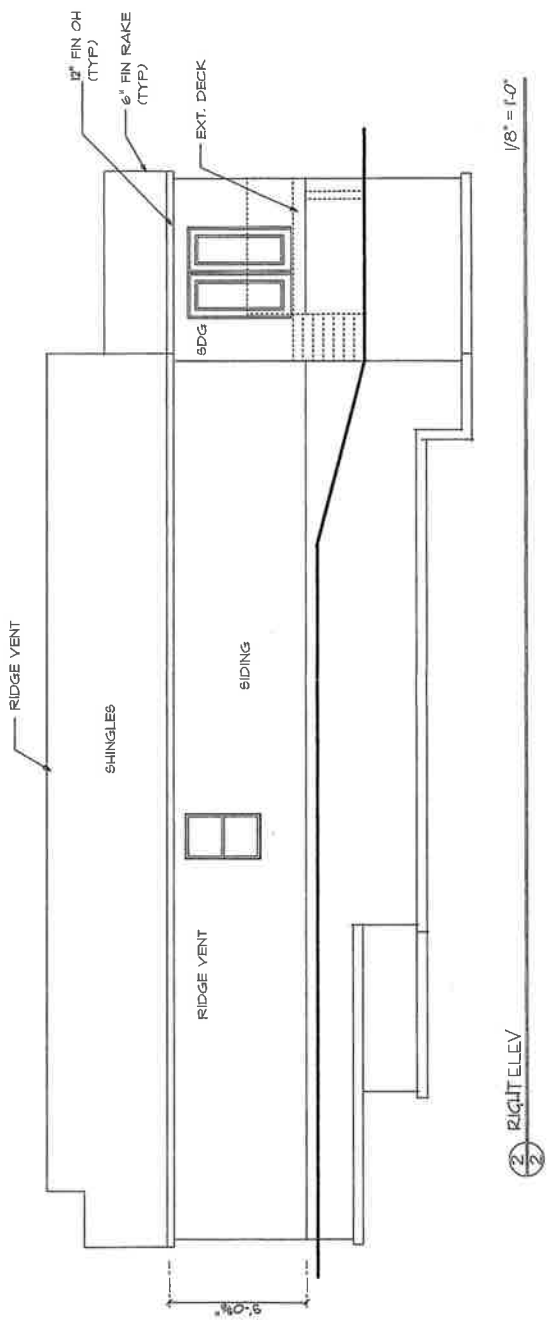
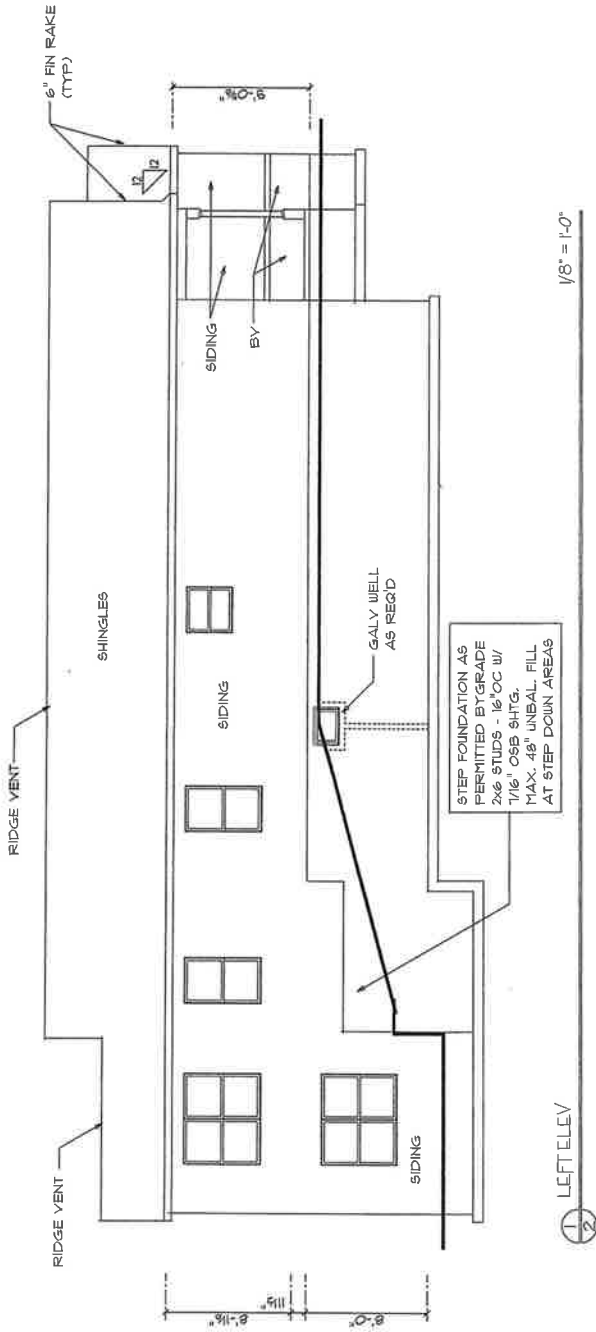
FOOTING DEPTH IS TO BE
 MINIMUM 30" BELOW FINISH GRADE
 OR TO UNDISTURBED EARTH
 BUILDER IS RESPONSIBLE FOR
 FOUNDATION FOOTERS AS
 REQUIRED BY SITE CONDITIONS

FRONT ELEV
 1/8" = 1'-0"

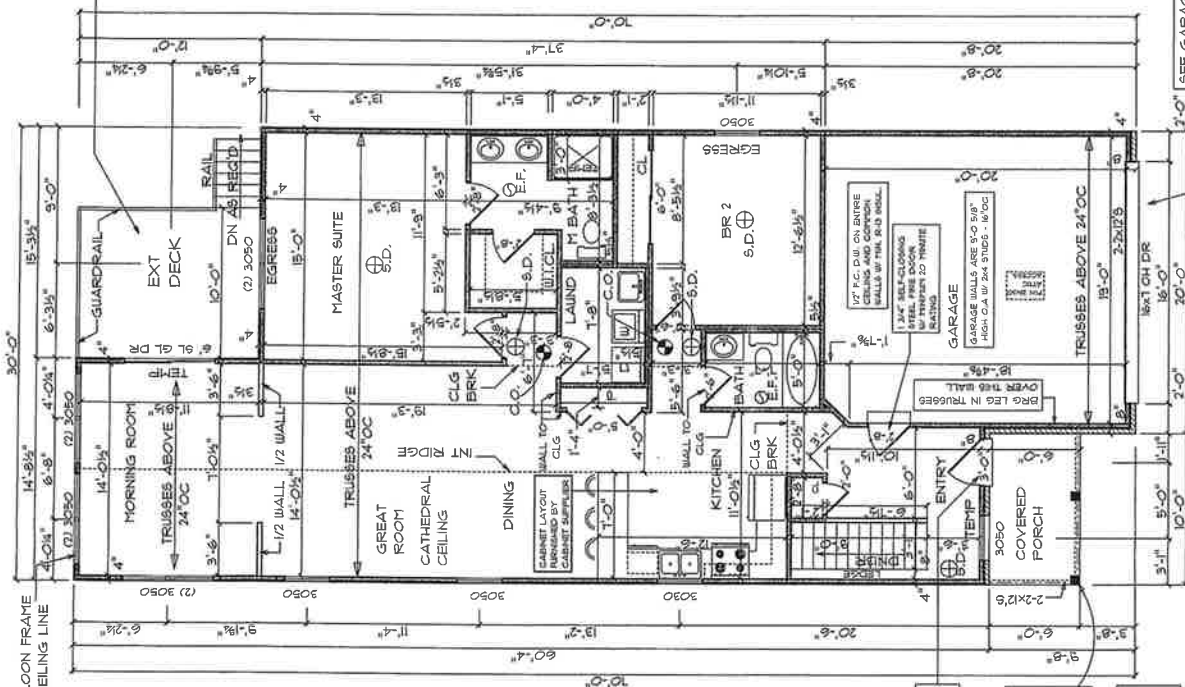


REAR ELEV
 1/8" = 1'-0"

JOB NAME:		TJL ANSALONE RESIDENCE	
JOB ADDRESS:		LOT # 14083 FAIRFIELD BLVD 4504 OLD WINTON CT	
VPI No.	Job No.	Plan No.	Sheet
5706		1416	5
SIDE ELEV 5			
JNB CUSTOM HOMES 5464 WESLEY WAY HAMMILTON, NJ 07501 OFF (913) 892-8749			
DATE:	DESCRIPTION:	DRAWN BY:	PRINTOUT DATE:
06/20/17	STUDY PLAN	TVG	July 04, 2017
07/04/17	PERMIT SET	TVG	
SHEET NO. 2			



NOTE:
THERE WILL BE NO HOT TUB
OR SPA ON THIS STRUCTURE



GUARDRAIL NOTE
DESIGN LOAD - A SINGLE 200 POUND CONCENTRATED LOAD APPLIED IN ANY DIRECTION AT ANY POINT ALONG THE TOP OF THE GUARDRAIL. GUARD "FILL" AREA TO BE DESIGNED FOR A LOAD OF 50 POUNDS APPLIED OVER ONE 1/2" DIA. SPACER WITH ALLOWABLE LIVE DEFLECTION OF 1/4". THE SPACER SHALL BE 4" MAX. CLEARANCE ON GUARDRAILS TO BE LESS THAN 4" CLEARANCE. GUARDRAIL SUPPORT POSTS ARE TO BE MAXIMUM 8'-0" O.C. AND EXTEND DOWN INTO JOIST SPACE. THROUGH-BOLT 1/2" DIA. CARBIDE BOLTS TO BANDBOARD W/ (2) 1/2" DIA. BOLTS PER POST.

EMERGENCY EGRESS FROM EACH SLEEPING ROOM:
MIN. CLEAR OPNG. 5.7 SQ. FT. (5.0 SQ. FT. AT GRADE)
20" MIN. CLEAR OPNG. WIDTH
24" MIN. CLEAR OPNG. HEIGHT
44" MAX. SILL HEIGHT ABOVE FINISHED FLOOR
WINDOW SUPPLIER TO CONFIRM THAT UNITS SUPPLIED CONFORM TO THESE SPECIFICATIONS
TEMPERED GLASS REQUIREMENTS:
1) ANY GLAZING WITHIN 24" OF ARC OF DOOR W/ BOTTOM EDGE LESS THAN 60" A.F.F.
2) ANY GLAZING 36" HORIZONTALLY FROM INSIDE EDGE OF TUB AND LESS THAN 60" ABOVE LEVEL OF DRAIN
3) ANY GLAZING 18 SQ FT AND 48" A.F.F.
VERIFY FIRESTOPS (AS REQ'D) AT ALL GYPSUM BOARD CEILINGS

CARBON MONOXIDE DETECTOR C.O.
IF A FOSSIL FUEL APPLIANCE IS USED OR IF THERE IS AN ATTACHED GARAGE, THEN A CARBON MONOXIDE DETECTOR IS REQUIRED OUTSIDE EACH SLEEPING AREA, WITH A MINIMUM OF ONE EACH LEVEL OF HOME

MAX. 12 & 1/4" RISER FROM DOOR THRESHOLD TO PORCH SLAB

6x6 FT POST - UNWEAPED SUPPLY SHESSON POST BASE EPB1661 (OR EQUAL) SECURED TO CONCRETE W/ 3/8" ROD IMBEDDED 1" IN CONCRETE. INSTALL PER MANUFACTURER'S SPECIFICATIONS

COVERED WINDOW OPENING AREAS ARE SHOWN HERE. EX. 2050 = 36" WIDE, 36" TALL. WINDOW SUPPLIER IS TO PROVIDE PROPER R.O. SIZES AND WINDOW DESIGNATIONS.

1 MAIN FLOOR PLAN
2 SEE GARAGE SHEAR WALL DETAIL - SHEET 4
3 ALL WINDOW/CEILING TO BE 15' MAX. UNLESS OTHERWISE NOTED. TOP OF WINDOW/CEILING AT 7'-0" AFF. ALL EXTERIOR WALLS ARE 2'-0" MIN. UNLESS NOTED OTHERWISE. CEILING ARE 8'-0" UNLESS NOTED OTHERWISE. CEILING ARE 8'-0" UNLESS NOTED OTHERWISE.

3

PRINTOUT DATE: July 04, 2017

DATE: 07/04/17

DESCRIPTION: STUDY PLAN

DRAWN BY: TVC

CHECKED BY: TVC

DATE: 07/04/17

DESCRIPTION: PRELIM S.C.T.

DRAWN BY: TVC

SHEET NO.

3

JNB CUSTOM HOMES

5464 W. SILEY WAY

LAKE WATKINS, CO 80401

OFF: (303) 892-8749

Job Name:

TITLE ANALYSE RESIDENCE

Job Address:

LOT # 14083

FAIRFIELD DR WINTON, CT

Job No. Job No. Plan No. Sheet

4706 1416

FLOOR PLAN

147

TERMITE CONTROL: METHODS OF PROTECTION SHALL BE BY CHEMICAL SOIL TREATMENT, PRESSURE PRESERVATIVELY TREATED WOOD, NATURALLY TERMITE-RESISTANT WOOD OR PHYSICAL BARRIERS (SUCH AS METAL OR PLASTIC TERMITE SHIELDS), OR ANY COMBINATION OF THESE METHODS.

