



Agenda

Oxford City Council

Court House

TUESDAY, MAY 5, 2020

EXECUTIVE SESSION

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

1. Roll Call. Mike Smith, Mayor; William Snaveley, 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. Presentation – City Aggregation Program. (Doug Elliott, City Manager & Jordan Haarmann, Affordable Gas & Electric)
- 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 21, 2020 City Council Virtual Meeting. (Mary Ann Eaton, Clerk of Council) pg6



Minutes

5. Resolutions.

- 1. A Resolution condemning hate speech and discrimination in the City of Oxford, Ohio. (Councilors: Raghu, Snavelly and Bracken) pg21



Resolution

- 2. A Resolution authorizing the City Manager to enter into an agreement with Energy Harbor LLC for the procurement of electricity generation for the City of Oxford's Electric Aggregation Program for a period of thirty six (36) months. (Doug Elliott, City Manager) pg24



Staff Report/Resolution

- 3. A Resolution of Council authorizing the City Manager to submit a grant application to the Ohio-Kentucky-Indiana (OKI) Regional Council of Governments requesting funding from the Surface Transportation Block Grant program and authorizing the City Manager to secure through property tax levy funds a 32% local match for the engineering, design and construction of the Oxford Area Trail System (OATS) from Peffer Park to the Talawanda Middle School. (Jessica Greene, Assistant City Manager) pg45



Staff Report/Resolution

- 6. Ordinances. Ordinances are adopted using a two-step procedure. First reading introduces the Ordinance and provides an opportunity for public input on the subject as well as allowing

Council to request more information as needed. Second reading is to provide Council with the opportunity to consider new information and to deliberate.

A. First Reading - None.

B. Second Reading.

1. An Ordinance Adopting Oxford Codified Ordinance Chapter 1148 Entitled Landscaping And Tree Preservation. (Sam Perry, Community Development Director) pg49



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) pg70



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) pg73



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) pg75



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) pg78



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 1148 Of The Oxford Codified Ordinances Entitled Landscaping And Tree Preservation. (Sam Perry, Community Development Director) pg83



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) pg87



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) pg89



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) pg93



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) pg185



Staff Report/Ordinance

11. An Ordinance Approving The Final Subdivision Application For South Farm Section IV With Conditions. (Sam Perry, Community Development Director) pg188



Staff Report/Ordinance

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.)

WED - May 6 Environmental Commission Meeting Cancelled

FRI - May 8 Community Improvement Corporation Meeting 1:30 p.m. Virtual

MON - May 11 Oxford Parking & Transportation Advisory Board 9:30 a.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.

A virtual meeting of the Oxford City Council was called to order by Mayor Mike Smith on Tuesday, April 21, 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, Mr. Mike Dreisbach, Service Director, Mr. Sam Perry, Community Development Director; Mr. Chris Conard, Law Director and Ms. Mary Ann Eaton, Clerk of Council.

APPROVAL OF AGENDA

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

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

NAY: None (0)

ABS: None (0)

PUBLIC PARTICIPATION

PROCLAMATION **“ARBOR DAY”**

Mayor Smith read the Proclamation proclaiming that on April 24, 2020, the last Friday of the month, the City of Oxford will recognize the national and international celebration of “Arbor Day”.

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

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

Report regarding the March 10, 2020 Planning Commission Meeting. (Casey Wooddell, Parks and Recreation Director)

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

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

A Resolution No. 7179 authorizing the sale of salvaged, junk and/or abandoned motor vehicles.
(John Jones, Police Chief)

Mr. Ellerbe moved to approve the Consent Agenda. Mr. Prytherch seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

RESOLUTIONS

RESOLUTION **BOND REDUCTION**

A Resolution No. 7180 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 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)

Mr. Dreisbach advised when Council first approved the Gaslight development a bond of approximately \$1,050,000 was required to ensure the public improvements in the development would be completed. Mr. Dreisbach noted Phase I of the development was complete and much of Phase II was complete and advised the developer asked the City to reduce the bond. Mr. Dreisbach noted the City Engineer calculated the remaining improvements owed to the City to complete the development at a value of \$161,421 which will ensure everything on the plans will be constructed. Mr. Dreisbach recommended approval of the proposed Resolution and offered to answer any questions.

Mayor Smith advised no public comments were received regarding the proposed Resolution.

Mr. Prytherch advised he was glad to see the project moving forward. Mr. Prytherch noted at the time of the approval of the Planned Development the City declined to require the developer to contribute to improvements on Rose Avenue. Mr. Prytherch advised paving was being finished inside the development and inquired if there were any plans for Rose Avenue. Mr. Dreisbach advised right now there were no plans for improvement noting it was a unique situation with the limited right-of-way. Mr. Dreisbach advised some of the front porches of the existing houses on W. Rose were almost against the right-of-way already.

Mr. Snavelly moved to adopt Resolution No. 7180. Ms. Southard seconded. The Resolution was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCES
FIRST READING

ORDINANCE
NEW CHAPTER 1148

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

Mr. Elliott read the e-comment received prior to the meeting regarding this and the next 7 proposed Ordinances as follows:

Comments submitted on Tuesday, April 21, 2020 - 11:42am:

- **Name:** Steve Dana
- **Address:** 131 W. Collins St.
- **Email Address:** sfdanaiiii@gmail.com
- **Meeting Date:** Tue, 04/21/2020
- **Agenda Item:** Tree ordinances
- **Comments:**

I strongly support all proposed ordinances. Examples:

* PC 2020-03 p.43. This zoning code text amendment calls for linking the disconnected sections of landscape tree requirements. This is very smart, because it acknowledges that connectivity in landscapes supports robustness in natural life.

* This statement in particular demonstrates the thoughtfulness of the drafting: "...the proposal balances the unpredictability of site development with a minimum baseline expectation for canopy preservation."

The ordinance(s) demonstrate meticulous standards in landscaping planning---see pp.44, 45, 47

* The tree planting and tree preservation requirements are sound

* The requirements with respect to parking and trees are significant

* The emphasis on planned development is highly desirable. See p. 71 where planning and mature tree canopy is noted.

Congratulations to the staff of the city's development department and to the Environmental and Planning Commissions for their hard work.

---Steve Dana

- **Position:** Support

Mr. Elliott thanked the Planning Commission, the Environmental Commission, Sam Perry and Zach Moore for their hard work on this proposal noting he felt the City had a very good outcome with respect to Landscaping and Tree Preservation regulations.

Mr. Perry advised he would make one presentation covering all 8 Ordinances. Mr. Perry noted he would provide a summary and several slides created by Mr. Moore who did the bulk of the work in recent months. Mr. Perry advised this had been a several year process that originated as a result of some development concerns from neighbors of a development that is underway now. Mr. Perry noted staff learned a lot about what the City's values are through this process as different boards and commissions looked at this and advised several dis-connected parts of the code were brought together. Mr. Perry provided slides and discussed the "Background" of the project noting it had been in front of the Planning Commission and the Environmental Commission a few times. Mr. Perry advised the recent two visits to the Planning Commission were very effective in producing some of the final "tweaks". Mr. Perry noted what was missing in what is reflected here is all of the work that happened between the Chair of the Environmental Commission and the City Planner, Zach Moore. Mr. Perry advised a lot of this is new territory for the City of Oxford such as having a numerical requirement for trees to be re-planted if they are removed in parts of a new development while still balancing the aspect of economic development and the need for some parts of the City to be developed as the zoning map and land use rights are inherent to the property owners. Mr. Perry noted some deficiencies were found during this process which revealed there were not universal standards throughout the different zoning districts which have been addressed in the proposed set of Ordinances. Mr. Perry noted the City lacked some mechanism within the discretionary reviews for Planned Developments and Subdivisions, so while it was desired in spirit and it was mentioned in the Comprehensive Plan the City lacked some of those details. Mr. Perry advised it took a lot of back and forth between City staff and boards and commissions to find a good balance. Mr. Perry noted staff and board and commission members felt they were at that point now. Mr. Perry provided a list of the affected Chapters in the Zoning Code noting Chapter 1148 was a new Chapter so rather than taking those sections in the various Chapters that had been amended over the years staff pulled those out and brought them into a new Chapter so everything could refer to it which takes into account street trees that are being planted which have a net impact on the community as far as the canopy. Mr. Perry advised it also has provisions for exempting the counting of trees on parts of developments that are not going to be touched where some of the original proposals would spend a lot of resource by the developer to survey, count and measure trees when some parts of a development were not being touched. Mr. Perry noted this was not a clear cut prohibition Ordinance and it is not creating a new Tree Authority it is trying to use existing staff and use the development review process to trigger the review. Mr. Perry advised it will cause during that process of a development request to raise the question of should this part of the development be cleared or not. Mr. Perry noted it would not be a situation where staff is monitoring every tree being removed in the community, which was not the intent of this set of proposed Ordinances. Mr. Perry advised applicability is fairly broad, focusing on larger developments that would typically come through the Planning Commission and City Council for what is called a discretionary review. Mr. Perry noted the discretionary review goes farther than what was originally drafted to take into account multi-family and commercial developments since they have an impact on the tree canopy if they are wooded sites. Mr. Perry referred to the tree requirement.

Mr. Perry discussed the Tree Preservation Requirements including Tree Replanting, Documentation, Survey, and the In-Lieu Option as detailed on pages 60-62 of Council's packet. Mr. Perry advised while this was a new set of rules with a lot of new language he, staff and the commissioners felt it provided clarity which respects the need to preserve the overall tree canopy and still allow development in a way that is sensitive to the inherent right for property owners to develop the land they own. Mr. Perry offered to answer any questions.

Mr. Snavelly commented on behalf of the Planning Commission congratulating Zach Moore for taking a lot of very complex information and objections raised by the Environmental Commission and putting it all together in a form the Environmental Commission was happy with as was the Planning Commission. Mr. Snavelly shared with his colleagues that he felt these were a very good set of Ordinances that will serve the City well.

Ms. Southard noted this has been a long time coming and she felt it was wonderful that so many people have worked so hard to make it happen. Ms. Southard advised Oxford was a "Tree City" and Arbor Day was coming up noting she could not imagine a more perfect time to consider these Ordinances. Ms. Southard advised this issue was raised 3 years ago, it has gone through the commissions, City staff has done an incredible job with input from many citizens all of whom worked hard. Ms. Southard noted the issue came up 3 years ago when Council was concerned about some wetlands and advised she has read the Ordinances and felt they were very carefully considered.