STEP FOUNDATION AS SHOWN. MIN. 24" DIA. STEEL PILES. 18" OC W/ 1/2" DIA. STEEL. MAX. 48" UNBAL. FILL AT STEP DOWN AREAS.

EMERGENCY EGRESS FROM EACH SLEEPING ROOM: MIN. CLEAR OPENING, 5.7 SQ. FT. (5.0 SQ. FT. AT GRADE) 20" MIN. CLEAR OPENING WIDTH 24" MIN. CLEAR OPENING HEIGHT 44" MAX. SILL HEIGHT ABOVE FINISHED FLOOR

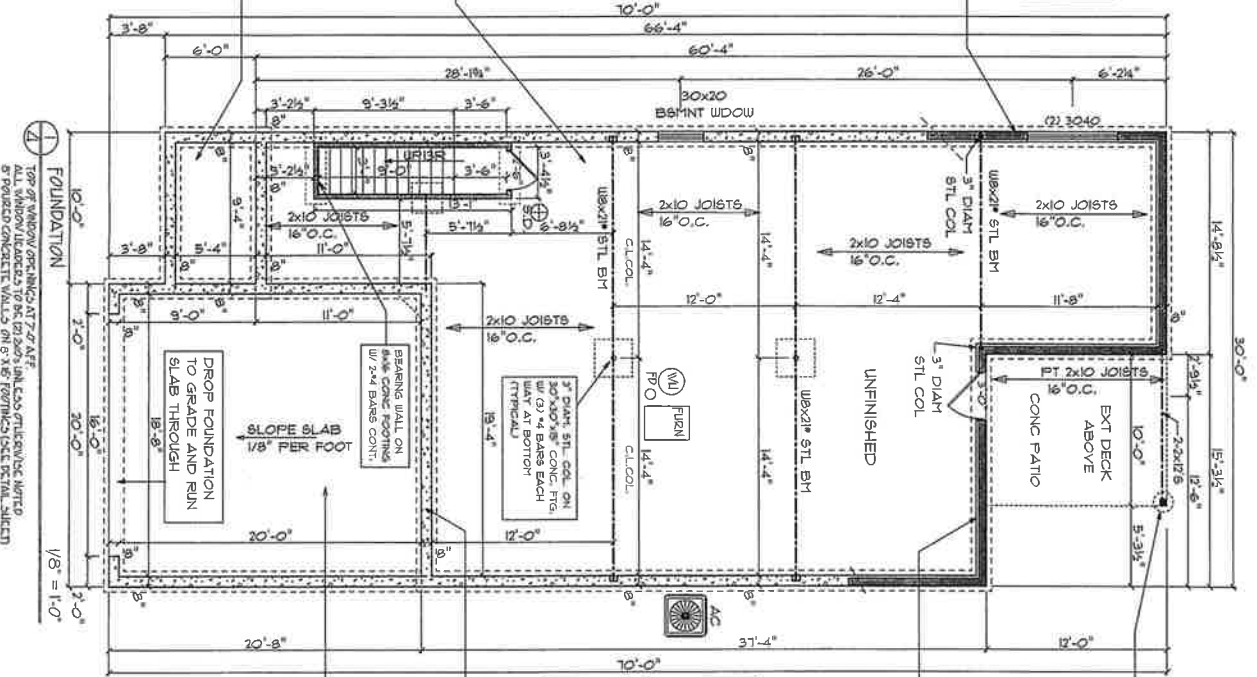
WINDOW SUPPLIER TO CONFIRM THAT UNITS SUPPLIED CONFORM TO THESE SPECIFICATIONS

TEMPERED GLASS REQUIREMENTS:
1) ANY GLAZING WITHIN 24" OF ARC OF DOOR W/ BOTTOM EDGE LESS THAN 60" A.F.F.
2) ANY GLAZING 36" HORIZONTALLY FROM INSIDE EDGE OF TUB AND LESS THAN 60" ABOVE LEVEL OF DRAIN
3) ANY GLAZING 75 SQ FT AND 1/8" A.F.F. VERIFY FIRESTOP (AS REQ'D) AT ALL GYPSUM BOARD CEILING

BASEMENT AREA
4" CONCRETE SLAB WITH 6x6x10 W/HT. OVER 8" GRAVEL FILL W/ 6 MIL. VAPOR BARRIER. CONTROL JOINTS AT 30' MAX. EACH DIRECTION FOUNDATION WALLS TO BE WATERPROOFED WITH DOUBLE-COAT POLY-MODIFIED ASPHALT WATERPROOFING SPRAY. MINIMUM R-6.0 INSULATION ON ALL FOUNDATION WALLS TO A POINT AT LEAST 30" BELOW LOWEST OUTSIDE GRADE

UNEXCAVATED
4" CONCRETE SLAB OVER 4" GRAVEL FILL

ELECTRICAL GROUNDING OF FOUNDATION REBAR REQUIRED REBAR AS SHOWN AND NOTED ON HOUSE PLAN. ALL REBAR IS TO BE GROUNDED WITH A #10 DIRECT BURIAL GROUND CLAMP WITH #4 BARE COPPER WIRE. ALL REBAR IN FOOTING IS 30" LENGTHS TIED WITH STEEL WIRE TIES AS REQUIRED TO FORM A CONTINUOUS BOND AT FOOTERS.



6x6 PT POST SET ON GALV. BASE ANCHOR FASTENED TO 1/8" DIA. CONC. PIER - MIN. 30" BELOW GRADE LINE (TYPICAL)

2"x24" PRESHEETER INSULATION AT WALKOUT (TYPICAL)

GENERIC WINDOW OPENING SIZES ARE SHOWN HERE EX: 30B0 = 3'-0" WIDE X 5'-0" HIGH WINDOW SUPPLIER IS TO PROVIDE PROPER R.O. SIZES AND WINDOW DESIGNATIONS

NOTE: MINIMUM FINISH CEILING HEIGHT TO BE 7'-0" W/ MINIMUM 6'-6" HEIGHT AT DROP, BEAMS, ETC. (MAXIMUM IF 80% OF FINISHED AREA)

FOUNDATION ANCHOR BOLTS BETWEEN GARAGE AND BASEMENT: 1/2" DIA. BOLT, IMBED 8" MIN & 32" O.C. 2 BOLTS PER SECTION OF PLATE MAX 12' FROM END OF EACH SECTION ONE EACH SIDE OF DOOR OPENING

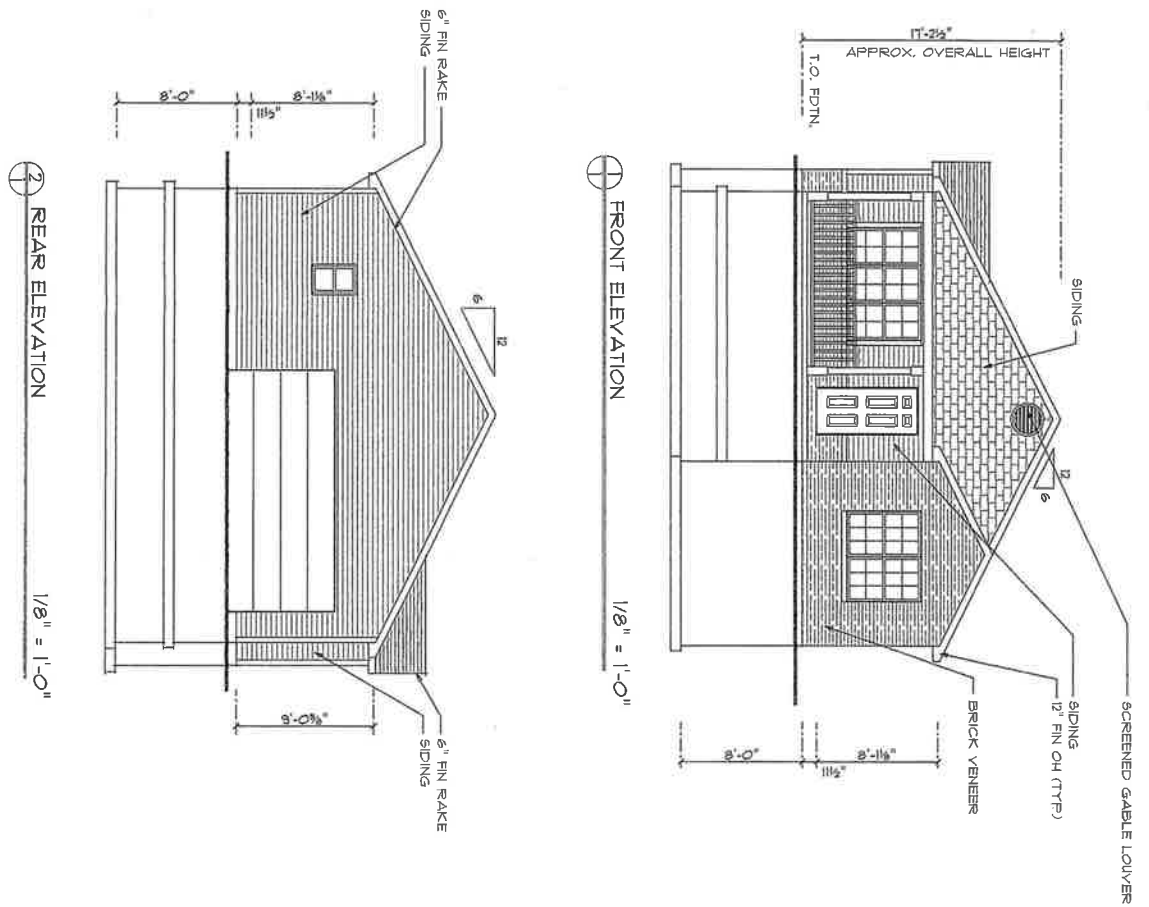
4" CONCRETE SLAB OVER 8" WASHED GRAVEL FILL. SLOPE SLAB MIN 1/8" TO 1/4" PER FOOT TOWARDS DOOR(S) IF FLOOR DRAINS ARE USED IN GARAGE, SLOPE SLAB TO DRAINS. DESTINATION OF ALL GARAGE FLOOR DRAINS (IF USED) INTO SANITARY SEWERS.

1 TOP OF WINDOW OPENINGS AT 7'-0" A.F.F. ALL WINDOW HEIGHTS TO BE (2) 20" UNLESS OTHERWISE NOTED 8" THICK CONCRETE WALLS ON 6" DIA. (50MM) DIA. STEEL PILES

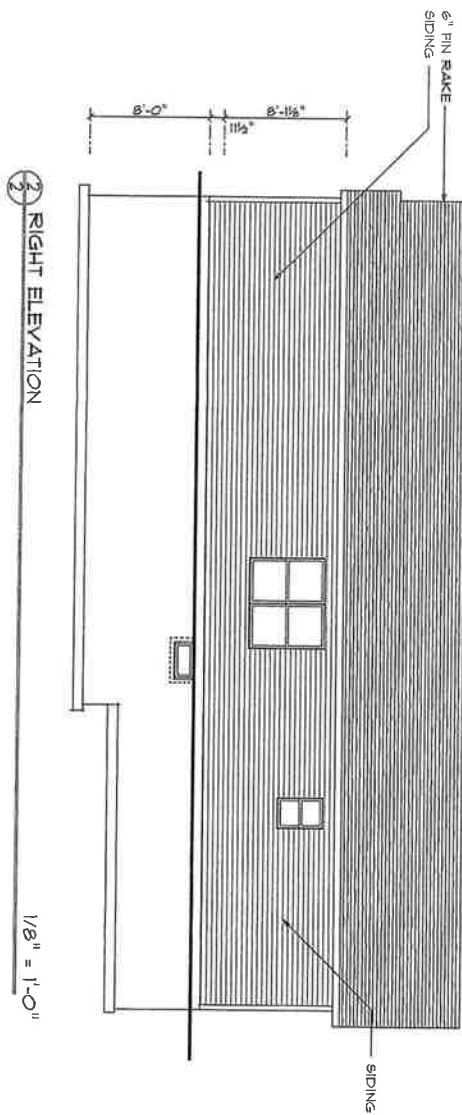
Job Name:		THE ANSALONE RESIDENCE
Job Address:		LOT # 14083 OLDE WINTON CT. FAIRFIELD, CT 06424
VPO No.	Job No.	Plan No.
52065	14416	FOUNDATION

JNB CUSTOM HOMES
5464 WESLEY WAY
HAMILTON, ON L4S0H
OFF: (513) 892-8749

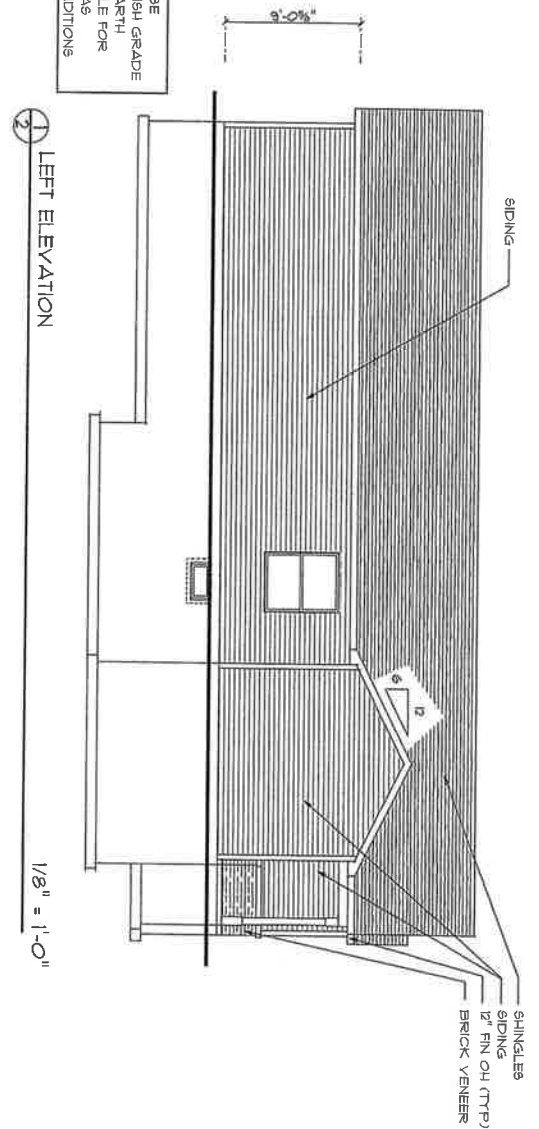
PRINTOUT DATE: July 04, 2017			SHEET NO. 4
DATE:	DESCRIPTION:	DRAWN BY:	
06/20/17	STUDY PLAN	TWG	
07/04/17	PERMIT SET	TWG	



Job Name: MARY DESSEAU RESIDENCE				JNB CUSTOM HOMES				PRINTOUT DATE: September 17, 2010	SHEET NO. 1
Job Address: 5824 OLDE WINTON LANE OLDE WINTON FAIRFIELD, OHIO 45014				5464 WESLEY WAY HAMILTON, OH 45011 Off: (513) 892-8149				DATE: 09/17/10	
VPD No: 41022				Job No: 1-1180				DESCRIPTION: PERMIT SET	
Plan No:				Sheet: FT / REAR ELEV8				DRAWN BY: TWG	
								DATE: 09/15/10	



② LEFT ELEVATION



Job Name:			
MARY DESSEAU RESIDENCE			
Job Address:			
5024 OLDE WINTON LANE OLDE WINTON FAIRFIELD, OHIO 45014			
WFO No.	Job No.	Plan No.	Sheet
41022		1-1122	SIDE ELEV'S

JNB CUSTOM HOMES

5464 WESLEY WAY
HAMILTON, OH 45011
Off: (513) 892-8149

150

PRINTOUT DATE:		September 17, 2018	SHEET NO.
DATE:	DESCRIPTION:	DRAWN BY:	
06/29/18	PERMIT SET	TUG	2
07/03/18	BLDG DEPT REV'S	TUG	
07/04/18	BLDG DEPT REV'S	TUG	



GENERIC WINDOW OPENING SIZES ARE SHOWN HERE
 EX: 3080 = 3'-0" WIDE x 5'-0" HIGH
 WINDOW SUPPLIER IS TO PROVIDE PROPER R.O. SIZES
 AND WINDOW DESIGNATIONS.

6X6 PT POST CONT. TO BEARING
 BOX FRAME TO 8"
 SUPPLY SIMPSON POST BASE
 EPIBOLT (OR EQUAL) SECURED TO
 CONCRETE W/ 5/8" ROD IMBEDDED
 1" IN CONCRETE. INSTALL PER
 MANUFACTURER'S SPECIFICATIONS

1 HR FIRE RALL READ AT
 ALL SIDES OF ENTIRE BURN-OUT
 (WALLS AND BANDBOARD)
 5/8" F.C. DRYWALL INSIDE AND
 5/8" F.C. DRYWALL OUTSIDE AND
 UP OVER FACE OF GABLE
 W/ PLUWOOD SHUT OVER.
 PROVIDE FIRESTOP AT SOFFITS
 TO PREVENT HORIZONTAL DRAFT

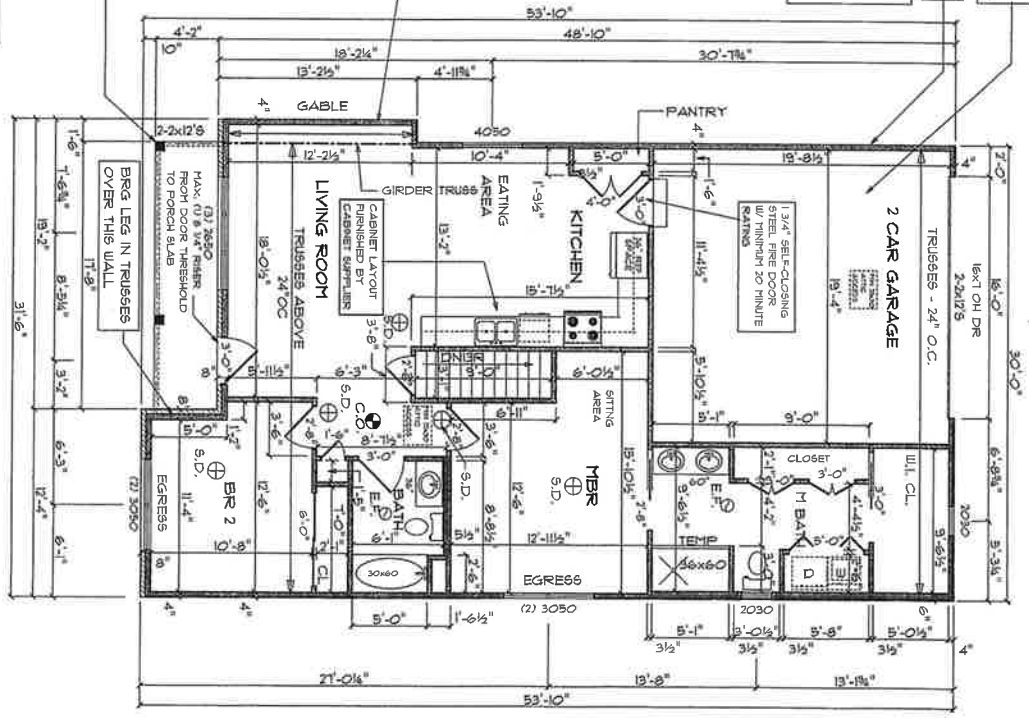
TEMPERED GLASS REQUIREMENTS:
 1) ANY GLAZING HINGED TO AN ARC OF
 DOOR W/ BOTH EDGE LESS
 THAN 60" A.F.F.
 2) ANY GLAZING 36" HORIZONTALLY FROM
 INSIDE EDGE OF TUB AND LESS THAN
 60" ABOVE LEVEL OF DRAIN
 3) ANY GLAZING 36" HORIZONTALLY FROM
 INSIDE EDGE OF TUB AND LESS THAN
 60" ABOVE LEVEL OF DRAIN
 4) VERIFY FIRESTOP (AS REQD) AT ALL
 GYPSUM BOARD CEILING

CARBON MONOXIDE DETECTOR
 IF A FOSIL FUEL APPLIANCE IS USED
 OR IF THERE IS AN ATTACHED GARAGE THEN
 A CARBON MONOXIDE DETECTOR IS REQUIRED
 OUTSIDE EACH SLEEPING AREA, WITH A MINIMUM
 OF ONE EACH LEVEL OF HOME

IN GARAGE AREA:
 1/2" F.C. DUL ON ENTIRE
 CEILING AND COMMON
 WALLS W/ MIN. R-13 INSUL.

GARAGE WALLS ARE 8'-1 1/8"
 HIGH O.C. W/ 2x4 STUDS - 16" O.C.

SEE GARAGE SHEAR
 WALL DETAIL - SHEET 15



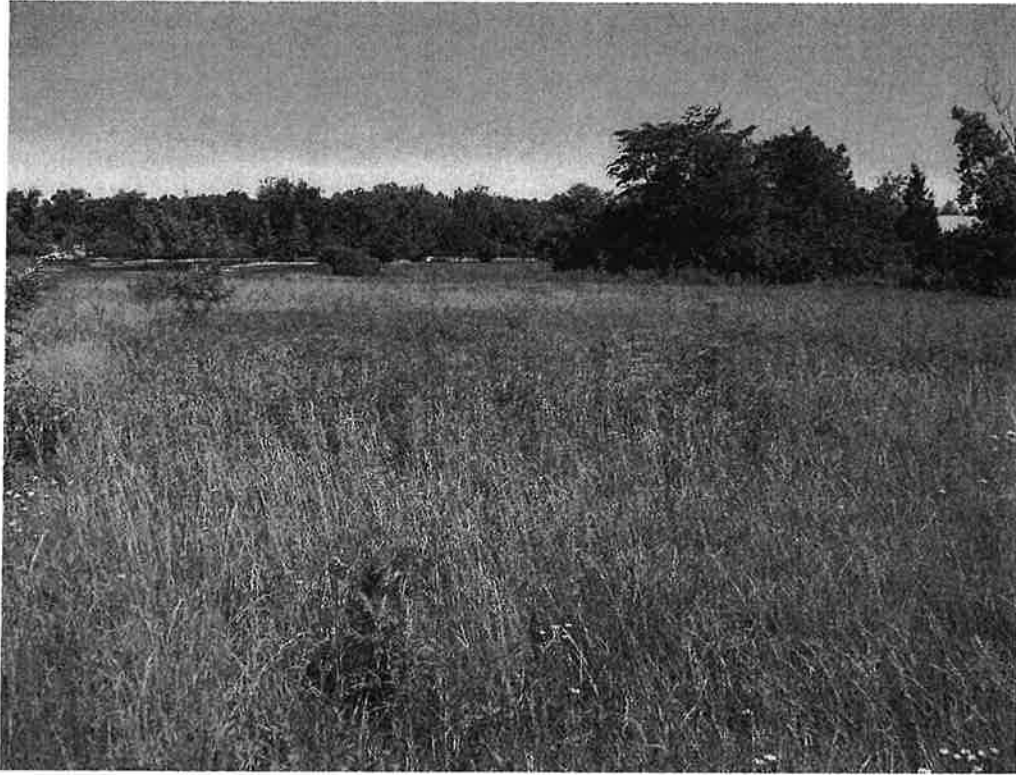
1 MAIN FLOOR PLAN
 1/8" = 1'-0"

TOP OF WINDOW OPENINGS AT 1'-0" A.F.F. 1180 SQ. FT. LIVING AREA
 ALL WINDOW HEADERS TO BE (2) 2x10'S UNLESS OTHERWISE NOTED.
 CEILING ARE 8'-1 1/8" ABOVE FLOOR UNLESS OTHERWISE NOTED.

Job Name: MARY DESSEAU RESIDENCE			
Job Address: 5824 OLDE WINTON LANE OLDE WINTON FAIRFIELD, OHIO 45014			
VPD No. Job No. Plan No.	Sheet:		
47022	1-1180	FLOOR PLAN	

JNB CUSTOM HOMES
 5464 WESLEY WAY
 HAMILTON, OH 45011
 OFF: (513) 892-8749

PRINTOUT DATE: September 17, 2018			SHEET NO. 3
DATE:	DESCRIPTION:	DRAWN BY:	
09/25/18	PERMIT SET	TUG	
09/13/18	BLDG DEPT REV'S	TUG	
09/16/18	BLDG DEPT REV'S	TUG	



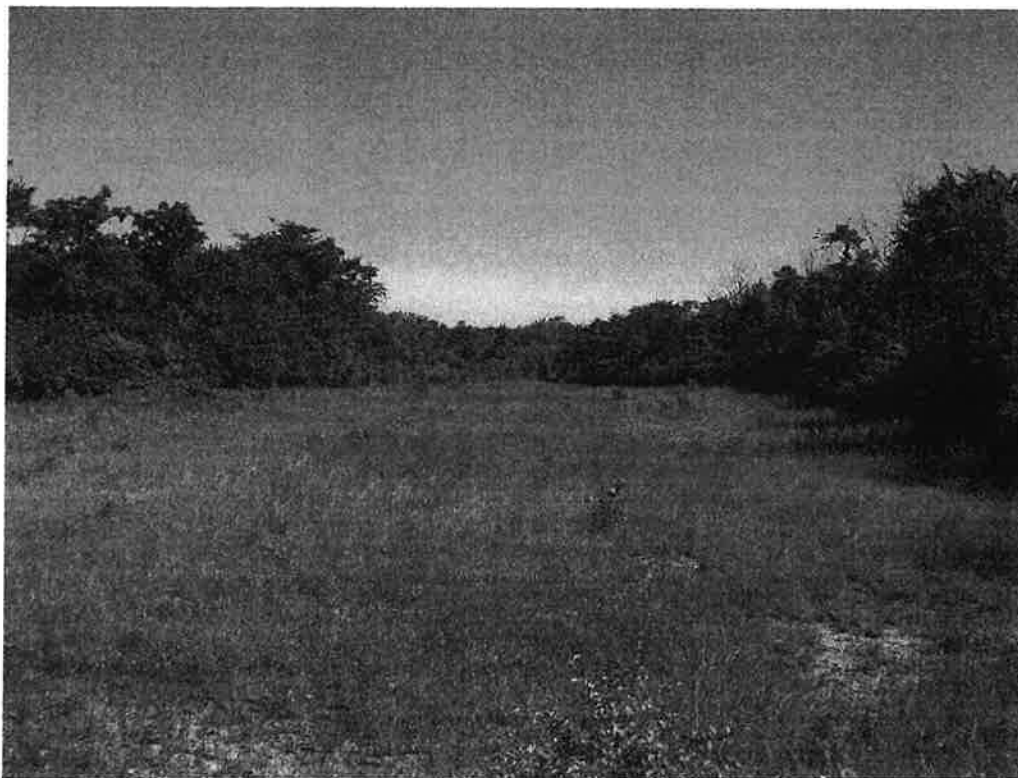
View from the center of the property of the future development facing north.