Mr. Prytherch noted while Council has their eyes on the immediate crisis which is COVID-19 they also have their eyes on long term goals and advised he felt they could do both. Mr. Prytherch advised the Comprehensive Plan emphasizes the value of this kind of stewardship and Council's priorities for 2020 emphasize sustainability and economic development related to housing. Mr. Prytherch thanked everyone noting many years, many meetings and many hours of staff time went into striking a careful balance between the desire to have new housing development in Oxford while protecting trees. Mr. Prytherch advised in the past subdivision applications could come to the Planning Commission without any real analysis of what was on the site. Mr. Prytherch noted a site could be a mature woodland and the zoning code had zero protection for it which did not reflect Council's values or the Comprehensive Plan. Mr. Prytherch thanked Sam Perry, Zach Moore, Wright Gwyn and all of the Environmental Commission members who persisted with this project and the Planning Commission who reviewed it multiple times. Mr. Prytherch advised he felt the set of Ordinances struck an incredible balance of all of the values.

Mr. Bracken added that the areas outside of the buffer still get preserved they just do not need to be surveyed because the trees are not expected to be taken down.

Ms. Southard referred to page 57 of Council's packet and suggested the tree survey list be made more legible for the second reading of the proposed Ordinances.

Mayor Smith advised since new Chapter 1148 affects 6 existing Chapters, Council eventually must vote on each of them separately. Mayor Smith requested that Ms. Eaton read each Ordinance for the record.

ORDINANCE
NEW SECTIONS
IN CHAPTER 1101 - SUBDIVISIONS

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)

ORDINANCE
NEW SECTIONS IN CHAPTER 1143 – DISTRICTS

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)

ORDINANCE
NEW SECTIONS IN CHAPTER 1143 – DISTRICTS

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)

NEW SECTIONS IN CHAPTER 1145
PLANNED DEVELOPMENTS

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)

NEW SECTIONS IN CHAPTER 1147
CONDITIONAL USES

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 1148 Of The Oxford Codified Ordinances Entitled Landscaping And Tree Preservation. (Sam Perry, Community Development Director)

NEW SECTIONS IN CHAPTER 1149
PARKING AND SITE ACCESS

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)

ADDITIONAL EXHIBITS
INTO ATTACHMENT “H”
TYPICAL SECTION DRAWINGS IN PART ELEVEN
TITLE ONE OF THE OXFORD CODIFIED ORDINANCES

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)

Mr. Prytherch advised the reason all of the code sections need to be changed is the Ordinance only applies to new development which was why the Subdivision code was being amended as well as the Planned Development code, Conditional Use code and Parking Lot standards. Mr. Prytherch noted the proposal does not apply to someone taking down a tree in their yard or managing their property. Mr. Prytherch advised previous versions of the proposed regulations applied to all properties which was where the compromise came in as the final language focuses only on new development.

ORDINANCE
FINAL PLANNED DEVELOPMENT

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)

ORDINANCE
RIGHT-OF-WAY
VACATION

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)

ORDINANCE
FINAL SUBDIVISION

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

Mr. Perry advised this was a recommendation from the Planning Commission for a development which has already received the Preliminary Approval from the Planning Commission and City Council. Mr. Perry stated he would address all three proposed Ordinances with regard to South Farm IV in one presentation. Mr. Perry noted without the final approval the developer is not able to move forward with construction or selling the lots. Mr. Perry advised between the two steps allows any additional detail to come forward noting in this case there is more detail to get it to the point of showing it met all of the code requirements. Mr. Perry provided slides of South Farm Section IV noting it was an almost 7-acre area off Kehr Road and Roberts Drive near the existing Morgan Circle. Mr. Perry noted there is a platted street that was never built with 13 vacant lots. Mr. Perry showed an aerial view of the property in question. Mr. Perry showed a slide of the zoning which is R1B (Medium Density Single Family) noting it does not differ from the zoning of the area although it amends the regulations since it is a Planned Development and a Subdivision which allows smaller lots than what is permitted under R1B. Mr. Perry provided a slide showing the ownership around the area and noted the new development will have 25 lots instead of 13 so it re-plats the current un-built development. Mr. Perry provided slides of the proposed development noting there was alley access for the western part of the development for the rear loaded garages whereas the houses on the eastern side would have front loaded garages. Mr. Perry provided slides of example houses noting as long as the ones being built were similar to the slides they can be grouped administratively when it comes to the building permit. Mr. Perry noted the Planning Commission recommended approval of the Final Planned Development with 16 conditions as presented on pages 88-89 of Council's packet. Mr. Perry advised the Final Plan Approval by code would have 2 years of validity noting South Farm IV was extended during the review process to be 5 years since the development rate in Oxford is somewhat slower than what is typically seen in the region.

Mr. Perry advised because South Farm IV is a Planned Development and a Subdivision and a street was already there a right-of-way vacation was needed to adjust the geometry of the street which is why the Ordinances are ordered the way they are on the agenda, the Planned Development, the Right-of-Way vacation and then the approval of the actual plat so the lots can be recorded, split and sold at the appropriate time. Mr. Perry provided a slide of the geometric adjustment noting the vacation Ordinance on the agenda would completely give up the existing right-of-way and place it back within the new subdivision plat.

Mr. Perry advised the Final Plat and the Final Plan are essentially the same thing noting the Final Plan brings in all the contextual zoning code requirements whereas the Final Plat is just the surveyed lots and their boundaries.

Mr. John Bayer, Applicant, advised he, Ms. Reed and Mr. Shea had no additional information to share noting they were available to answer any questions.

Ms. Southard inquired if the new plan includes the Fire Chief's recommendation that the road be widened. Ms. Southard inquired if the tree preservation Ordinances would apply to the new development. Mr. Perry advised the Fire Chief was satisfied by the turning radius adjustment for the alley. Mr. Perry noted the tree Ordinances will not apply as the South Farm application was submitted prior to the tree preservation Ordinances being adopted.

Mr. Snively advised the Planning Commission was very much in favor of the proposal noting it was a new kind of development for Oxford which provides an option not readily available elsewhere in the community. Mr. Snively advised the Planning Commission felt it deserves the opportunity to see if there is sufficient market for it.

Mayor Smith concurred noting he recalled when the Preliminary Plan was debated and he felt the same.

Mr. Prytherch advised the Final Plan was in substantial conformance with the Preliminary Plan meaning it was pretty much a straightforward decision. Mr. Prytherch noted he appreciated that the street widths have come down some to accommodate public safety and provide additional tree lawn. Mr. Prytherch advised there was a reference to the Home Owners Association and access to the open space and the pond although it was outside of the sphere of the application. Mr. Prytherch asked Mr. Perry to speak to the conversations about the two developments, the HOA and access to the pond. Mr. Perry advised he believed those issues had been addressed noting there was some follow-up after the initial Final Plan presentation and it seemed to him the concern raised by a resident of Morgan Circle was accommodated by the applicant. Mr. Perry advised there were two different HOAs and it came down to who will be responsible for that area and whether it be shared or not. Mr. Perry noted the HOA is not something the City is responsible for.

Mr. Bayer advised he did not have any additional information to provide on that front.

Mayor Smith noted Council would consider the proposal again in two weeks and advised he appreciated the petitioners for participating in the virtual meeting. Mayor Smith noted he was happy to see the proposal moving forward.

ANNOUNCEMENTS & COMMUNICATIONS

Mr. Elliott noted Councilor Snively asked him to comment on an updated report from McCullough Hyde Memorial Hospital on the number of Oxford Township and City cases of COVID-19 reported and deaths from the virus. Mr. Elliott advised he spoke to Mike Everett, President and Chief Operating Officer of McCullough Hyde Memorial Hospital (MHMH) on Monday morning through the twice-weekly leadership meeting.

Mr. Elliott reported that MHMH has performed 162 COVID-19 tests since March 12, 2020 with 121 negative tests, 31 positive tests and 10 pending. Mr. Elliott noted on April 7 the hospital was getting a positivity percentage of 31% and as of today, it has trended down to 26%. Mr. Elliott advised there has been one death and currently there are no ICU patients. Mr. Elliott noted occupancy of the inpatient medical care unit is currently 28%. Mr. Elliott advised Mr. Everett has said they have actively planned and worked their pandemic plans to care for patients and while they are trending down they are still prepared and have capacity/resources to care for the community. Mr. Elliott advised Mr. Everett has said he appreciates the incredible support for the Oxford community and local leaders along with Police and Fire divisions. Mr. Elliott advised he felt Mr. Everett and his staff at MHMH are doing an incredible job for the community noting he was sure everyone would agree. Mr. Elliott advised the numbers he read were for MHMH, which has a service area extending well beyond Oxford and Oxford Township. Mr. Elliott noted the Butler County Health Department has provided confirmed cases by zip code and the 45056 zip code includes parts of Reily and Milford Townships. Mr. Elliott advised as of April 13 the Butler County Health Department reported 8 confirmed cases for the 45056 zip code. Mr. Elliott noted the Butler County Health Department released new county totals today for the entire county showing 185 confirmed cases and 3 probable cases for a total of 188 cases and 3 deaths in the entire county.

Mr. Elliott referred to Oxford's needy residents and advised the City was working with its charitable organizations with Sam Perry leading that effort. Mr. Elliott noted this includes the Family Resource Center, TOPSS, the Senior Center and the Talawanda School District who is still providing meals for the school-age children. Mr. Elliott advised the charitable organizations are a vital part of our social safety net if not throughout the whole country as they provide food, shelter and cash assistance. Mr. Elliott noted Mr. Perry has been in contact with the local organizations and as of now they are not in desperate need of anything and advised the community has shown their support with donations of both cash and food. Mr. Elliott referred to one of his comments from the last meeting with regard to the City receiving additional Community Development Block Grant funds noting once the City obtains a firm figure and date as to when the City will receive those funds staff will make recommendations to Council for donations to the non-profits.

Mr. Perry reiterated at this time the Family Resource Center, TOPSS and Oxford Seniors are all maintaining okay and noted they all have a small staff. Mr. Perry advised if something happened to their staffing they would need assistance to continue operations. Mr. Perry noted the Family Resource Center has seen a definite uptick in the past week of requests for rent and utility assistance. Mr. Perry advised the Family Resource Center has enough cash right now to assist where necessary noting they were doing on-going fundraising and adding staff as needed. Mr. Perry advised they were dynamically responding to what the needs are noting they were also looking at the long-term impacts and he was sure they would keep the City up to date if there was a need that the City should be aware of.

Mr. Dreisbach thanked the Service Department employees and advised they have been implementing the contingency plans. Mr. Dreisbach noted his hope the public is not seeing any changes in the services the City or its contractors provide.