View from the center of the property towards the south end of the future development facing south.



View from Roberts Dr extended facing back east towards Roberts Dr.



View from the south end of the future street facing north.



View from the end of Roberts Dr. facing east along Roberts Dr.

OLDE WINTON

CUSTOM GARDEN HOMES

HASSLE-FREE LIVING IN FAIRFIELD



STARTING AT \$160,000

Built by JNB Custom Homes, LLC

HOA | \$99 Monthly | Mowing | Snow Removal | Landscape Management



The Schneider Group | "Don't Make a Move Without Us"
Clare Schneider, Realtor, SRS | clare.schneider@cbws.com | 513-377-2325
Matt Schneider, Realtor | matt.schneider@cbws.com | 513-377-2326



Coldwell Banker West Shell | 9106 West Chester Towne Centre Dr | West Chester, Ohio 45069



If your property is listed with a real estate broker, please disregard. It is not our intention to solicit the offerings of other real estate brokers. We are happy to work with them and cooperate fully. ©2013 Coldwell Banker Residential Real Estate LLC. All Rights Reserved. Coldwell Banker West Shell fully supports the principles of the Fair Housing Act and the Equal Opportunity Act. Operated by a subsidiary of NRT LLC. Coldwell Banker and the Coldwell Banker Logo are registered service marks owned by Coldwell Banker Real Estate LLC. Real estate agents affiliated with Coldwell Banker West Shell are independent contractor sales associates and are not employees of Coldwell Banker West Shell.

OLDE WINTON GARDEN HOMES

THREE MODELS AVAILABLE

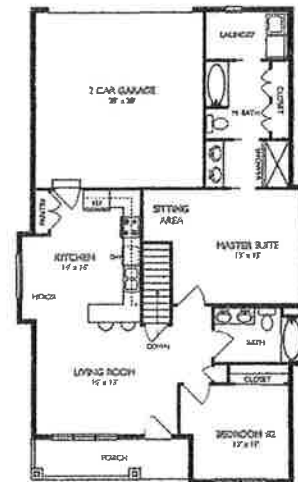
All Models | First Floor Master | 2-car Garage | 2 Full Baths
First Floor Laundry | Porch or Patio | Custom Finishes



THE BETSY

2 Bedroom | Ranch Style
Starts at approx. 1150 square feet

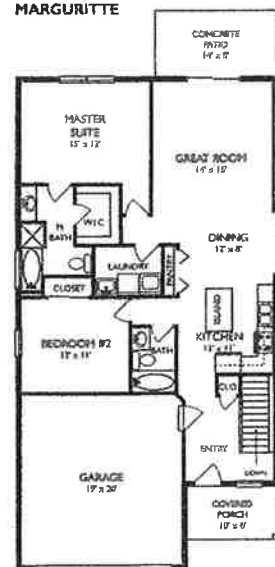
BETSY



THE MARGUERITE

2 Bedroom | Ranch Style
Starts at approx. 1210 square feet

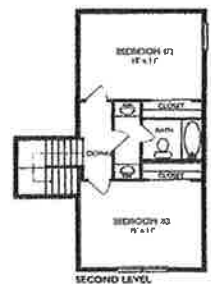
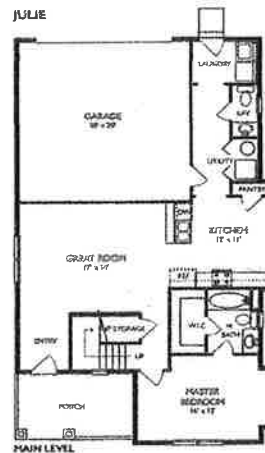
MARGURITE



THE JULIE

3 Bedroom | 2 Story
Starts at approx. 1300 Square Feet
157

JULIE



Note: Bump outs on the floor plans are extra features and not included in the base price

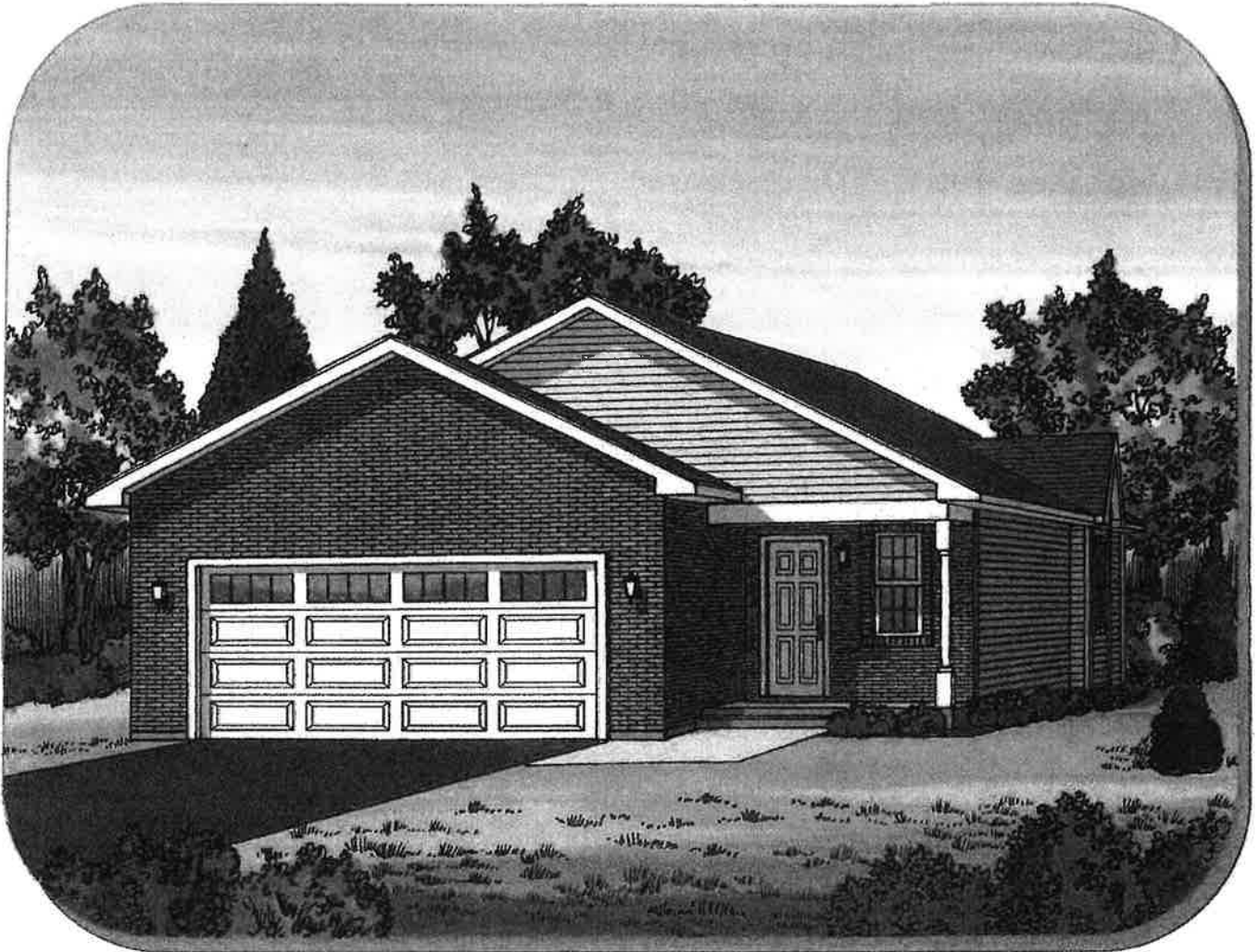
**COLDWELL
BANKER**

WEST SHELL

OLDE WINTON

CUSTOM GARDEN HOMES

HASSLE-FREE LIVING IN FAIRFIELD



MARGUERITE

Ranch Style | Two Bedroom | First Floor Laundry



The Schneider Group | "Don't Make a Move Without Us"

Clare Schneider, Realtor, SRS | clare.schneider@cbws.com | 513-377-2325

Matt Schneider, Realtor | matt.schneider@cbws.com | 513-377-2326

THE
SCHNEIDER
Group

Coldwell Banker West Shell | 9106 West Chester Towne Centre Dr | West Chester, Ohio 45069



MARGUERITE

2 Bedroom Ranch

Master Suite with Attached Bath

Great Room

Dining Room

First Floor Laundry

Front Entry Garage

Covered Front Porch

Rear Patio

Basement

Starts at Approx 1210 Sq Ft

\$99 per month HOA

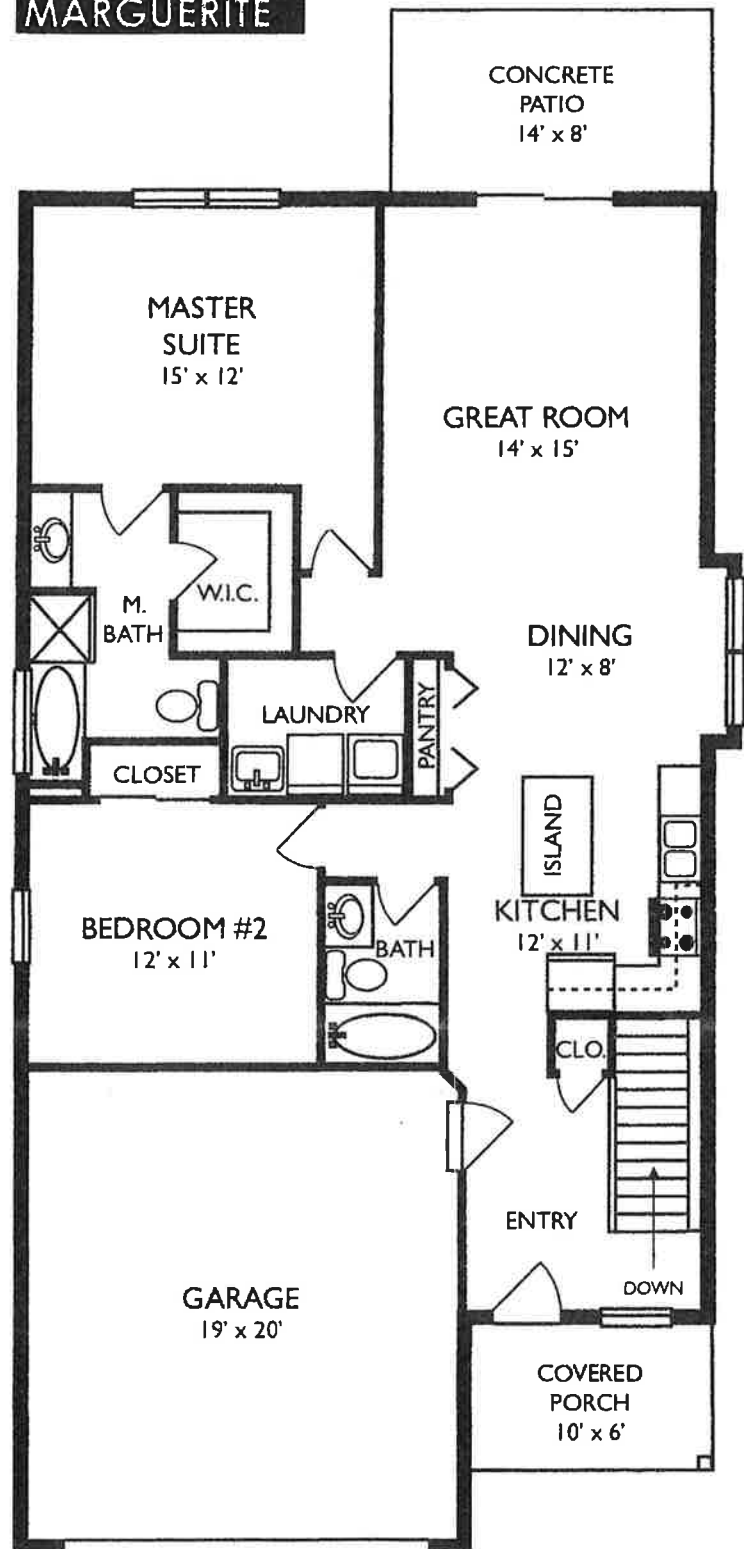
Includes Snow Removal, Mowing
and Landscape Management

Built by JNB Custom Homes, LLC

Base Price \$195,450

Note: Bump-outs on the floor
plan are extra features and
not included in the base
price.

MARGUERITE



**COLDWELL
BANKER**

WEST SHELL

**BY-LAWS
(CODE OF REGULATIONS)
OF**

SOUTH FARM HOMEOWNERS' ASSOCIATION

The within By-Laws are executed and attached to the Declaration of Homeowners for the homes at South Farm ("Declaration") pursuant to Chapter 5312, Ohio Revised Code. Their purpose is to govern the Homeowners' Association. All present or future Owner, occupant, or their employees, or any other persons who might use the property or facilities of the Property in any manner, shall be subject to the covenants, provisions or regulations contained in the Declaration and these By-Laws and shall be subject to any restrictions, condition, or regulation hereafter adopted by the Board of Trustees of the Association. The mere acquisition or rental of any of the Lots located on the Property described in the Declaration, or the mere act of occupancy of any of the Lots will constitute acceptance and ratification of the Declaration and these By-Laws. These By-Laws will constitute the Code of Regulations of the Ohio nonprofit corporation called South Farm Homeowners' Association.

ARTICLE I: DEFINITIONS

All the terms used herein shall have the same meanings as set forth in the Declaration recorded simultaneously herewith with the Recorder of Butler County, Ohio.

ARTICLE II: OFFICES

Section 1: *Principal Office.* The principal office of the Association shall be located in Oxford, Butler County, Ohio.

Section 2: *Other Offices.* The Association may have such other offices, either within or without the State of Ohio, as the Trustees may designate or as the business of the Association may require from time to time.

ARTICLE III: FISCAL YEAR

Section 1: *First Year.* Unless otherwise designated by resolution of the Trustees, the first fiscal year of the Association after the adoption of this Code of Regulations shall end on December 31, 2020.

Section 2: *Subsequent Years.* Subsequently, the fiscal year of the Association shall commence on the first day of January in each year and end on the last day of the following December, or be such other period as the Trustees may designate by resolution.

ARTICLE IV: THE ASSOCIATION

Section 1: *Membership.* Membership in the Association shall be limited to Owners, and all Owners shall be members. Each Owner, upon acquisition of title to a Lot, shall automatically become a member of the Association. Membership shall terminate upon the sale or other disposition of the Lot. In the case of the sale of any Lot by means of a Land Installment Contract, the Vendor may assign his or her membership in the Association to the Vendee.

Section : *Voting Rights.* Each Lot shall have one vote.

Section 3: *Proxies.* An Owner may vote in person or by proxy at any meeting of Owners. All proxies shall be in writing and filed with the Secretary of the Association prior to the meeting. Every proxy shall be revocable and shall automatically cease upon conveyance by an Owner of his or her Lot.

Section 4: *Quorum.* The Owners present, in person or by proxy, at any duly called and noticed meeting of the Owners, shall constitute a quorum for such meeting.

Section 5: *Voting Power.* Except as otherwise provided in any organizational documents for the Association, or by law, a majority of the voting power of Owners voting on any matter that may be determined by the Owners at a duly called and noticed meeting shall be sufficient to determine that matter. Robert's Rules of Order shall apply to the conduct of all meetings of the Owners except as otherwise specifically provided in the organizational documents of the Association or by law.

Section 6: *Annual Meetings.* Regular annual meetings of the Owners shall be held in the first calendar quarter of each year hereafter on a date and at an hour established by the Board.

Section 7: *Special Meetings.* Special meetings of the Owners may be called at any time by the President, by the Board, or upon written request of Owners entitled to exercise fifty percent (50%) of the voting power of Owners, or when required by law.

Section 8: *Notice of Meetings.* Written notice of each meeting of Owners shall be given to each Owner at least five (5) days before such meeting. Notice shall be mailed, emailed or delivered to an Owner at their address, or a different address designated by the Owner for that purposes, in writing. The notice shall specify the place and time of the meeting and in the case of a special meeting, the purpose of the meeting.

Section 9: *Action in Writing Without a Meeting.* Any action that could be taken by Owners at a meeting may be taken without a meeting in a writing or writings signed by the Owners having a majority of the voting power of Owners, or such greater proportion of the voting power as may be required by the Association documents or by law.

ARTICLE V: BOARD OF TRUSTEES

Section 1: *Number and Qualification.* The Board of Trustees shall consist of three persons. The initial Trustees shall be those three persons named as the Trustees in the Articles of Incorporation or such other person or persons as may from time to time be substituted by the Declarant.

Section 2: *Interim Trustees.* Until such time as the Owners have assumed control of the Association, the Trustees shall be selected as provided in Article V of the Declaration.

Section 3: *Terms of Office.* Each Trustee shall hold office until the next annual meeting of the members of the Association and until his or her successor is elected, or until his or her earlier resignation, removal from office or death. Any Trustee may resign at any time by delivering his or her written resignation to the Secretary of the Association. Members of the Board shall serve without compensation.

Section 4: *Organizational Meeting.* Immediately after each annual meeting of the members of the Association, the Trustees shall hold an organizational meeting for the purpose of electing officers and transacting any other business. Notice of such meeting need not be given.

Section 5: Regular Meetings. Regular meetings of the Trustees may be held at such times and places as shall be determined by a majority of the Trustees, but at least one time per fiscal year.

Section 6: Special Meetings. Special meetings of the Trustees may be held at any time upon call by any one (1) Trustee. Notice of the time and place of each meeting shall be given to each Trustee by mail, email, or telephone call at least two (2) days before the meeting. Attendance of any Trustee at any meeting without protesting the lack of proper notice shall be deemed to be a waiver of notice of such meeting. Unless otherwise indicated in the notice, any business may be transacted at any organizational, regular or special meeting.

Section 7: Quorum. A majority of the Trustees shall constitute a quorum.

Section 8: Action in Writing Without Meeting. Any action that could be taken by the Trustees at a meeting may be taken without a meeting in writing or writings signed by all of the Trustees.

Section 9: Removal of Trustees. At any meeting of members of the Association any one or more of the Trustees selected by the members may be removed without or without cause by the vote of members entitled to exercise not less than seventy-five percent (75%) of the voting power of the Owner. A successor shall then and there be elected to fill the vacancy created.

ARTICLE VI: OFFICERS

Section 1: Election and Designation of Officers. The Trustees shall elect a President, a Secretary and a Treasurer. The Trustees may also appoint such other officers as in their judgment may be necessary.

Section 2: Term of Office. The officers of the Association shall hold office until the next organizational meeting of the Trustees and until their successors are elected. The Trustees may remove any officers at any time with or without cause by a majority vote of the Trustees. Any vacancy may be filled by the Trustees.

Section 3: President. The President shall be the chief executive officer of the Association. He or she shall preside at all meetings of the members of the Association and all meetings of the Trustees. The President shall have a general executive supervision of the business and affairs of the Association. He or she may execute all authorized deeds, contracts and other obligations of the Association and shall have such other authority and shall perform such other duties as may be determined by the Trustees or otherwise provided for in the Declaration or in these By-laws.

Section 4: Secretary. The Secretary shall keep the minutes of the meetings of the members of the Association and of the Trustees, keep such books as may be required by the Trustees, and give notices of meetings of the members and of Trustees.

Section 5: Treasurer. The Treasurer shall receive all money, bills, notes and similar property belonging to the Association. He or she shall keep accurate financial accounts and hold the same open for inspection and examination by the Trustees and the members of the Association. The Treasurer shall have such authority and shall perform such other duties as may be determined by the Trustees.

ARTICLE VII: POWERS AND DUTIES OF THE ASSOCIATION

Section 1: Powers. The Trustees shall exercise all powers and authority not specifically and exclusively reserved to the Owner. The Board shall have the right, power and authority to:

- (a) Take all actions deemed necessary or desirable to comply with all requirements of law and the Association organizational documents;
- (b) Obtain insurance coverage no less than that required pursuant to the Declaration;
- (c) Enforce the covenants, conditions and restrictions set forth in the Declaration;
- (d) Repair, maintain and improve the common areas;
- (e) Establish, enforce, levy and collect assessments as provided in the Declaration;
- (f) Adopt and enforce rules and regulations governing the use of the common areas and the personal conduct of Owners, occupants and their guests and invitees, and establish penalties for the infraction thereof;
- (g) Suspend the voting rights of an Owner during any period in which he or she is in default in the payment of any assessments;
- (h) Authorize the officers to enter into management agreements in order to facilitate the efficient operation of the property.

Section 2: Duties. It shall be the duty of the Board to:

- (a) Keep complete records and account for its acts to the Owners at each annual meeting or any at special meeting when an account is requested in writing by Owners representing at least fifty percent (50%) of the voting power of the Owners;
- (b) Supervise all officers, agents and employees of the Association and see that their duties are properly performed;
- (c) Fix the amount of assessments against each Lot, as provided in the Declaration;
- (d) Give written notice of each assessment to every Owner within the time limits set forth in the Declaration;
- (e) Foreclose the lien against any Lot for which assessments are not paid or bring an action at law against the Owners personally obligated to pay the same, or both;
- (f) Issue or cause to be issued a certificate setting forth whether or not any assessment has been paid;
- (g) Procure and maintain insurance as the Trustees deem advisable;
- (h) Maintain the common areas;
- (i) Enforce the restrictions created by the Declaration; and
- (j) Take all other action required to comply with law and the Associations organization documents.

ARTICLE VIII: GENERAL PROVISIONS

Section 1: Books and Records of the Association. The Association shall keep correct and complete books and records of its receipts and expenditures, minutes of the proceedings of the Owners and Board of Trustees, and records of the names and addresses of the Owners. The books and records shall be open for inspection by any Owner or his or her representative at any reasonable time during normal business hours. Upon ten (10) days' notice any Owner shall be furnished a statement of his or her account setting forth the amount of any unpaid assessments or other charges due and owing.

Section 2: Annual Audit. The books of the Association shall be audited annually by the Board of Trustees prior to the annual meeting. If requested by two (2) Trustees or two (2) Owners the audit shall be made by a certified public accountant.

Section 3: *Delegation of Duties.* The Association may hire managers and provide reasonable compensation for their services as a common expense.

Section 4: *Severability.* The invalidity of any provision of these By-Laws shall not impair or affect in any manner the validity, enforceability or effect of any other provisions.

Section 5: *Captions.* The captions of the various provisions of these By-Laws are not a part of the By-Laws but are for convenience of reference only.

ARTICLE IX: INDEMNIFICATION OF TRUSTEES AND OFFICERS

Section 1: *Right of Indemnification.* The members of the Board of Trustees and the officers shall not be liable to the Owners for any mistake of judgment, negligence or otherwise except for their own individual willful misconduct or bad faith. The Association shall indemnify every Trustee and officer, his or her heirs, executors and administrations, against all loss, costs and expenses, including counsel fees, reasonably incurred by him or her in connection with any action, suit or proceeding to which he or she may be made a party by reason of his or her being or having been a Trustee or officer of the Association except as to matters as to which he or she shall be finally adjudged in such action, suit or proceeding to be liable for willful misconduct or bad faith. The Board of Trustees may purchase insurance in such amounts as it deems appropriate to provide such indemnification, and the cost of such insurance shall be a common expense. In the event of a settlement, indemnification shall be provided only in connection with such matters covered by the settlement as to which the Association is advised by counsel that the person to be indemnified has not been guilty of willful misconduct or bad faith in the performance of his duty as such Trustee or officer in relation to the matter involved. The foregoing rights shall not be exclusive of other rights to which such Trustee or officer may be entitled. All liability, loss, damage, cost and expense incurred or suffered by the Association by reason of or arising out of or in connection with the foregoing indemnification provisions shall be treated by the Association as common expenses; provided, however (a) that nothing in this Article contained shall be deemed to obligate the Association to indemnify any member or Owner who is or has been a Trustee or officer of the Association, with respect to any duties or obligations assumed or liabilities incurred by him or her under and by virtue of his membership in the Association or as an Owner, and (b) the Association will not indemnify or reimburse any person for amounts determined to be owed to the Association resulting from an action brought on or behalf of the Association.

Section 2: *Invalid Provisions.* If any part of this Article shall be found invalid or ineffective, the validity and effect of the remaining parts shall not be affected.

ARTICLE X: CONTRACTS, LOANS, CHECKS AND DEPOSITS

Section 1: *Contracts.* The Board of Trustees may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Association, and such authority may be general or confined to specific instances.