Mr. Dreisbach advised all of the utility services were being provided and Rumpke was doing a great job with waste and recycling removal. Mr. Dreisbach again thanked his staff noting they were working very hard and very smart.

Mayor Smith commended everyone at the City for everything they are doing, setting an example and keeping things moving.

Ms. Greene advised as of a few minutes ago she has received 54 applications for the gift card program noting 14 of those were minority business owners. Ms. Greene advised an email was sent to all of the applicants letting them know the timeline and noted the CIC Board would meet on Friday to determine the award amounts. Ms. Greene advised she would work with Mr. Newlin's team to start processing those awards early next week. Ms. Greene noted she was also working with Enjoy Oxford to build out an e-commerce website and advised things would be moving quickly. Ms. Greene advised if the CIC does not disperse the entire award amount this Friday a second round would be done noting she would keep Council posted on the program.

Ms. Greene advised she was working on move-out coordination with Miami University, the Board of Health and the Police Department to communicate with the students who still reside off campus about a safe move-out practice. Ms. Greene noted the students were being asked to respect social distancing guidelines and to plan ahead so they are not all moving out at the same time from a big house. Mr. Greene advised without ShareFest the students have been provided other ways they can donate food and household items including Goodwill or the Neighborhood Share site that Councilor Raghu manages. Ms. Greene noted as a last resort extra trash pickups can be scheduled.

Mr. Conard advised he had the pleasure of working with a number of public sector clients noting Oxford's staff, Councilors and citizens exemplify the spirit working together. Mr. Conard noted every community he has worked with has the same spirit as Oxford. Mr. Conard advised he felt it was a tribute to all of us as Ohioans and our ability as a nation to try to come together during some real extraordinary times. Mr. Conard thanked Councilors, staff and the citizens of Oxford noting it has been a privilege.

Ms. Raghu noted as the state will start to open up after May 1 with the United States not being the first country to go through this she felt it was important to look at where it first was affected. Ms. Raghu advised she has a good friend who lives in Hong-Kong and has been speaking to Ms. Raghu about our future. Ms. Raghu noted Hong-Kong experienced a second wave of the virus a couple of weeks ago and had to crack back down on social distancing. Ms. Raghu advised although they are not as locked-down as we are they are looking that way. Ms. Raghu noted the only way they are able to refrain from social distancing or trying to open up again is if there has been no new active cases for 2 incubation periods or 2-4 weeks. Ms. Raghu advised she felt learning from other countries was important with regard to what we might be facing over the next month or so. Ms. Raghu noted she felt it was reasonable to expect cases to increase. Ms. Raghu encouraged everyone to wear a facemask, wash their hands and respect social distancing. Ms. Raghu noted on the veterinarian front, this past week an email was sent asking if veterinarians were ready to volunteer for the surge and what kind of skills they have.

Ms. Raghu advised she felt they were gearing up for a higher number of cases.

Ms. Raghu noted from a local standpoint she felt the pandemic has only magnified the pre-existing problems of minorities, the underprivileged, and the problems of people who have been under-served for decades. Ms. Raghu advised she looked forward to the next meeting, as there should be a resolution addressing a combination of hate speech and discrimination.

Ms. Raghu noted her hope as Council looks towards giving money to under-served populations they look at people who are being left out in terms of assistance from the federal and state governments such as undocumented workers. Ms. Raghu advised that population was not great in Oxford although she felt there was a population in Oxford that Council could help from a local level.

Mr. Ellerbe advised City staff was doing a fantastic job and encouraged everyone to keep up the good work. Mr. Ellerbe noted he shared some of Councilor Raghu's concerns. Mr. Ellerbe advised Oxford's citizens have been doing a great job in containing the issues we have here although it is real and Oxford has had some unfortunate events. Mr. Ellerbe noted with the approach of May and the inevitable opening of society people will need to be cognizant and they will need to protect themselves and be mindful because we could slip back into a very nasty situation. Mr. Ellerbe thanked everyone for their efforts to come together to fight this pandemic reminding everyone we are not over it yet even though their may be light at the end of the tunnel.

Ms. Southard endorsed Councilor Ellerbe and Councilor Raghu's comments noting people are grateful the City is keeping things rolling on a steady pace.

Ms. Southard advised the Kiwanis was holding a mini food drive for the food pantry on May 7 and were asking for specific items such as peanut butter and tuna fish.

Ms. Southard noted it was going to be a week of anniversaries at times everyone would have gotten together although now they will be virtual events. Ms. Southard advised in addition to Arbor Day on Friday it is Earth Day tomorrow noting it was the 50th anniversary for Earth Day which started in 1969 after an oil spill. Ms. Southard noted the theme for Earth Day this year was Climate Action, which is in line with what Council is working on.

Ms. Southard advised today was Yom HaShoah noting normally it is Holocaust Remembrance Day and in every other year the City would have a Proclamation that Miami University students would have instigated. Ms. Southard advised today participants would be standing together at Miami University reading the names of some of the millions of child victims. Ms. Southard noted community members and Miami University students have always gotten together to do this. Ms. Southard advised people cannot get together this year although we still remember and showed everyone the candle she lights every year on Yom HaShoah in memory of people who died. Ms. Southard noted this day of memory began by government decree in Israel in 1953 and advised some nations observe January 27 since it was the day the concentration camp at Auschwitz was liberated. Ms. Southard noted although millions died in the concentration camps most Jews were murdered in public squares or by their neighbors. Ms. Southard advised her grandparents were murdered noting her grandfather was among the Jewish men rounded up into a Synagogue in Lithuania and the Synagogue was torched.

Ms. Southard noted her grandmother was shot to death in a concentration camp in Poland. Ms. Southard advised her maternal grandfather died on the way from Belgium where he was in hiding to Poland. Ms. Southard noted her maternal grandmother remained in hiding in an attic in Brussels and survived physically although she was shattered and took her own life a few years later. Ms. Southard advised the word genocide (race murder) was invented by Raphael Lemkin a Polish Jewish lawyer who in desperation lobbied the United Nations to make genocide a crime against humanity.

Ms. Southard noted the genocide of the Armenians in 1915 was the model for Hitler's war against the Jews. Ms. Southard advised she was saying all of this to the Miami students who would normally be standing together noting she wanted to acknowledge them and their efforts to make our City a model in acknowledging this past. Ms. Southard read a quote from Pastor Martin Niemoller as follows "First they came for the communists, and I did not speak out - because I was not a communist. Then they came for the trade unionists, and I did not speak out - because I was not a trade unionist. Then they came for the Jews, and I did not speak out - because I was not a Jew. Then they came for me - and there was no one left to speak out for me." Ms. Southard advised we must speak out against discrimination and hatred of anyone, any religious, ethnic or racial group, or anyone targeted for their beliefs, behavior or anything else. Ms. Southard noted especially now we have to stop dangerous nationalism and advised we have to remember especially today.

Mr. Snavelly apologized for some technical difficulties noting he has been listening to the meeting. Mr. Snavelly thanked City staff noting they continue to do a fabulous job all the way up and down the line. Mr. Snavelly advised he felt physical distancing does work noting the numbers from McCullough Hyde indicate that. Mr. Snavelly noted he was disturbed to see some individuals in town that seem to be ignoring those although most people were following the guidelines pretty directly. Mr. Snavelly encouraged people to stick it out and get through this as unscathed as possible. Mr. Snavelly advised there had been one death in Oxford and it happened to be one of his neighbors noting it does hit home in that respect. Mr. Snavelly indicated his support for Governor DeWine noting he felt he has done a good job. Mr. Snavelly acknowledged the comments made a few moments ago indicating his support for the Jewish community.

Mr. Bracken advised a lot of what he will say is repeating other's comments. Mr. Bracken thanked Ms. Southard for her words noting they were great and it was real important to remember that.

Mr. Bracken thanked staff for all of their efforts.

Mr. Bracken referred to social distancing and advised he knew people were getting tired and this could go on for a long time. Mr. Bracken noted the economy and our health are not competing against each other. Mr. Bracken advised the only way the economy is going to improve is if people do not have fear of death and illness noting we need to conquer the virus if we want to move forward. Mr. Bracken added if we do not we will have more deaths and more illness and that fear will keep people from coming out and going to work. Mr. Bracken noted the consequences of those who are ill or dying is horrible in itself and we should not have to argue the economic side noting the economic impact from them because they are lost forever is far worse than quarantine.

Mr. Bracken advised if people listen to the economists, and listen to the historians from the 1918 pandemic, even if we are concentrating on the economy we must care about our health, reduce the virus and keep it down. Mr. Bracken noted if we do not follow the protocols we have been following we are going to have spikes again and it will shut everything down again much worse than it did before. Mr. Bracken noted without mass immunity and without a vaccine, all we have right now is social distancing, masks, good hygiene, cleanliness and washing hands and we need to keep that up.

Mr. Bracken advised all of Oxford's charities are doing great work as they always do noting they were doing relatively well right now with regard to their normal level of resources. Mr. Bracken advised they are not always able to help all members of the community in every way that those members have needs. Mr. Bracken noted Oxford has a homeless population, people who are struggling everyday and advised while the charities are doing relatively well by their normal levels of resources that does not mean they do not need more. Mr. Bracken advised his hope the charities will receive many donations going forward.

Mr. Prytherch honored longtime Community Improvement Corporation (CIC) member Mike Davis who in addition to his service at the Talawanda School District was a citizen volunteer on an important commission and provided great expertise on the CIC. Mr. Prytherch noted this was a loss to the community, the school district and the City of Oxford.

Mr. Prytherch thanked members of the CIC and staff, especially Jessica Greene, for their efforts moving forward with the Gift Card Stimulus Program. Mr. Prytherch encouraged those who have not applied to participate in the program to do so noting the deadline to apply was Thursday and the CIC will meet on Friday. Mr. Prytherch advised there would be an initial dispersal and if there is a greater need the CIC has developed criteria for how to evaluate that.

Mr. Prytherch encouraged people to think about how to use their stimulus money to support the local economy. Mr. Prytherch suggested the purchase of gift cards as an individual. Mr. Prytherch encouraged people to purchase those now to be redeemed later when social distancing is lifted. Mr. Prytherch also suggested donating to the non-profits or to the Community Foundation to help those in need. Mr. Prytherch advised he felt this was going to be a long drawn out affair and the economic repercussions will be suffered for a long time.

Mr. Prytherch noted he was glad Council was moving forward with the "Tree" Ordinances because it is Earth Day and COVID-19 while an incredible challenge has shown how capable we are of radically re-orienting the way we live in short order in the face of a threat. Mr. Prytherch advised he believed Climate Change poses as great a threat or greater than COVID-19 does.

Mayor Smith thanked all of the bank employees who are deemed essential particularly the tellers who are operating the teller lines at all of the banks doing face to face interactions everyday with their mask and a lot of hand sanitizer. Mayor Smith thanked all of the staff at the grocery stores who are working to keep the shelves stocked so we do not have to worry about keeping food in our houses. Mayor Smith thanked City staff, especially Jessica Greene, for getting the meeting online this evening noting it worked nearly flawlessly.

Mayor Smith made a plea to landlords noting we are trying to cope with the off campus students moving out in a few weeks. Mayor Smith asked landlords to extend the move-out date as much as a week to avoid getting a lot of people together, enhance social distancing and cut down on crowds of people moving out of their off campus houses.

Mayor Smith reminded everyone to hang in there noting what we are doing is working.

ADJOURN

Mr. Prytherch moved to adjourn at 9:01 p.m. Ms. Southard seconded. The motion passed by the following roll call:

AYE: Ms. Southard, Mr. Bracken, Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Mayor Smith (6)

NAY: None (0)

ABS: None (0)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council

Originating Department

Council Meeting Of: May 5, 2020

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

April 29, 2020

Date Prepared

Agenda Title: A Resolution Condemning hate speech and discrimination in the City of Oxford, Ohio.

Recommendation: N/A

Discussion:

As requested by Councilor Raghu, Vice Mayor Snively and Councilor Bracken.

Approved By:

Initial Date

Department Head:

City Manager:

DRK \ 5/1/20

RESOLUTION NO.

A RESOLUTION CONDEMNING HATE SPEECH AND DISCRIMINATION IN THE CITY OF OXFORD, OHIO.

WHEREAS, the COVID-19 Pandemic has created a public health crisis that has magnified the inequities plaguing our society; and due to decades of discriminatory policymaking, correlations between poverty, life expectancy, and communities of color are well documented; and the pandemic has led to racially motivated and discriminatory responses to fear, disproportionately affecting marginalized groups in the United States; and

WHEREAS, following the spread of COVID-19 from Wuhan, China, discrimination towards Chinese and Asian American and Pacific Islander (AAPI) people has increased; and people of Asian descent have experienced individual acts of micro aggression or violence, and Asian businesses have had a significant decline in customers for months prior to the shelter-in-place executive order as a result of unfounded coronavirus fears; and

WHEREAS, people who are African American or Black are contracting COVID-19 at higher rates and are six times more likely to die as a result of this virus and the pandemic adds to the list of health disparities that Black communities already face, including a higher burden of cardiovascular disease, lower kidney transplant rates, and worse rates for maternal mortality; and while this virus does not discriminate on whom it infects, our society's housing, economic, and health care policies can and often do; and these health disparities are a result of historic and systemic housing devaluation, economic injustice, environmental racism, and discrimination in healthcare; and

WHEREAS, people of color are disproportionately more likely to be in low-paying or hourly-wage jobs that prevent them from providing care to family members which interrupts their ability to work; and they are more likely to have limited access to affordable healthcare, childcare, and transportation; and they are more likely to face unsanitary conditions inside prisons, jails, and detention centers; and

WHEREAS, the City of Oxford denounces hate speech and discrimination in all forms; and under the leadership of Governor DeWine, the State of Ohio has been a leader in its public health response to the COVID-19 Pandemic, and should be a leader in addressing COVID-19 related discrimination as well.

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

SECTION 1: Council condemns all manner of hate speech and discrimination in the City of Oxford.

SECTION 2: Council encourages the Ohio legislature to support passage of State Senate Continuing Resolution No. 12 denouncing all forms of stigmatization, racism, and discrimination occurring as a result of the COVID-19 Pandemic.

SECTION 3: Council call upon the Ohio Legislature to support passage of SB 98 to establish and fund the Ohio AAPI Affairs Commission.

SECTION 4: Council calls upon the Ohio Department of Health and local public health departments to incorporate anti-racism messaging and outreach to impacted communities.

SECTION 5: This resolution shall be transmitted to Governor Mike DeWine, all members of the Ohio legislature, the Ohio Department of Health, and the Butler County Board of Health.

SECTION 6: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY COUNCILORS: RAGHU, SNAVELY & BRACKEN

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: May 5, 2020

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

April 22, 2020

Date Prepared

Agenda Title: A Resolution authorizing the City Manager to enter into an agreement with Energy Harbor LLC for the procurement of electricity generation for the City of Oxford's Electric Aggregation Program for a period of thirty six (36) months.

Recommendation: Adopt the Resolution

Discussion:

The current provider for the City of Oxford's Governmental Electric Aggregation Program is AEP Energy. The contract will expire with the December 2020 billing cycle. In order to secure updated rates, proposals were requested from five companies for the City's program. Four Certified Residential Electric Suppliers (CRES) responded to the April 20th request (AEP Energy, Energy Harbor LLC, Constellation, and Dynegy Energy Services). The pricing from Energy Harbor LLC was the lowest and best pricing for each contract term length requested (1, 2, or 3 years). The City Manager recommends entering into a three-year agreement with Energy Harbor LLC. The recommended proposal is for 100% renewable energy. The 36-month rate quoted is 4.63 cents per kWh. I will provide Council with the actual rate at the Council meeting. The current rate is through the December 2020 billing cycle at 5.156 cents per kWh for renewable and 5.101 cents per kWh for traditional supply. The annual savings to an electric consumer using 9,000 kWh per year is \$47.34 compared to the present renewable rate.

Approved By:

Department Head:

Initial Date

City Manager:

DRE \ 5-1-20

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ENERGY HARBOR LLC FOR THE PROCUREMENT OF ELECTRICITY GENERATION FOR THE CITY OF OXFORD'S ELECTRIC AGGREGATION PROGRAM FOR A PERIOD OF THIRTY SIX (36) MONTHS.

WHEREAS, the City Manager recommends Council authorize him to enter into an agreement in a form substantially similar to Exhibit "A" attached hereto and acceptable to the Law Director, with Energy Harbor LLC for the procurement of electricity generation for the City of Oxford's Electric Aggregation Program for a period of thirty six (36) months.

THE COUNCIL OF THE CITY OF OXFORD HEREBY RESOLVES THAT:

SECTION 1: Council accepts the recommendation of the City Manager and hereby authorizes him to enter into an agreement in a form substantially similar to Exhibit "A" attached hereto and acceptable to the Law Director, with Energy Harbor LLC for the procurement of electricity generation for the City of Oxford's Electric Aggregation Program for a period of thirty six (36) months.

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)

**MASTER AGREEMENT TO PROVIDE SERVICES TO AN
AGGREGATED GROUP**

BETWEEN

CITY OF OXFORD, OHIO

AND

ENERGY HARBOR LLC

This Master Agreement (“Agreement”), is entered into as of this ____ day of ~~May~~April, 2020 (“Effective Date”) by and between **Energy Harbor LLC** (“Supplier”), a Delaware Limited Liability Company with its principal place of business at 168 East Market Street, Akron, Ohio 44308 and **City of Oxford**, Butler County, Ohio (“Community” or “Governmental Aggregator”), an Ohio governmental aggregator (each a “Party” and collectively, “Parties”).

RECITALS

A. Supplier is certified by the Public Utilities Commission of Ohio (“PUCO”) as a Competitive Retail Electric Service (“CRES”) Provider to sell competitive retail electric service to customers in the State of Ohio utilizing the existing transmission and distribution systems.

B. Supplier (directly or through its affiliates) is an energy services provider with extensive experience in the provision of a broad range of energy related services.

C. Supplier sells competitive retail electric service and related services to inhabitants of municipal corporations, boards of township trustees, or boards of county commissioners acting as governmental aggregators for the provision of competitive retail electric service under authority conferred under Section 4928.20 of the Ohio Revised Code.

D. Both Parties have the corporate, governmental and/or other legal capacity, authority and power to execute and deliver this Agreement and related agreements and to perform its obligations hereunder.

E. The Governmental Aggregator has been certified by the PUCO as a governmental electricity aggregator pursuant to Chapter 4901: 1-24-01, *et. seq.* OAC. Supplier is under no obligation to provide Full Requirements Retail Electric Supply hereunder until Governmental Aggregator has been certified by the PUCO.

F. Governmental Aggregator may arrange for the provision of competitive retail electric service to its residential and commercial inhabitants that do not opt-out of or are otherwise ineligible to participate in the program (“Aggregation Program”). Governmental Aggregator desires that Supplier supply the total electric generation needs to all participants in the Aggregation Program located within the service territory of Duke Energy.

G. By this Agreement, Community and Supplier desire to enter into a mutually beneficial energy and services provisions relationship whereby Supplier shall provide Full Requirements Retail Electric Supply and related administrative services (“Administrative Services”) necessary to fulfill the obligations of this Agreement.

H. Community desires to enter into this Agreement with Supplier to provide energy and energy-related services to Eligible Customers through the Aggregation Program.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

ARTICLE 1

GENERAL REQUIREMENTS

1.1 Governmental Aggregator Obligations and Authority.

1.1.1 The Governmental Aggregator: (1) shall take all necessary action to remain certified by the PUCO as a “governmental aggregator”; (2) shall establish and maintain an Aggregation Program for those residential and commercial inhabitants, within the boundaries of Community, that the Governmental Aggregator, together with Supplier, has determined will be provided the opportunity to participate in the Aggregation Program (“Eligible Customers”); (3) shall mail out the required enrollment and opt-out notices, which responsibility may be delegated by contract to Supplier; and (4) hereby authorize Supplier to contract for Full Requirements Retail Electric Supply with those Eligible Customers that do not opt-out of the Aggregation Program, rescind their switch to Supplier as part of their enrollment in the Aggregation Program, otherwise terminate their participation in the Aggregation Program or Full Requirements Retail Electric Supply from Supplier, or have their participation terminated by the Governmental Aggregator, or their Full Requirements Retail Electric Supply lawfully terminated by Supplier or the Electric Distribution Utility or EDU (“Aggregation Program Customer” or “Participating Customer”).

1.1.2 The Governmental Aggregator shall, on a best efforts basis and in a timely manner, forward to Supplier all notices from the EDU concerning Participating Customers’ accounts served pursuant to this Agreement, including but not limited to verbal or written notices regarding transition costs, changes in the terms and conditions of tariffs, rates or riders, and notices concerning the operation and reliability of the EDU’s system.

1.1.3 Governmental Aggregator has the authority to designate, and has designated Supplier as its Full Requirements Retail Electric Supply provider for the Eligible Customers for the Term of this Agreement.