Section 2: *Loans.* No loans shall be contracted on behalf of the Association and no evidences of indebtedness shall be issued in its name unless authorized by a resolution of the Board of Trustees. Such authority may be general or confined to specific instances.

Section 3: *Checks, Drafts, Etc.* All checks, drafts or other order for the payment or money, notes or other evidences of indebtedness issued in the name of the Association, shall be signed by such officer or officers,

agent or agents of the Association and in such manner as shall from time to time be determined by resolution of the Board of Trustees.

Section 4: Deposits. All funds of the Association not otherwise employed shall be deposited from time to time to the credit of the Association in approved banks trust companies or other depositories. The Board of Trustees is authorized to select such depositories as it shall deem proper for the funds of the Association. The Board of Trustees shall determine who shall be authorized on the Association's behalf to sign bills, notes, receipts, acceptances, endorsements, checks, releases, contracts and other documents.

ARTICLE XI: CONSISTENCY WITH DECLARATION

If any provision of these Regulations shall be inconsistent with the Associations Declaration (now and as it may be amended from time to time), the Declaration (as so amended at the time) shall govern.

ARTICLE XII: SECTION HEADINGS

The headings contained in these By-Laws are for reference purposes only and shall not be construed to be part of and/or shall not affect in any way the meaning or interpretation of these By-Laws.

ARTICLE XIII: AMENDMENTS

Any amendment of these By-Laws shall be made only by means of an amendment to the Declaration in the manner and subject to the approval, terms and conditions set forth therein, and shall be effective from the time a certificate setting forth such amendment is delivered for recording to the Recorder of Butler County, Ohio.

**DECLARATION OF HOME OWNERSHIP FOR THE
SOUTH FARM, SECTION II, HOMEOWNERS' ASSOCIATION**

WHICH ESTABLISHES AND IMPOSES COVENANTS, CONDITIONS, AND RESTRICTIONS

The fact that this Declaration has been filed with the office of the Auditor of Butler County, Ohio is evidenced by the date-stamp of said Auditor on this page.

This instrument prepared by:
ROBINSON & JONES CO., L.P.A.
421 S. Locust St., Suite 203
Oxford, OH 45056

DECLARATION

This is the Declaration of Homeowners at South Farm Subdivision, Section II, made as of this ____ day of _____, 2019 pursuant to the provisions of Chapter 5312 of the Revised cod of Ohio.

John L. Boyle, IV, Michael J. Shea, Stephen R. James, are the owners in fee simple of certain real property located in Butler County, Ohio (collectively referred to as the "Declarant"), and known by official plat designation as South Farm, a subdivision of the City of Oxford pursuant to a plat recorded on November 9, 2007 in the Plat Records of Butler County, Ohio, in Volume 7959, page 1551.

For the purpose of enhancing and protecting the value, attractiveness and desirability of the lots or tracts constituting this subdivision, Declarant states that all the real property described above will be held, and conveyed only subject to the following easements, covenants, conditions, and restrictions, which will constitute covenants running with the land and will be binding on all parties having any right, title, or interest in the property, and their heirs, successors, and assigns.

ARTICLE I. DEFINITIONS

Section 1. "Association" means South Farm Homeowners' Association, its successors and assigns.

Section 2. "Board" and "Board of Trustees" mean those persons who serve as the Board of Trustees of the Association.

Section 3. "Common area" means all real property owned by the Association for the common use and enjoyment of the owners. The common area to be owned by the Association at the time of conveyance of the first Lot is described as follows: _____.

Section 4. "Declarant" means John L. Boyle, IV, Michael J. Shea, Stephen R. James, their heirs, successors, and assigns provided those successors or assigns acquire more than one undeveloped lot from Declarant for the purpose of development.

Section 5. "Lot" means any plot of land shown on the recorded subdivision map referred to above except for the common area.

Section 6. "Maintenance" means the exercise of reasonable care to keep buildings, roads, landscaping, lighting, and other related improvements and fixtures in a condition comparable to their original condition, normal wear and tear excepted. Maintenance of landscaping will further mean the exercise of generally accepted garden management practices necessary to promote a healthy, weed-free environment for optimum plant growth.

Section 7. "Member" means every person or entity who holds membership in the Association.

Section 7. "Mortgage" means a conventional mortgage or a deed of trust.

Section 8. "Mortgagee" means a holder of a conventional mortgage or a beneficiary under or holder of a deed of trust.

Section 9. "Owner" means the record owner, whether one or more persons or entities, of a fee simple title to any lot which is a part of the property, and will include contract sellers, but will not include those holding title merely as security for performance of an obligation.

Section 10. “Subdivision” means the subdivided real property described in this document and any additions to that real property as may be brought within the jurisdiction of the Association as here provided.

Section 11. “Trustee” and “Trustees” mean that person or those persons serving as the Board of Trustees of the Association.

ARTICLE II. MEMBERSHIP IN ASSOCIATION; VOTING RIGHTS

Section 1. Every owner of a lot will be a member of the Association; membership will be appurtenant to and may not be separated from ownership of a lot.

Section 2. The Association will have two classes of voting members as follows:

Class A. Class A members will all be owners, with the exception of Declarant, and will be entitled to one vote for each lot owned. When more than one person holds an interest in a given lot, all those persons will be members and the vote for the lot will be exercised as they may determine among themselves. In no event will more than one vote be cast with respect to any lot owned by Class A members.

Class B. Class B member will be Declarant, who will be entitled to exercise _____ votes for each lot owned. Class B membership will cease, and Declarant will cease to be a member of the Association and the Board, as described in Section 3 below, when Fifty Percent (50%) of the total Lots within the Subdivision have been sold, or on December 31, 2024, whichever first occurs.

Section 3. *The Board*

The Board initially shall be those three (3) persons named as the Trustees in the Articles, or such other persons as may from time to time be substituted by Declarant. The Board members shall serve for one (1) year or until their successors have been elected.

- (a) When Fifty Percent (50%) of the Lots have been sold, the Owners, other than the Declarant, shall elect no fewer than thirty-three and one-third (33 1/3%) of the members of the board.
- (b) When Seventy-Five Percent (75%) of the Lots have been sold, or five (5) years have passed from the establishment of the Association, whichever is earlier, the Owners shall elect all of the members of the board.
- (c) Within thirty (30) days after the requirements of Article II, Section 3 (a) and (b) above have been met, the Association shall meet and elect the Trustees to which it is entitled. The Trustees shall take office immediately and elect the officers of the Association, who shall also take office immediately.

Section 4. *Authority of the Board*

The Board shall have all authority to manage, maintain and repair the common areas, exercise all rights provided by the Association documents, or granted to it by Ohio law that are not specifically reserved to the Owners, and assess and collect funds for such purposes.

ARTICLE III. ASSESSMENTS

Section 1. *Lien and Personal Obligation of Assessments.*

Declarant covenants for each lot within the subdivision, and each owner of a lot is deemed to covenant by acceptance of the deed for the lot, whether or not it is so expressed in the deed, to pay to the Association (1) annual assessments and (2) special assessments for capital improvements. These assessments will be established and collected as herein provided. The annual and special assessments, together with interest, costs, and reasonable attorney fees, will be a charge on the land and a continuing lien on each Lot against which such an assessment is made. Each assessment, together with interest, costs, and reasonable attorney fees will also be the personal obligation of the person or persons who owned the Lot at the time the assessment fell due, but no personal obligation will pass to the successors in title of the person or persons unless expressly assumed by them.

Section 2. *Purpose of Annual Assessments.*

The annual assessments levied by the Association will be used exclusively to promote the health, safety, welfare, and recreation of the residents in the subdivision, and for the improvement and maintenance of the common areas and of the homes situated within the subdivision. Annual assessments will include, and the Association will acquire and pay for out of the funds derived from annual assessments, the following:

- (a) Maintenance and repair of the common area.
- (b) Water, sewer, garbage, electrical, lighting, telephone, gas, and other necessary utility service for the common area.
- (c) cutting grass and landscaping of the common area, snow removal in the common area, and maintenance of the alley way to the southwest of the subdivision.
- (c) Acquisition of furnishings and equipment for the common area as may be determined by the Association, including without limitation all equipment, furnishings, and personnel necessary or proper for use of the recreational facilities.
- (d) Maintenance and repair of *facilities not being dedicated to general public use, such as: storm drains, sanitary sewers, and private streets within the confines of the subdivision (subject to the provisions of the private street maintenance ordinance of the City of Oxford).*
- (e) Fire insurance covering the full insurable replacement value of the common area with extended coverage.
- (f) Liability insurance insuring the Association against any and all liability to the public, to any owner, or to the invitees or tenants of any owner arising out of their occupation and/or use of the common area. The policy limits will be set by the Association, and will be reviewed at least annually and increased or decreased in the discretion of the Association.
- (g) Workmen's compensation insurance to the extent necessary to comply with applicable law, and any other insurance deemed necessary by the board of directors of the Association.
- (h) A standard fidelity bond covering all members of the board of directors of the Association and all other employees of the Association in an amount to be determined by the board of directors.
- (i) Any other materials, supplies, furniture, labor, services, maintenance, repairs, structural alterations, insurance, taxes, or assessments which the Association is required to secure or pay pursuant to the terms of this Declaration or by law, or which will be necessary or proper in the opinion of the board of directors of the Association for the operation of the common areas, for the benefit of lot owners, or for the enforcement of these restrictions.

Section 3. *Annual Assessment.*

(a) Until June 30 of the year immediately following the conveyance of the first Lot by Declarant to an owner, the maximum annual assessment will be \$_____, (Declarant excluded from annual fees).

(b) From and after June 30 of the year immediately following the conveyance of the first Lot by Declarant to an owner, the maximum annual assessment may be increased each year as determined by the Board.

(c) The Board of the Association may fix the annual assessment at an amount it deems appropriate.

(d) The annual assessments shall consist of the following:

(i) The following year's estimated costs of the maintenance, repair, and other services to be provided by the Association; insurance and bond premiums to be provided and paid for by the Association; utility services not separately metered; and the operation, management and administration of the Association, including but not limited to, fees for property management, fees for legal and accounting services, costs of mailing, postage, supplies and materials for operating the Association, and the salaries, wages, payroll charges, and other costs to perform those services, and any other costs constituting common expenses not otherwise herein specifically excluded.

(ii) An amount deemed adequate by the Board to maintain a reserve for general operating costs, and the cost of unexpected repairs and replacements of capital improvements and for the repair and replacement of major improvements for which cash reserves over a period of time in excess of one year ought to be maintained.

Section 4. *Special Assessments for Capital Improvements.*

In addition to the annual assessments authorized above, the Association may levy in any assessment year a special assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement on the common area, including fixtures and personal property related thereto. Any such assessment must be approved by a majority of each class of members.

Section 5. *Notice and Quorum for Action Authorized Under Sections 3 and 4.*

Written notice of any meeting called for the purpose of taking any action authorized by Section 3 or 4 will be sent to all members not less than seven nor more than 30 days in advance of the meeting. In the event the proposed action is favored by a majority of the votes cast at the meeting, but less than the requisite majority of each class of members, members who were not present in person or by proxy may give their assent in writing within five days after the date of the meeting.

Section 6. *Uniform Rate of Assessment.*

Both annual and special assessments must be fixed at a uniform rate for all Lots.

Section 7. *Commencement and Collection of Annual Assessments.*

The annual assessments provided for here will commence as to all lots on the first day of the month following the conveyance of the common area. The first annual assessment will be adjusted according to the number of months remaining in the calendar year. The Board will fix the amount of the annual assessment against each Lot at least 90 days in advance of the due date and will fix the dates the amounts become due. Assessments may be made payable monthly. Notice of the annual assessments will be sent to every owner subject to them.

The Association will, on demand and for a reasonable charge, furnish a certificate signed by an officer of the Association, setting forth whether the assessment against a specific Lot has been paid.

Section 8. *Effect of Nonpayment of Assessments; Remedies of the Association.*

Any assessment not paid within 30 days after the due date will be deemed in default and will bear interest from the due date at the rate of five percent (5%) per year. The Association may bring an action at law against the owner personally obligated to pay the same, or may foreclose the lien against the property. No owner may waive or otherwise escape liability for the assessments provided for here by nonuse of the common area or abandonment of the owner's Lot.

Section 9. *Subordination of Assessment Lien to Mortgages.*

The assessment lien provided for will be subordinate to the lien of any first mortgage. A sale or transfer of any lot will not affect the assessment lien. However, the sale or transfer of any lot pursuant to a mortgage foreclosure or any proceeding in lieu of foreclosure, will extinguish the assessment lien as to payments that become due prior to the sale or transfer. No sale or transfer will relieve the lot from liability for any assessments subsequently becoming due or from the lien.