1.1.4 During the Term of this Agreement, the Governmental Aggregator hereby grants Supplier the exclusive rights to provide Full Requirements Retail Electric Supply to the Eligible Customers.

1.1.5 Customer Data and Load Forecast Information. Supplier and Governmental Aggregator shall cooperate to obtain the consent of Participating Customers to obtain all available Eligible Customers’ data and historical load and load forecast information, related to the Participating Customer’s load and consumption, from any entity in possession of such data.

1.1.6 Service Inquiries and Service Notices to Customer. Participating Customers may direct inquiries regarding this Agreement, and Full Requirements Retail Electric Supply provided hereunder, and any electric generation supply or billing questions, to Supplier at the address and phone number provided in Section 11.1, which address and phone number shall be provided in communications with Participating Customers regarding the Aggregation Program. Participating

Customers should direct inquiries concerning EDU related emergency, power outage, wire or service maintenance, metering, EDU service billing or other similar EDU related concerns to the EDU.

1.1.7 Point of Sale. Governmental Aggregator and Participating Customers acknowledge and agree that Supplier shall have no responsibility for damage to any property, or to any equipment or devices connected to the Participating Customers' electrical system.

ARTICLE 2 **SUPPLIER OBLIGATIONS**

2.1 Supplier Obligations.

2.1.1 Commencing on the Effective Date and during the Term, subject to the terms of this Agreement, Supplier shall provide Full Requirements Retail Electric Supply (subject to the terms of the appropriate transmission and/or distribution tariffs) sufficient to serve the total electric generation needs of the commercial and residential Aggregation Program Customers. Supplier shall arrange for the delivery of Full Requirements Retail Electric Supply in accordance with the requirements of the Participating Customers' respective EDU and Independent System Operator ("ISO") or Regional Transmission Organization ("RTO") according to the rules, regulations, and tariffs governing Full Requirements Retail Electric Supply from an alternative supplier to the Point of Delivery, recognizing that the EDU provides utility distribution service from the Point of Delivery to the Point of Sale. To the extent that any services or requirements are provided by the EDU, Supplier shall not be responsible for the provision of such services. Notwithstanding the foregoing, Supplier is not responsible for the performance or failure to perform of the provider of such transmission, distribution, or ancillary services, or the consequences of such performance or failure to perform.

2.1.2 Supplier shall be responsible for all acts necessary for Supplier to perform its obligations hereunder, including but not limited to the scheduling of delivery of Full Requirements Retail Electric Supply hereunder.

2.1.3 Supplier shall provide Aggregation Program Customers with the environmental disclosure data and other data it is required to provide, if any, to comply with the rules of the PUCO.

2.2 Subcontracting. Supplier may subcontract the performance of its obligations under this Agreement. However, no subcontract shall relieve Supplier of any of its obligations and/or liabilities under this Agreement. Supplier shall be responsible for all payments and obligations as between Supplier and subcontractors, and Governmental Aggregator shall not be responsible for payments to any such subcontractor.

ARTICLE 3

TERM AND TERMINATION

3.1 Term of Agreement and Termination.

3.1.1 This Agreement may be terminated prior to the expiration of the Term, in compliance with this Agreement's provisions, if: (1) the Governmental Aggregator does not receive or fails to obtain or maintain PUCO Certification; (2) a Party exercises its right under Article 6 to terminate this Agreement; (3) Supplier fails to obtain or maintain its PUCO Certification; (4) an illegality occurs under Section 3.3; or (5) any of the situations in Sections 3.5 or 5.1 occurs. This Agreement shall terminate upon the expiration of this Agreement's Term, but this Agreement may also be renewed by mutual agreement for a term agreed upon by the Parties.

3.1.2 **Term of Enrollment.** Participating Customers shall remain enrolled in the Aggregation Program until the Participating Customer exercises the right to opt-out, or they otherwise terminate their participation in the Aggregation Program, their participation in the Aggregation Program is terminated by the Governmental Aggregator, their Full Requirements Retail Electric Supply is lawfully terminated by Supplier or the EDU, or their electric service is terminated by the EDU or until this Aggregation Program is terminated, whichever occurs first.

3.2 **Interaction Between Termination Dates of this Agreement and Contracts with the Participating Customer.** Participating Customers initially enrolled in the Aggregation Program shall receive Full Requirements Retail Electric Supply at the rate(s) set forth in this Agreement. If this Agreement is terminated prior to the end of the Term due to a Regulatory Event or pursuant to the terms of Article 6, the Full Requirements Retail Electric Supply will terminate early and the Participating Customers may choose another CRES Provider or will be switched to EDU SSO Service in accord with the standard switching rules and applicable notices. The Participating Customers are responsible for arranging for their supply of Energy upon expiration or termination of this Agreement. If this Agreement is terminated prior to the end of the Term and a Participating Customer has not selected another supplier, such Participating Customer will be switched to SSO Service from the EDU.

3.3 **Illegality.** If, due to the issuance of an order, or adoption of, or change in, any applicable law, rule, or regulation, or in the interpretation of any applicable law, rule, or regulation, by any judicial, regulatory, administrative or government authority with competent jurisdiction, it becomes unlawful for a Party to perform any obligation under this Agreement, this Agreement may be terminated.

3.4 **Termination Events.** In the event any of the following conditions occur during the Term, Supplier shall have the right to terminate this Agreement without liability and close out its obligations hereunder:

(i) The Electric Security Plan (ESP), Market Rate Offer (MRO) and/or Competitive Bid Process (CBP), or other generation procurement process results in a PTC, as discounted hereunder in accordance with Section 4.2.1, that is equal to or less than the comparable

annualized generation and transmission rates and riders as of the Effective Date of this Agreement.

(ii) The PUCO approves or implements a phase-in credit for generation charges of the EDU which affects the PTC or otherwise does not allow the EDU to reflect the full cost to procure generation in the PTC and Supplier, in its discretion, chooses to not finance the impact of that effect or if commercially reasonable rates and terms are not available for such financing.

(iii) The EDU will not provide consolidated billing consistent with previous practice.

3.5 Termination Obligations. Termination of this Agreement shall not relieve either Party of the obligation(s) to pay amounts owed for actual performance of obligations rendered prior to the termination of this Agreement.

3.6 Termination Notices. In the event of termination hereunder, the terminating Party shall exercise its best efforts to communicate to the non-terminating Party the upcoming possibility of termination. In the event that this Agreement is terminated prior to the end of the Term, each individual Participating Customer of the Aggregation Program will be provided written notification from the terminating Party of the termination of the Agreement at least thirty (30) days prior to termination, and in compliance with other regulatory or legal requirements and Participating Customers will also be notified of their right to return to the EDU or to select an alternate generation supplier. All other notification(s) shall be in accordance with PUCO requirements.

ARTICLE 4

ENERGY SCHEDULING, TRANSMISSION, PRICING AND DELIVERY

4.1 Scheduling, Transmission and Delivery of Power. During the Delivery Term, Supplier shall schedule Energy as required by the RTO or other transmission provider and the EDU, and shall arrange for transmission and distribution service to the Participating Customers. Supplier will arrange for necessary electric distribution and transmission rights for delivery of such Energy to provide the Full Requirements Retail Electric Supply hereunder and subject to the understanding that Supplier has an obligation to make deliveries to Participating Customer as set forth in Section 2.1 except pursuant to Sections ~~03-3~~, 3.4, 5.1 or Article 7 of this Agreement. Supplier does not take responsibility for any delivery of services supplied by the EDU or RTO, or for the consequences of the failure to provide such services. Supplier shall not be responsible to Participating Customer in the event the EDU or RTO disconnects, suspends, curtails or reduces service to Participating Customer (notwithstanding whether such disconnection is directed by the ISO) in order to facilitate construction, installation, maintenance, repair, replacement or inspection of any of the EDU's facilities, or to maintain the safety and reliability of the EDU's electrical system, or due to emergencies, forced outages, potential overloading of the EDU's transmission and/or distribution circuits, or Force Majeure or for any other reason permitted by the EDU's tariff or any other acts or omissions of the EDU.

4.2 Pricing.

4.2.1 During the Delivery Period, Supplier shall provide Energy to all Participating Customers at the price set forth on Attachment A. Any bypassable riders approved by the PUCO and not included in the Price to Compare will be billed at their full rate. There will be no discount given on such charges as transmission and ancillary services if they are identified in a separate tariff or rider approved by the PUCO and not included in the Price to Compare.

4.3 Failure of Delivery. In the event that Supplier fails to schedule all or part of the Full Requirements Retail Electric Supply as set forth herein and Supplier's failure is not due to a Force Majeure Event, and a Participating Customer is required to obtain and pays for SSO Service or other Energy supply arrangement necessary to cure such Energy deficiency, Supplier shall reimburse Participating Customer, on the later of ten (10) days after receipt of invoice or the date payment would otherwise be due to Supplier, an amount determined by multiplying (a) the aggregate deficiency in the Full Requirements Retail Electric Supply by (b) the full replacement cost. IN THE EVENT OF SUPPLIER'S FAILURE TO PERFORM DUE TO A NON-FORCE MAJEURE EVENT, SUPPLIER'S OBLIGATION TO PAY SUCH AMOUNT DURING THE PERIODS OF NON-DELIVERY SHALL BE THE GOVERNMENT AGGREGATOR'S AND THE PARTICIPATING CUSTOMERS' SOLE REMEDY FOR SUPPLIER'S FAILURE TO DELIVER ENERGY PURSUANT TO THE TERMS OF THIS AGREEMENT.

ARTICLE 5

BILLING AND PAYMENTS

5.1 Additional Costs. In the event that (1) the PUCO approves or implements a phase-in credit for generation and/or transmission charges of the EDU or takes any other action which affects the Price to Compare ("PTC") or otherwise does not allow the EDU to reflect the full cost to procure generation and transmission in the PTC or other regulatory action; or (2) there is any change in any statute, rule, regulation, order, law, or tariff promulgated by any court, governmental authority, utility, Independent System Operator ("ISO"), Regional Transmission Organization ("RTO") or other service provider, or any change in operating procedure, which alters to the detriment of Supplier its costs to perform under this Agreement, Participating Customers may receive a notification from Supplier. This notification will include a description of one or more of the situations described above. Supplier may offer Participating Customers new Terms and Conditions. Participating Customers must indicate affirmative consent to the new Terms and Conditions as specified in the notices. If Participating Customers do not contact Supplier to accept the new terms, the Participating Customer(s) individual terms and conditions with Supplier will terminate on the date specified in the notices, and Participating Customer(s) may be returned to the EDU for Retail Electric Service. Alternatively, Supplier may decide to terminate this Agreement, and Participating Customers will receive at least 30 days' prior written notice of the termination, after which Participating Customers may be returned to the EDU for Retail Electric Service. Whether Supplier offers Participating Customers new terms or terminates this Agreement under this provision, Participating Customers will not be responsible for the cancellation/termination fee (if any) set forth in the Pricing Attachment. Participating Customers must still pay all Supplier charges through the date they are returned to their EDU or switched to another CRES provider for service.