ARTICLE IV. PROPERTY RIGHTS

Section 1. *Owner's Easements of Enjoyment.*

Every owner of a Lot will have a right and easement of enjoyment in and to the common area, and this right will be appurtenant to and will pass with the title to that lot, subject to the following rights of the Association:

(a) The right to charge reasonable admission and other fees for the use of any recreational facility situated within the common area;

(b) The right to suspend the right of use of recreational facilities and the voting rights of any owner for periods during which assessments against the Lot remain unpaid, and the right, after hearing by the board of directors, to suspend those rights for a period not exceeding thirty (30) days for any infraction of the published rules and regulations of the Association;

(c) The right to dedicate or transfer all or any part of the common area to any municipality, public agency, authority, or utility for any purposes and subject to any conditions agreed on by the members. No dedication or transfer will be effective unless an instrument executed by two-thirds of each class of members agreeing to the dedication or transfer has been duly recorded.

Section 2. *Delegation of Use.*

Subject to any limitations as may be imposed by the bylaws, each owner may delegate the right of enjoyment in and to the common areas and facilities to the members of the owner's family, and to guests, tenants, and invitees.

Section 3. *Easements of Encroachment.*

There will exist reciprocal appurtenant easements as between adjacent Lots and between each Lot and any portion or portions of the adjacent common area for any encroachment due to the unwillful placement, settling, or shifting of improvements constructed, reconstructed, or altered, provided the construction, reconstruction, or alteration is in accordance with the terms of this Declaration. Such an easement will exist to a distance of not more than one foot as measured from any point on the common boundary between adjacent lots, and between each lot and any adjacent portion of the common area, along a line

perpendicular to such boundary at such point. No easement for encroachment will exist as to any encroachment occurring due to the willful conduct of an owner.

Section 4. *Other Easements.*

(a) Easements for installation and maintenance of utilities and drainage facilities are shown on the recorded subdivision map. Within these easements, no structure, planting, or other material will be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may damage, interfere with, or change the direction of flow of drainage facilities in the easements. The easement area of each lot and all improvements will be continuously maintained by the owner of the lot, except for improvements for maintenance of which a public authority or utility company is responsible.

(b) No dwelling unit or other structure of any kind will be built, erected, or maintained on any easement, reservation, or right-of-way, and easements, reservations, and rights-of-way will at all times be open and accessible to public and quasi-public utility corporations, their employees and contractors, and will also be open and accessible to Declarant, its successors and assigns, all of whom will have the right and privilege of doing whatever may be necessary in, on, under, and above those locations to carry out any of the purposes for which the easements, reservations, and rights-of-way are reserved.

Section 5. *Right of Entry.*

The Association, through its authorized employees and contractors, will have the right after reasonable notice to the owner, to enter any Lot at any reasonable hour on any day to perform authorized maintenance.

Section 6. *No Partition.*

There will be no judicial partition of the common area, nor will Declarant, or any owner or any other person acquiring any interest in the subdivision or any part thereof, seek judicial partition. However, nothing contained here will be construed to prevent judicial partition of any lot owned in cotenancy.

ARTICLE V. USE AND STRUCTURE RESTRICTIONS

The subdivision will be occupied and used only as follows:

Section 1. Each Lot will be used as a residence for a single family and for no other purpose. No structure shall be erected on any Lot except one single-family dwelling house, with a private garage, which must be attached, thereto, for not less than two automobiles but no more than three automobiles.

Section 2: No residence shall be used for any purpose other than that of a residence and purposes customarily incidental thereto. Additionally, there shall not be more than two unrelated persons residing in a Unit, or where there are more than two persons residing in a Unit, persons classified as constituting a family shall be limited to relations by blood, marriage or adoption, including minor children in the lawful custody of an adult member. No residence may be used for commercial or business purposes, unless all the following apply: (a) such use is of an incidental nature (such as a home office); (b) the use does not require County or City approval or the issuance of any plans, permits, license, or other reviews; and (c) the use does not interfere with the quiet enjoyment or comfort of any other lot owner.

Section 3: The living space, floor area, exclusive of porches, basements, and garages, of each structure shall not be less than 1,500 square feet for a ranch-style home and 2,000 square feet for a two-story home.

Section 4: _____, or its designee or successor, shall be the sole builder of all single-family dwellings on all Lots contained within the Subdivision. The builder shall have the sole discretion of approving or rejecting all plans as to design, grades, exterior materials, and the location of the building or buildings on the lot.

Section 5: No truck over three-fourths ton capacity shall regularly be parked upon any Lot or in any driveway in said subdivision, and only one truck of three-fourth ton or less capacity may be so parked. The parking and/or storage of machinery, equipment, school buses, commercial vehicles other than one pick-up truck is prohibited. No Lot shall be used or maintained as a dumping ground for refuse or garbage or for the storage of disabled or junk cars.

Section 6: The parking and/or storage of boats, campers, trailers, and other vehicles of similar nature shall not be permitted.

Section 7: No business of any kind will be conducted on any residence with the exception of the business of Declarant and the transferees of Declarant in developing all of the lots as provided in Section 11.

Section 8: No noxious or offensive activity will be carried on in or on any lot with the exception of the business of Declarant and the transferees of Declarant in developing all of the lots as provided in Section 11.

Section 9: No sign of any kind will be displayed to public view on a lot or the common area without the prior written consent of the Association, except customary name and address signs and lawn signs of not more than eight (8) square feet in size, or smaller if required by City of Oxford ordinance, advertising a property for sale or rent.

Section 10: Nothing will be done or kept on a Lot or on the common area that would increase the rate of insurance relating to that area without the prior written consent of the Association, and no owner will permit anything to be done or kept on the owner's lot or the common area that would result in the cancellation of insurance on any residence or on any part of the common area, or which would be in violation of any law.

Section 11: No animals, livestock, or poultry of any kind will be raised, bred, or kept on any Lot or on the common area. However, each residence shall be permitted ordinary household pets of not more than two (2) dogs and two (2) cats, kept in an enclosure or on a leash. No commercial use or breeding of any animals shall be permitted on any lot in this subdivision.

Section 12: No rubbish, trash, garbage, or other waste material will be kept or permitted on any Lot or on the common area except in sanitary containers located in appropriate areas concealed from public view.

Section 13: No materials other than open wood, open metal, or hedge shall be used as a fence and a maximum height of four feet allowed on any lot. Fences shall be permissible only to the rear of the building line of said lots.

Section 14: Small storage barns may be used but must not have floor storage space to exceed 120 square feet (10x12). Barns must be built in a professional manner and placed on a temporary foundation. Construction materials may include wood, Brick, or hardboard siding (no metal buildings allowed). Any storage barn built on the lot must be built to the rear of the house.

Section 15: No brick mailboxes may be used.

Section 16: Nothing will be altered in, constructed on, or removed from the common area except on the written consent of the Association.

Section 17: Declarant or the transferees of Declarant will undertake the work of developing all lots included within the subdivision. The completion of that work, and the sale, rental, or other disposal of residential units is essential to the establishment and welfare of the subdivision as an ongoing residential community. In order that this work may be completed and the subdivision be established as a fully occupied residential community as soon as possible, nothing in this Declaration will be understood or construed to:

(a) Prevent Declarant, Declarant's transferees, or the employees, contractors, or subcontractors of Declarant or Declarant's transferees from doing on any part or parts of the subdivision owned or controlled by Declarant or Declarant's transferees or their representatives, whatever they determine may be reasonably necessary or advisable in connection with the completion of the work;

(b) Prevent Declarant, Declarant's transferees, or the employees, contractors, or subcontractors of Declarant or Declarant's transferees from constructing and maintaining on any part or parts of the subdivision property owned or controlled by Declarant, Declarant's transferees, or their representatives, any structures reasonably necessary for the completion of such work, the establishment of the subdivision as a residential community, and the disposition of lots by sale, lease, or otherwise;

(c) Prevent Declarant, Declarant's transferees, or the employees, contractors, or subcontractors of Declarant or Declarant's transferees from conducting on any part or parts of the subdivision property owned or controlled by Declarant or Declarant's transferees or their representatives, the business of completing such work, of establishing the subdivision as a residential community, and of disposing of lots by sale, lease, or otherwise; or

(d) Prevent Declarant, Declarant's transferees, or the employees, contractors, or subcontractors of Declarant or Declarant's transferees from maintaining such sign or signs on any of the lots owned or controlled by any of them as may be necessary in connection with the sale, lease, or otherwise of subdivision lots.

As used in this section, the words "its transferees" specifically exclude purchasers of Lots improved with completed residences.

ARTICLE VI. OWNERS' OBLIGATION TO REPAIR

Each owner will, at that owner's sole cost and expense, repair their residence, keeping the same in a condition comparable to the condition at the time of its initial construction, excepting only normal wear and tear.

ARTICLE VII. OWNERS' OBLIGATION TO REBUILD

If all or any portion of a residence is damaged or destroyed by fire or other casualty, it will be the duty of the owner, with all due diligence, to rebuild, repair, or reconstruct such residence in a manner which will substantially restore it to its appearance and condition immediately prior to the casualty. Reconstruction

will be undertaken within two months after the damage occurs, and will be completed within six months after the damage occurs, unless prevented by causes beyond the control of the owner or owners.

ARTICLE VIII. ANNEXATION OF ADDITIONAL PROPERTY

Additional residential property and common area may be annexed to the subdivision with the consent of two-thirds of each class of members.

ARTICLE IX. GENERAL PROVISIONS

Section 1. *Enforcement.*

Declarant, the Association, or any owner will have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, easements, reservations, liens, and charges now or hereafter imposed by the provisions of this Declaration. Failure by Declarant, the Association, or by any owner to enforce any covenant or restriction will in no event be deemed a waiver of the right to do so.

Section 2. *Severability.*

Invalidation of any one of these covenants or restrictions by judgment or court order will in no way affect any other provisions, which will remain in full force and effect.

Section 3. *Amendments.*

Covenants and restrictions of this Declaration may be amended by recording an instrument executed and acknowledged by not less than three-quarters of each class of members.

Section 4. *Subordination.*

No breach of any of the conditions here contained or reentry by reason of such breach will defeat or render invalid the lien of any mortgage made in good faith and for value as to the subdivision or any lot; provided, however, that these conditions will be binding on any owner whose title is acquired by foreclosure, trustee's sale, or otherwise.

Section 5. *Duration.*

The covenants and restrictions of this Declaration will run with and bind the land, and will inure to the benefit of and be enforceable by the Association or any member for a period of ninety-nine (99) years from the date of this document, and will continue automatically in effect for additional periods of ninety-nine (99) years, unless otherwise agreed to in writing by the then owners of at least three-quarters of the subdivision Lots.

Executed at Oxford, Ohio on the date first written above.

John L. Boyle, IV,

Michael J. Shea,

Stephen R. James

STATE OF OHIO, COUNTY OF BUTLER, SS:

The foregoing instrument was sworn to and acknowledged before me this ____ day of _____, 2019, by John L. Boyle, IV.

Notary Public

STATE OF OHIO, COUNTY OF BUTLER, SS:

The foregoing instrument was sworn to and acknowledged before me this ____ day of _____, 2019, by Michael J. Shea.

Notary Public

STATE OF OHIO, COUNTY OF BUTLER, SS:

The foregoing instrument was sworn to and acknowledged before me this ____ day of _____, 2019, by Stephen R. James.

Notary Public

This instrument prepared by:
ROBINSON & JONES CO., L.P.A.,
421 S. Locust St., Suite 203
Oxford, OH 45056

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 21, 2020

Zachary Moore

Account Code No. #:

Prepared By:

Budgeted Amount:

March 31, 2020

Date Prepared:

PC-2020-07, FINAL SUBDIVISION, South Farm Section 4, 6.8133 acres, West end of Roberts Drive, South Farm Development LLC, Applicant
--

Vacation ord.

Recommendation: Approval with Conditions

Proposal Summary:

On behalf of South Farm Development, LLC, Brian Johnson, P.S. of Bayer Becker has submitted an application for a Final Subdivision consisting of 25 single-family residential lots situated on a 6.8-acre development site. This application is being processed alongside an application for a Final Planned Development (PD). The Zoning Code requires the Planning Commission to provide a recommendation on Final PDs, but not on Final Subdivisions which go straight to Council for approval.

It should be noted that the original applications filed referred to this subdivision as South Farm *Section 2*. After further evaluation by Bayer Becker's surveying team, a request was made to change the name to *Section 4*, since technically Sections 2 and 3 already exist "on paper" in the Butler County Recorder's records. It is a best practice to use consecutive numbering when conducting replats, for ease in tracking the chain of title.

Discussion and Recommended Conditions:

A Final Subdivision (also known as a Final Plat or a Record Plat) is the legal instrument that is recorded with the County Recorder officially creating new lots, establishing necessary easements, and dedicating right-of-way for associated public streets. In keeping with Section 203 of the Oxford Subdivision Regulations, staff recommends approval of the application subject to the following conditions:

- 1) Approval of the Final Planned Development for South Farm Section 4, along with any conditions.
- 2) The Final Subdivision will be valid for 1 year. All recordings shall be completed and construction of the infrastructure improvements started within the 1 year time period.
- 3) As necessary, the applicant shall update and/or re-file Construction Drawings along with any needed cost estimates for approval by applicable City departments.
- 4) The applicant shall file with the City a suitable form of financial security in order to guarantee the construction of the public improvements.
- 5) No building permits may be issued until all major utilities are installed and the street is constructed to the City Engineer's satisfaction.