5.2 **Billing.** Billing shall be provided by the EDU under a consolidated billing format pursuant to the EDU's tariff provisions and PUCO rules applicable to Participating Customer(s). If a Participating Customer fails to pay amounts due within the specified time period for said payments in accord with the EDU's tariff and PUCO regulations, Supplier retains the right to assess late payment fees on, or deem such non-payment a default of Participating Customer for purposes of Section 6.1.1 of this Agreement.

ARTICLE 6

DEFAULT AND REMEDIES

6.1 Event of Default.

6.1.1 A "Community Event of Default" shall mean the occurrence of any of the following and the passage of any cure period set forth therein:

- (i) Any representation or warranty made by Community in Article 9 hereunder is false or misleading in any material respect when made;
- (ii) The non-excused failure to perform any material covenant or obligation set forth in this Agreement (other than that set forth in (i) above) and such failure is not remedied within thirty (30) days after written notice thereof unless the cure requires longer than the thirty (30) days to effect and Community is diligently working towards such cure; and

6.1.2 A "Supplier Event of Default" shall mean the occurrence of any of the following and the passage of any cure period set forth therein:

- (i) the failure to make, when due, any undisputed payment required pursuant to this Agreement if such failure is not remedied within ten (10) Business Days after written notice;
- (ii) any representation or warranty made by Supplier in Article 9 hereunder is false or misleading in any material respect when made or when deemed made;
- (iii) the non-excused failure to perform any material covenant or obligation set forth in this Agreement (other than that set forth in (i) above and as set forth in Section 4.3) if such failure is not remedied within thirty (30) days after written notice thereof, unless the cure period reasonably requires more than thirty (30) days to effect and Supplier is diligently working towards such cure; and

- (iv) Intentionally omitted.

6.2 Rights and Remedies.

6.2.1 Rights and Remedies for a Community Event of Default. Subject to other provisions of this Agreement, if Community is the defaulting Party hereunder, so long as such Community Event of Default shall have occurred and be continuing, Supplier shall have the right to (i) designate a date (“Early Termination Date”), no earlier than the day such notice is effective and no later than twenty (20) days after such notice is effective, on which this Agreement shall terminate and to terminate this Agreement on the Early Termination Date, (ii) suspend performance under this Agreement, and/or (iii) have all rights available at law and in equity. In addition to the foregoing remedies, Supplier shall have the right to seek the remedies of specific performance of Community’s and Participating Customers’ obligations hereunder and/or injunctive relief to continue to provide Full Requirements Retail Electric Supply hereunder. In the case of a Community Event of Default, the Parties recognize that damages or other amounts to be received by Supplier hereunder may be inadequate because this Agreement is unique and the actual damages of Supplier may exceed any amounts to be received by Supplier hereunder. Therefore, Community waives all of its rights to assert as a defense to an action for specific performance and injunctive relief that the amounts payable to Supplier hereunder are adequate to cover the actual damages of Supplier.

6.2.2 Rights and Remedies for a Supplier Event of Default. Subject to other provisions of this Agreement, if Supplier is the defaulting Party hereunder, so long as such Supplier Event of Default shall have occurred and be continuing, Community shall have the right to (i) designate an Early Termination Date, no earlier than the day such notice is effective and no later than 20 days after such notice is effective, and to terminate this Agreement on the Early Termination Date, (ii) suspend performance under this Agreement, and/or (iii) have all rights available at law and in equity. In addition to the foregoing remedies, Community shall have the right to seek the remedies of specific performance and/or injunctive relief, *inter alia*, to ensure the continuations of Full Requirements Retail Electric Supply hereunder or to ensure the payment of grants required by this Agreement.

Notwithstanding any other provision of this Agreement, the remedies set forth in Section 4.3 shall be the sole and exclusive remedies for any failure of Supplier to deliver Full Requirements Retail Electric Supply. As long as Supplier is supplying Full Requirements Retail Electric Supply to the Participating Customers at the price and upon the terms and conditions of this Agreement, Community shall not have the right to terminate this Agreement or suspend performance.

6.2.3 Duty to Mitigate. Each Party agrees that it has a duty to mitigate damages and covenants that it will use commercially reasonable efforts to minimize damages it may incur as a result of the other Party’s failure to perform pursuant to this Agreement.

ARTICLE 7

FORCE MAJEURE

7.1 Excused Failure to Comply. Neither Party shall be considered to be in default in the performance of its obligations under this Agreement, if its failure to perform results directly or indirectly from a Force Majeure Event. If despite its commercially reasonable efforts, either Party is unable, wholly or in part, to meet its obligations under this Agreement due to a Force

Majeure Event, the obligations of each Party, other than the obligation to make payments due for performance rendered hereunder, so far as they are affected by such Force Majeure Event, shall be suspended during such period of the Force Majeure Event. The Party claiming excuse due to a Force Majeure Event shall exercise commercially reasonable efforts and due diligence to remove the inability to perform as soon as reasonably possible so that the affected period shall be no longer than that necessarily affected by the Force Majeure Event and shall exercise commercially reasonable efforts and due diligence to mitigate the effects of the Force Majeure Event. Nothing contained in this Section 7.1 shall be construed as requiring a Party to settle any strike or labor dispute in which it may be involved.

7.2 Force Majeure Event. For purposes of this Agreement, a “Force Majeure Event” shall mean any non-economic cause beyond the reasonable control of the Party affected and shall include, but not be limited to, Acts of God, winds, floods, earthquakes, storms, droughts, fires, pestilence, destructive lightning, hurricanes, washouts, landslides, tornadoes and other natural catastrophes; strikes, lockouts, labor or material shortage, or other industrial disturbances; acts of the public enemies, epidemics, riots, civil disturbances or disobedience, sabotage, wars or blockades; the failure of facilities, governmental actions such as necessity to comply with any court order, law, statute, ordinance or regulation promulgated by a governmental authority, a change in law or court order; provided, however, that any such discretionary acts, failure to act or orders of any kind by Government Aggregator may not be asserted as a Force Majeure Event by Government Aggregator. A change in economic electric power market conditions shall not constitute a Force Majeure Event. Failure or interruptions, including without limitation, government ordered interruptions, on the systems of generation, transmission or distribution relied upon for supplying Energy under this Agreement shall not constitute a Force Majeure Event unless Supplier has arranged for service on these systems at a level of firmness as required to provide the Full Requirements Retail Electric Supply agreed upon herein.

7.3 Notification. If either Party is unable to perform any of its obligations under this Agreement due to a Force Majeure Event, then said Party shall notify the other Party in writing as soon as possible, but no later than seventy-two (72) hours after the start of the Force Majeure Event. The written notice shall include a specific description of the cause and expected duration of the Force Majeure Event.

ARTICLE 8

LIMITATION OF LIABILITY

8.1 LIABILITY. IN NO EVENT WILL EITHER PARTY BE LIABLE UNDER THIS AGREEMENT TO THE OTHER, TO A PARTICIPATING CUSTOMER OR TO A THIRD PARTY FOR INCIDENTAL, INDIRECT, SPECIAL, PUNITIVE, EXEMPLARY OR CONSEQUENTIAL DAMAGES, LOST PROFITS OR OTHER BUSINESS INTERRUPTION DAMAGES CONNECTED WITH OR RESULTING FROM PERFORMANCE OR NON-PERFORMANCE OF THIS AGREEMENT, IRRESPECTIVE OF WHETHER SUCH CLAIMS ARE BASED UPON A STATUTE, BREACH OF WARRANTY, TORT (INCLUDING BUT NOT LIMITED TO NEGLIGENCE OF ANY DEGREE), STRICT LIABILITY, CONTRACT, OPERATION OF LAW OR OTHERWISE.

THE PARTIES CONFIRM THAT THE EXPRESS REMEDIES AND MEASURES OF DAMAGES PROVIDED IN SECTION 4.3 AND ARTICLE 6 OF THE AGREEMENT SATISFY THE ESSENTIAL PURPOSES HEREOF. FOR BREACH OF ANY PROVISION FOR WHICH SECTION 4.3 OR ARTICLE 6 PROVIDES THE EXPRESS REMEDY OR MEASURE OF DAMAGES, SUCH EXPRESS REMEDY OR MEASURE OF DAMAGES SHALL BE THE SOLE AND EXCLUSIVE REMEDY, THE OBLIGOR'S LIABILITY SHALL BE LIMITED AS SET FORTH IN SUCH PROVISIONS AND ALL OTHER REMEDIES OR DAMAGES AT LAW OR IN EQUITY ARE WAIVED. FOR ALL OTHER PROVISIONS OF THIS AGREEMENT FOR WHICH NO REMEDY OR MEASURE OF DAMAGES IS EXPRESSLY PROVIDED, THE OBLIGOR'S LIABILITY SHALL BE LIMITED TO DIRECT ACTUAL DAMAGES ONLY, SUCH DIRECT ACTUAL DAMAGES SHALL BE THE SOLE AND EXCLUSIVE REMEDY AND ALL OTHER REMEDIES OR DAMAGES AT LAW OR IN EQUITY ARE WAIVED. IT IS THE INTENT OF THE PARTIES THAT THE LIMITATIONS HEREIN IMPOSED ON REMEDIES AND THE MEASURE OF DAMAGES BE WITHOUT REGARD TO THE CAUSE OR CAUSES RELATED THERETO, INCLUDING THE NEGLIGENCE OF ANY PART, WHETHER SUCH NEGLIGENCE BE SOLE, JOINT OR CONCURRENT, OR ACTIVE OR PASSIVE. TO THE EXTENT ANY DAMAGES REQUIRED TO BE PAID HEREUNDER ARE LIQUIDATED, THE PARTIES ACKNOWLEDGE THAT THE DAMAGES ARE DIFFICULT OR IMPOSSIBLE TO DETERMINE, OR OTHERWISE OBTAINING AN ADEQUATE REMEDY IS INCONVENIENT AND THE DAMAGES CALCULATED HEREUNDER CONSTITUTE A REASONABLE APPROXIMATION OF THE HARM OR LOSS.