Approved By:

Department Head:
City Manager:

SP/mge / 4-17-20
DRE / 4-17-20

ORDINANCE NO.

AN ORDINANCE VACATING RIGHT-OF-WAY ASSOCIATED WITH ROBERTS DRIVE AND HOOVER DRIVE AS WAS PREVIOUSLY DEDICATED BY O.R. 7959 PG 1551, REPLAT FOR SOUTH FARM SECTION 2 & 2A.

WHEREAS right-of-way was previously dedicated by means of recording O.R. 7959 Pg. 1551, Replat for South Farm Section 2 & 2A on November 9, 2007; and

WHEREAS, said described right-of-way is presently unimproved; and

WHEREAS, Lots 3696-3708 as depicted on O.R. 7959 Pg. 1551 are all presently under the same ownership, with said owner's interest being the development of South Farm Section IV; and

WHEREAS, a Final Subdivision application for South Farm Section IV was submitted to the City on March 20, 2020 for consideration which includes a relocation of Hoover Drive.

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

SECTION 1: Council finds this right-of-way vacation is necessary in order to accommodate the re-dedication of right-of-way associated with Roberts Drive and Hoover Drive in South Farm Section IV.

SECTION 2: Council hereby orders that the right-of-way as described and depicted on the document attached hereto as Exhibit "A" be vacated.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW(STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 21, 2020

Zachary Moore
Prepared By:

Account Code No. #:

Budgeted Amount:

March 31, 2020
Date Prepared:

PC-2020-07, FINAL SUBDIVISION, South Farm Section 4, 6.8133 acres, West end of Roberts Drive, South Farm Development LLC, Applicant

Recommendation: Approval with Conditions

Proposal Summary:

On behalf of South Farm Development, LLC, Brian Johnson, P.S. of Bayer Becker has submitted an application for a Final Subdivision consisting of 25 single-family residential lots situated on a 6.8-acre development site. This application is being processed alongside an application for a Final Planned Development (PD). The Zoning Code requires the Planning Commission to provide a recommendation on Final PDs, but not on Final Subdivisions which go straight to Council for approval.

It should be noted that the original applications filed referred to this subdivision as South Farm *Section 2*. After further evaluation by Bayer Becker's surveying team, a request was made to change the name to *Section 4*, since technically Sections 2 and 3 already exist "on paper" in the Butler County Recorder's records. It is a best practice to use consecutive numbering when conducting replats, for ease in tracking the chain of title.

Discussion and Recommended Conditions:

A Final Subdivision (also known as a Final Plat or a Record Plat) is the legal instrument that is recorded with the County Recorder officially creating new lots, establishing necessary easements, and dedicating right-of-way for associated public streets. In keeping with Section 203 of the Oxford Subdivision Regulations, staff recommends approval of the application subject to the following conditions:

- 1) Approval of the Final Planned Development for South Farm Section 4, along with any conditions.
- 2) The Final Subdivision will be valid for 1 year. All recordings shall be completed and construction of the infrastructure improvements started within the 1 year time period.
- 3) As necessary, the applicant shall update and/or re-file Construction Drawings along with any needed cost estimates for approval by applicable City departments.
- 4) The applicant shall file with the City a suitable form of financial security in order to guarantee the construction of the public improvements.
- 5) No building permits may be issued until all major utilities are installed and the street is constructed to the City Engineer's satisfaction.

Approved By:

Department Head:
City Manager:

SP/MMC / 4-17-20
DRG / 4-20-17
4-17-20

ORDINANCE NO.

AN ORDINANCE APPROVING THE FINAL SUBDIVISION APPLICATION AND PLAT FOR SOUTH FARM SECTION IV WITH CONDITIONS.

WHEREAS, in accordance with Oxford Codified Ordinance Section 1101.203, the City of Oxford's Community Development Department received the Final Subdivision Application and Final Plat for South Farm Section IV (Exhibit "A") on March 20, 2020 consisting of 6.8133 acres; and

WHEREAS, the Community Development Director has reviewed the Final Plat, the approved Preliminary Plat and the preliminary approval Ordinance No. 3535 adopted September 17, 2019; and

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

WHEREAS, the City Manager and the Community Development Director recommend Council approve the Final Subdivision Application and Plat attached hereto as Exhibit "A" for South Farm Section IV with the following conditions:

1. Approval of the Final Planned Development for South Farm Section IV, along with any conditions.
2. The Final Subdivision shall be valid for one year. All recordings shall be completed and construction of the infrastructure improvements started within the one year time period.
3. As necessary, the applicant shall update and/or re-file construction drawings along with any needed cost estimates for approval by applicable City departments.
4. The applicant shall file with the City a suitable form of financial security in order to guarantee the construction of the public improvements.
5. No building permits shall be issued until all major utilities are installed and the street is constructed to the City Engineer's satisfaction.

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

SECTION 1: Council hereby accepts the recommendation of the City Manager and the Community Development Director and further approves the Final Subdivision application and plat for South Farm Section IV consisting of 6.8133 acres with the conditions set forth above.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

**Internal Use Only:**

Case No. _____

Date Filed _____

Final Subdivision Application

Applicant Information

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

Name * South Farm Development LLC

Mailing Address * 3225 Indian Creek Road

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-260-2234

Email Address msfarm3225@yahoo.com

Engineer/Surveyor Information

Name * Bayer Becker

Mailing Address * 6900 Tylersville Road, Suite A

City, State & Zip Code * Mason, Ohio 45040

Telephone Number(s) * 513-492-9834

Email Address brianjohnson@bayerbecker.com

Location and Lot Information

Name of Subdivision * South Farm Section 4

Location of Property * West end of Roberts Drive

Legal Description * H4100-132-000-014, H4100-137-000-049 thru 061

Date of Planning Commission Preliminary Approval * 9/17/2019

Number of Lots * 28

Zoning District * R-1B

Total Area * 6.813 Acres

Requirements and Documentation

Plat

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

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

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

Surrounding Property Owners

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

Fees & Receipt

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

Sign and Date

Applicant Signature *

Michael J. Shea
Michael J. Shea (Mar 18, 2020)

Date *

3/18/2020

Submit Application, Plans and Documentation, and Fees

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

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

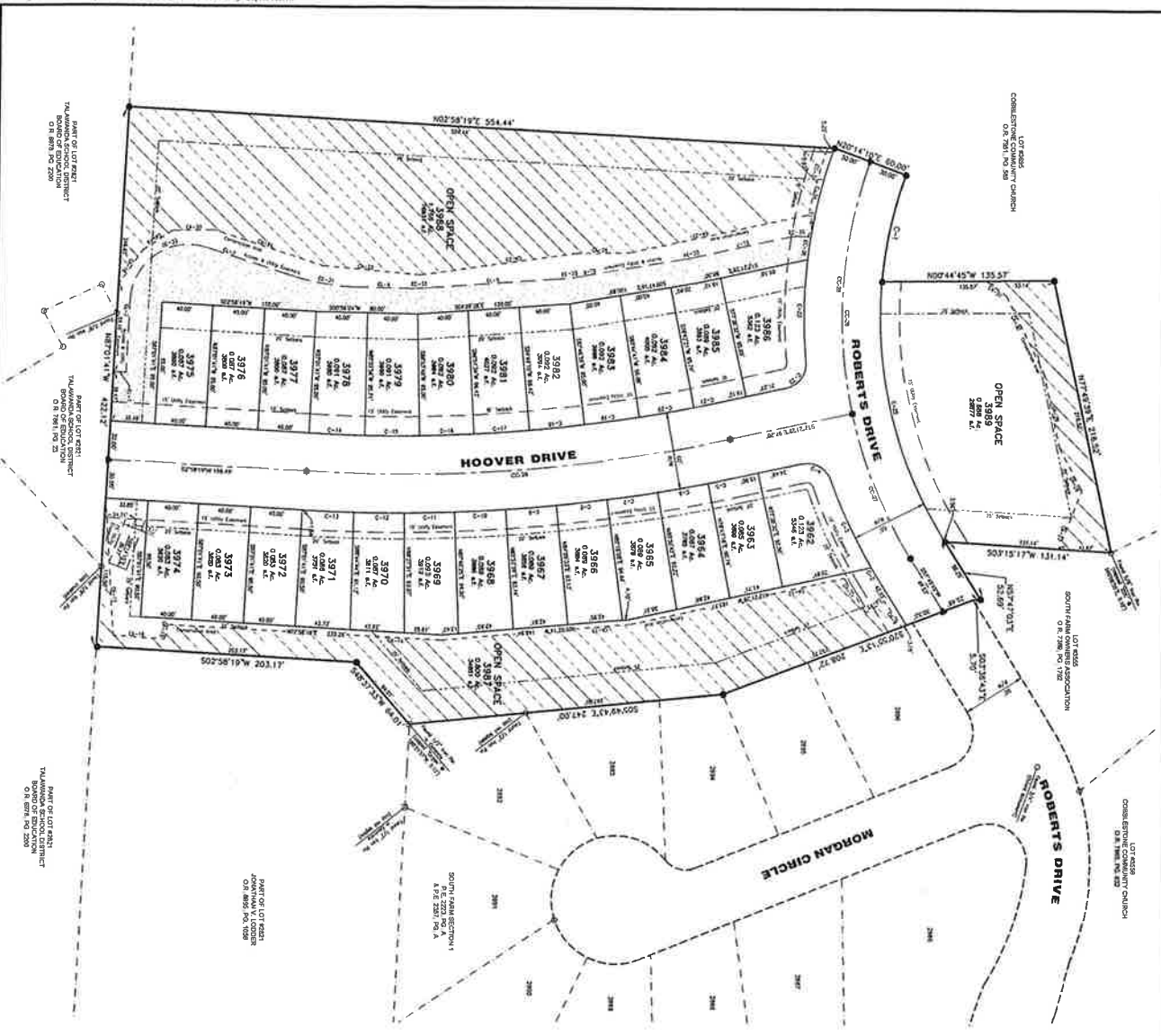
Direct questions to the Community Development Department at (513) 524-5204. The application will be placed on the next possible agenda.

Notes

- You must adhere to notification and publication requirements.
- Submit materials 14 days prior to the Planning Commission meeting on which the action is requested.
- City Staff will place a public hearing sign on the subject property. **The Applicant is responsible for removing the signage at the completion of the hearing(s).**
- Per Planning and Zoning Code 1101.203(H)¹, after final recording at the Butler County Recorder's Office, the applicant shall furnish a proof of such recording for filing to the Community Development Department prior to the issuance of any construction permits for site preparation.

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

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



CURVE TABLE			
Curve	Delta	Radius	Length
C-1	187°17'30"	322.00'	65.63'

CURVE TABLE			
Curve	Delta	Radius	Length
C-1	187°17'30"	322.00'	65.63'

CURVE TABLE			
Curve	Delta	Radius	Length
C-1	187°17'30"	322.00'	65.63'

CURVE TABLE			
Curve	Delta	Radius	Length
C-1	187°17'30"	322.00'	65.63'

CURVE TABLE			
Curve	Delta	Radius	Length
C-1	187°17'30"	322.00'	65.63'

CURVE TABLE			
Curve	Delta	Radius	Length
C-1	187°17'30"	322.00'	65.63'

CURVE TABLE			
Curve	Delta	Radius	Length
C-1	187°17'30"	322.00'	65.63'

CURVE TABLE			
Curve	Delta	Radius	Length
C-1	187°17'30"	322.00'	65.63'

CURVE TABLE			
Curve	Delta	Radius	Length
C-1	187°17'30"	322.00'	65.63'

CURVE TABLE			
Curve	Delta	Radius	Length
C-1	187°17'30"	322.00'	65.63'

CURVE TABLE			
Curve	Delta	Radius	Length
C-1	187°17'30"	322.00'	65.63'

CURVE TABLE			
Curve	Delta	Radius	Length
C-1	187°17'30"	322.00'	65.63'

CURVE TABLE			
Curve	Delta	Radius	Length
C-1	187°17'30"	322.00'	65.63'

CURVE TABLE			
Curve	Delta	Radius	Length
C-1	187°17'30"	322.00'	65.63'

CURVE TABLE			
Curve	Delta	Radius	Length
C-1	187°17'30"	322.00'	65.63'

CURVE TABLE			
Curve	Delta	Radius	Length
C-1	187°17'30"	322.00'	65.63'

CURVE TABLE			
Curve	Delta	Radius	Length
C-1	187°17'30"	322.00'	65.63'

CURVE TABLE			
Curve	Delta	Radius	Length
C-1	187°17'30"	322.00'	65.63'

2/2

RECORD PLAT

188

188

RECORD PLAT

188

188

188

RECORD PLAT

188

188

188

RECORD PLAT

188

188

188

RECORD PLAT

188

188

188

RECORD PLAT

188

188

188

RECORD PLAT

188

188

188

RECORD PLAT

188

188

188