8.2 DISCLAIMER. SUPPLIER DOES NOT WARRANT OR GUARANTEE THE UNINTERRUPTED DELIVERY OF FULL REQUIREMENTS RETAIL ELECTRIC SUPPLY TO AGGREGATION PROGRAM CUSTOMERS DURING FORCE MAJEURE EVENTS. SUPPLIER WILL HAVE NO LIABILITY OR RESPONSIBILITY FOR THE OPERATIONS OF THE EDU, INCLUDING BUT NOT LIMITED TO, THE INTERRUPTION, TERMINATION, FAILURE TO DELIVER, OR DETERIORATION OF EDU'S TRANSMISSION OR DISTRIBUTION SERVICE. EXCEPT AS MAY BE SPECIFICALLY PROVIDED HEREIN, NO IMPLIED WARRANTIES OF ANY KIND, INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE SHALL BE APPLICABLE TO THIS AGREEMENT.

ARTICLE 9

REPRESENTATIONS AND WARRANTIES

9.1 Representations and Warranties by Supplier.

9.1.1 Supplier hereby represents and warrants to Community as of the Effective Date as follows:

(i) Supplier is a company, duly formed, validly existing and in good standing under the laws of the State of Delaware;

- (ii) Supplier has all authorizations from any governmental authority necessary for it to legally perform its obligations under this Agreement or will obtain such authorizations in a timely manner prior to when any performance by it requiring such authorization becomes due;
- (iii) The execution and delivery of, and performance under, this Agreement are within Supplier's powers, have been duly authorized by all necessary action and do not violate, conflict with or breach any of the terms or conditions in its governing documents or any contract to which it is a party or any governmental rule applicable to it;
- (iv) This Agreement has been duly executed and delivered by Supplier, and this Agreement (assuming due authorization, execution and delivery of all Parties) constitutes legal, valid and binding obligations of Supplier enforceable against it in accordance with its terms, subject to bankruptcy, insolvency, reorganization and other laws affecting creditor's rights generally and general principles of equity, regardless of whether such enforceability is considered in a proceeding in equity or at law; and
- (v) None of the documents or other written information furnished by or on behalf of Supplier to Community or Eligible Customers pursuant to this Agreement contains any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statements contained herein or therein, in the light of the circumstances in which they were made, not misleading;
- (vi) No Bankruptcy is pending against it or to its knowledge threatened against it.

9.2 Representations and Warranties by Community.

9.2.1 Government Aggregator hereby represents and warrants to Supplier as of the Effective Date as follows:

- (i) Community is duly authorized as the agent for the Participating Customers, as a duly authorized governmental aggregator;
- (ii) Community has all authorizations from any governmental authority necessary for it to legally perform its obligations under this Agreement;
- (iii) The execution and delivery of, and performance under, this Agreement are within Community's powers, have been duly authorized by all necessary action and do not violate, conflict with or breach any of the terms or conditions in its governing documents or any contract to which it is a party or any governmental rule applicable to it. Neither the execution nor delivery by Community of this Agreement nor the consummation by Community of the

transactions contemplated hereby or thereby does or will result a breach or violation of the Agreement establishing Community's Aggregation Group, or its bylaws, or any material provision of the governance document related thereto;

(iv) This Agreement has been duly executed and delivered by Community, and this Agreement (assuming due authorization, execution and delivery of all Parties) constitutes legal, valid and binding obligations of Community, enforceable against it in accordance with its terms, subject to applicable bankruptcy, insolvency, fraudulent conveyance, reorganization and similar laws affecting creditors' rights and remedies generally, to general principles of equity, regardless of whether such enforceability is considered in a proceeding in equity or at law;

(v) Community is entering into this Agreement with a full understanding of all of the risks disclosed in this Agreement (economic and otherwise), and it is capable of assuming and willing to assume those risks;

(vi) None of the documents or other written information furnished by or on behalf of Community to Supplier pursuant to this Agreement contains any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statements contained herein or therein, in the light of the circumstances in which they were made, not misleading;

(vii) Community has the contractual right to enter into this Agreement, to contract with Supplier to supply Full Requirements Retail Electric Supply and Administrative Services to meet the obligations of its Aggregation Program Customers, and shall enforce its contractual agreements and rights.

ARTICLE 10

CONFIDENTIAL INFORMATION

10.1 **Confidential Information.** Any Confidential Information, as defined in Section 10.2 herein, made available pursuant to this Agreement and conspicuously marked or stamped as "Confidential" shall, to the extent permitted by Ohio law, be held in confidence by each of the Parties to protect the legitimate business needs and/or privacy interests of the Parties. With respect to multi-page documents that contain Confidential Information, the Parties may make such a designation by marking or stamping only the first page thereof. The Parties shall identify any matter deemed to be Confidential Information at the time the information is provided. Any information not designated, as Confidential Information shall not be covered by the protection contemplated herein, provided, however, that the inadvertent provision of information without a confidential designation shall not itself be deemed a waiver of the Party's claim of confidentiality as to such information, and the Party may thereafter designate the same as confidential, if the information is deemed confidential as set forth herein.

10.2 **Confidential Information Defined.** "Confidential Information" means any and all data and information of whatever kind or nature (whether written, electronic or oral) which is disclosed by

one Party (the “Disclosing Party”) to the other Party (the “Recipient”) regarding itself, its business, the business of its affiliates, and/or the Aggregation Program. Confidential Information does not include information that: (a) is in the public domain at the time of disclosure; (b) passes into the public domain after disclosure, except by a wrongful act of the Recipient; (c) is disclosed to the Recipient by another not under an obligation of confidentiality; or (d) is already in the Recipient’s possession prior to disclosure by the Disclosing Party.

10.3 Obligation of Confidentiality. Each Party agrees, for itself and its authorized representatives, to keep confidential all Confidential Information provided hereunder and to use the Confidential Information solely for purposes in connection with this Agreement, except to the extent that the Recipient determines that release of Confidential Information is required by law or regulation. The Recipient shall make commercially reasonable efforts to notify the Disclosing Party if it intends to release any Confidential Information to afford the Disclosing Party an opportunity to seek a protective order prior to disclosure. The obligations for Confidentiality set forth in this Agreement, including but not limited to the non-disclosure obligations and the duty to return Confidential Information upon written request, shall survive the termination of this Agreement for a period of one (1) year thereafter.

ARTICLE 11 **MISCELLANEOUS**

11.1 Notices. Any notices, requests or demands regarding the services provided under this Agreement and Attachment A shall be deemed to be properly given or made (i) if by hand delivery, on the day and at the time on which delivered to the intended recipient at its address set forth in this Agreement; (ii) if sent by U.S. Postal Service mail certified or registered mail, postage prepaid, return receipt requested, addressed to the intended recipient at its address shown below; or (iii) if by Federal Express or other reputable express mail service, on the next Business Day after delivery to such express service, addressed to the intended recipient at its address set forth in this Agreement. The address of a Party to which notices or other communications shall be mailed may be changed from time to time by giving written notice to the other Party.

Energy Harbor LLC

For Notices or Inquiries Regarding
this Agreement:

Manager, Government Aggregation
Energy Harbor LLC
168 East Market Street
Akron, Ohio 44308

Phone: 330-315-7271

City of Oxford

For Notices or Inquiries Regarding
this Agreement:

Phone:

11.2 Entire Agreement. This Agreement, including Attachment A hereto, contains all of the terms and conditions of this Agreement reached by the Parties, and supersedes all prior oral or written agreements with respect to this Agreement. This Agreement may not be modified, amended, altered or supplemented, except by written agreement signed by all Parties hereto. No waiver of any term, provision, or conditions of this Agreement, whether by conduct or otherwise, in any one or more instances, shall be deemed to be, or shall constitute a waiver of any other provision hereof, whether or not similar, nor shall such waiver constitute a continuing waiver, and no waiver shall be binding unless executed in writing by the Party making the waiver.

11.3 Waivers. Any request for a waiver of the requirements and provisions of this Agreement shall be in writing and must be approved in writing by the nonwaiving Party. The failure of either Party to insist upon strict performance of such requirements or provisions or to exercise any right under this Agreement shall not be construed as a waiver or relinquishment of such requirements, provisions or rights.

11.4 Applicable Law. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio.

11.5 Controlling Provisions. In the event of any inconsistency between the terms herein and the terms of Attachment A hereto, the provisions of Attachment A shall control.

11.6 Severability. Any provision in this Agreement that is prohibited or unenforceable in any jurisdiction shall, as to such jurisdiction, be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions or affecting the validity or enforceability of such provision in any other jurisdiction. The non-enforcement of any provision by either Party shall not constitute a waiver of that provision nor shall it affect the enforceability of that provision or the remainder of this Agreement.

11.7 Non-Assignability. This Agreement shall not be transferred or assigned by either Party without the express written authorization of the non-assigning Party, which authorization shall not be unreasonably withheld; provided, however, that such authorization may be withheld upon a reasonable determination that the proposed assignee does not have at least the same financial and technical abilities. Notwithstanding the foregoing, Supplier may, without the consent of Community or the Participating Customers, (a) transfer, sell, pledge, encumber or assign this Agreement or the accounts, revenues or proceeds hereof in connection with any financing or other financial arrangement; (b) transfer or assign this Agreement to an affiliate of Supplier; or (c) transfer or assign this Agreement to any person or entity succeeding to all or a substantial portion of the assets of Supplier. Upon an assignment pursuant to (b) or (c), Community and the Participating Customers agree that Supplier shall have no further obligations regarding future performance hereunder. Either Party's assignee shall agree in writing to be bound by the terms and conditions of this Agreement, including the Attachments. Subject to the foregoing, this Agreement and its Attachments shall be binding upon and inure to the benefit of any permitted successors and assigns, to the extent permitted by law.

11.8 Intentionally omitted.

11.9 Recitals. The Parties agree and acknowledge that the prefatory statements and recitals in this Agreement are intended to be and shall be a part of the provisions of this Agreement.

11.10 Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall together constitute one instrument.

IN WITNESS WHEREOF, the Parties have duly executed this Agreement to be effective on the date first written above.

Energy Harbor LLC

City of Oxford

Signed: _____

Signed: _____

Printed
Typed Name: _____

Printed
Typed Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

ATTACHMENT A:
**Pricing and Other Conditions
to Retail Generation Service Offer**

Attachment A to Master Agreement

Between

City of Oxford, Butler County, Ohio and Energy Harbor LLC

Term:

Beginning with December 2020 meter read dates through December 20xx meter read dates

Pricing:

Opt-Out Program Option:

x.xx ¢ per kWh

Opt-In Program Option (100% Renewable – Source: National Wind):

x.xx ¢ per kWh

EDU:

Duke Energy

Eligible Rate Codes:

Residential, Commercial (below either 700,000 kWh annually or 100 kW peak monthly demand)

Mercantile Accounts: National accounts (e.g. McDonald's, BP, Dollar General) as well as any eligible commercial and industrial accounts with annual usage over 700,000 kWh must "opt-in" to the program.

Termination Fee:

None

Administrative Fee:

Supplier shall pay to the Community's Consultant, Affordable Gas and Electric (AGE), \$0.001 per kWh delivered/consumed and paid for by Members under the Aggregation Program on a monthly basis. In addition to Members' consumption, this fee shall also apply to kWh delivered/consumed and paid for by any new Member or Members' accounts that join the Aggregation Program.

Administrative Services:

- Design, print and mail the Opt-out letter to all eligible participants including a sheet of Frequently Asked Questions to provide assistance.
- Administer the Opt-out process including database preparation, handling of opt-out form information, and final enrollment list compilation.
- Provide a call center to handle information calls, in a timely and agreed upon fashion.
- File the required information for PUCO reports on behalf of the Community.
- Conduct supplemental opt-out mailings on an annual basis, on or around August/September of the calendar year.

STAFF REPORT

ORIGINATING DEPARTMENT:	Assistant City Manager
PREPARED BY:	Jessica Greene
DATE PREPARED:	4/28/2020
COUNCIL MEETING DATE:	5/5/2020
AGENDA TITLE:	Grant Application to OKI for the Oxford Area Trail
BUDGETED AMOUNT:	\$1,548,481 (32% match from Levy)
ACCOUNT CODE:	
RECOMMENDATION:	Approval
CITY MANAGER/DEPT HEAD APPROVAL:	<i>DRE</i> <i>5/1/20</i>

DISCUSSION:

Ohio Kentucky Indiana Regional Council of Governments (OKI) has opened their grant cycle for 2020. These grants are for transportation infrastructure and bike/pedestrian paths are an allowable grant application. We are proposing to apply for the Surface Transportation Block Grant (STBG) funds for the segment from Peffer Park to Talawanda Middle School. These grants may go up to \$6M per application and are due June 5, 2020. If awarded, these funds will be released in fiscal year 2024.

The goal of the Oxford Area Trail Levy is to use grant funds to enable us to stretch the levy to try to complete the trail system around Oxford. The levy goal was for the funds to be used as matching dollars and for trail maintenance.

The cost of this proposed segment from Peffer Park to Talawanda Middle School is as follows:

Phase 5: Pepper to TMS			
Segments:	Linear Feet	Engineering/Design (18%)	Construction
Segment B North (Compost area to Chestnut Street)	4,500	\$243,110	\$1,350,610
Segment B Central (Pepper Park to Kehr Rd.)	3,502	\$386,776	\$2,148,755
Segment B West (to TMS)	4025	\$241,135	\$1,339,637
Total budget		\$871,020	\$4,839,002
OKI request			\$3,290,521
Levy Match (32%)			\$1,548,481

If awarded, this grant will be \$3,290,521 and will use \$1,548,481 of our levy fund. Once completed, we project that our levy fund will have \$413.00 in 2024 remaining.

The levy runs until 2028 and will rebuild so that we can build one (possibly 2) more segment(s) with the existing levy funds and future grants. This future segment would be the Oxford Community Park to Merry Day Park. This is slated for the year 2028. To fully complete the trail from Merry Day Park back to Black Bridge, we may need additional funding.

Future levy projections are as follows:

RESOLUTION NO.

A RESOLUTION OF COUNCIL AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE OHIO-KENTUCKY-INDIANA (OKI) REGIONAL COUNCIL OF GOVERNMENTS REQUESTING FUNDING FROM THE SURFACE TRANSPORTATION BLOCK GRANT PROGRAM AND AUTHORIZING THE CITY MANAGER TO SECURE THROUGH PROPERTY TAX LEVY FUNDS A 32% LOCAL MATCH FOR THE ENGINEERING, DESIGN AND CONSTRUCTION OF THE OXFORD AREA TRAIL SYSTEM (OATS) FROM PEFFER PARK TO THE TALAWANDA MIDDLE SCHOOL.

WHEREAS, the citizens of Oxford approved a property tax levy that will generate funds over the next eight years to allow for the engineering, design and construction of the Oxford Area Trail System (OATS); and

WHEREAS, the Ohio-Kentucky-Indiana (OKI) Regional Council of Governments has a grant funding cycle for Alternative Transportation projects with an application deadline of June 5, 2020; and

WHEREAS, Oxford city staff seeks Council approval to apply for a grant to fund a segment of the OATS trail system; and

WHEREAS, the City Manager and the Assistant City Manager recommend the City Manager be authorized to submit a grant application requesting funding through the OKI Surface Transportation Block Grant program and the City Manager recommends he be authorized to utilize funds raised by the OATS property tax levy to fund a 32% local match for this grant.

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

SECTION 1: Council supports applying for grant funds to assist with the engineering, design and construction of the Oxford Area Trail System.

SECTION 2: Should the grant be awarded to the City of Oxford, Oxford City Council agrees to obligate 32% of local matching funds raised by the OATS property tax levy.

SECTION 3: Council hereby accepts the recommendation of the City Manager and the Assistant City Manager and further authorizes the City Manager to submit a grant application requesting funding through the OKI Surface Transportation Block Grant program and authorizes the City Manager to secure through the OATS property tax levy a 32% local match for the engineering, design and construction of the Oxford Area Trail System (OATS) from Peffer Park to the Talawanda Middle School.

SECTION 4: 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)

Year	Income Categories					Suggested Savings Toward Maintenance	Total Income for Planning & Construction	Phase	Expense Categories		Total Expense	Levy Running Total
	Levy	OCF & Other supporter s	Grants	MU Contributi on	Anticipated Grants				Engineering/ Design	Construction		
2019	\$1,000,000					\$50,000	\$950,000	Phase 2	\$274,500	\$2,355,155	\$2,629,655	-\$1,679,655
2020	\$1,000,000		\$750,000	\$700,000		\$100,000	\$2,350,000	Phase 3&4 (40% planning)	\$250,477		\$250,477	\$419,868.14
2021	\$1,000,000					\$150,000	\$850,000	Phase 3&4 (60% planning)	\$375,716		\$375,716	\$894,152.39
2022	\$1,000,000	\$453,766	\$1,607,094		\$500,000	\$200,000	\$3,360,860	Phase 3&4 Construction		\$4,185,098	\$4,185,098	\$69,914.26
2023	\$1,000,000					\$200,000	\$800,000				\$0	\$869,914.26
2024	\$1,000,000				\$3,290,521	\$200,000	\$4,090,521	Phase 5-to TMS (planning)	\$871,020		\$871,020	\$4,089,415.26
2025	\$1,000,000					\$250,000	\$750,000	Phase 5-to TMS Construction		\$4,839,002	\$4,839,002	\$413.26
2026	\$1,000,000					\$250,000	\$750,000				\$0	\$750,413.26
2027	\$1,000,000				\$750,000	\$300,000	\$1,450,000	Phase 6 OCP- Merry Day (planning)	\$381,296.52		\$381,297	\$1,819,116.74
2028	\$1,000,000					\$300,000	\$700,000	Phase 6 OCP- Merry Day		\$2,118,314	\$2,118,314	\$400,802.74
Total	\$10,000,000	\$453,766	\$2,357,094	\$700,000	\$4,540,521	\$2,000,000	\$16,051,381		\$2,153,010	\$13,497,568	\$15,650,578	

BOLD/SHADE= ANTICIPATED INCOME & EXPENSE

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: March 3, 2020

Zachary Moore

Account Code No. #:

Prepared By:

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.

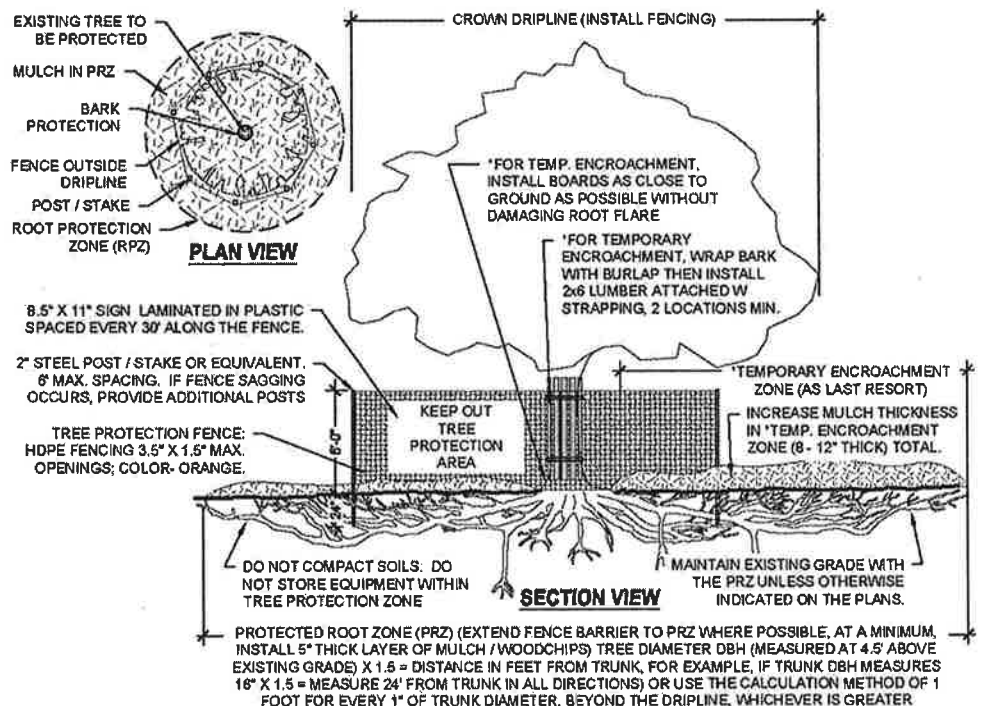
Attachment H shall be amended to add the following exhibits as follows:

TREE PROTECTION NOTES

- A. 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.
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. FOLLOW-UP; POST-CONSTRUCTION MAINTENANCE, PROVIDE SUPPLEMENTAL IRRIGATION DURING DRY PERIODS AND MONITOR THE TREE FOR SEVERAL YEARS FOLLOWING CONSTRUCTION.

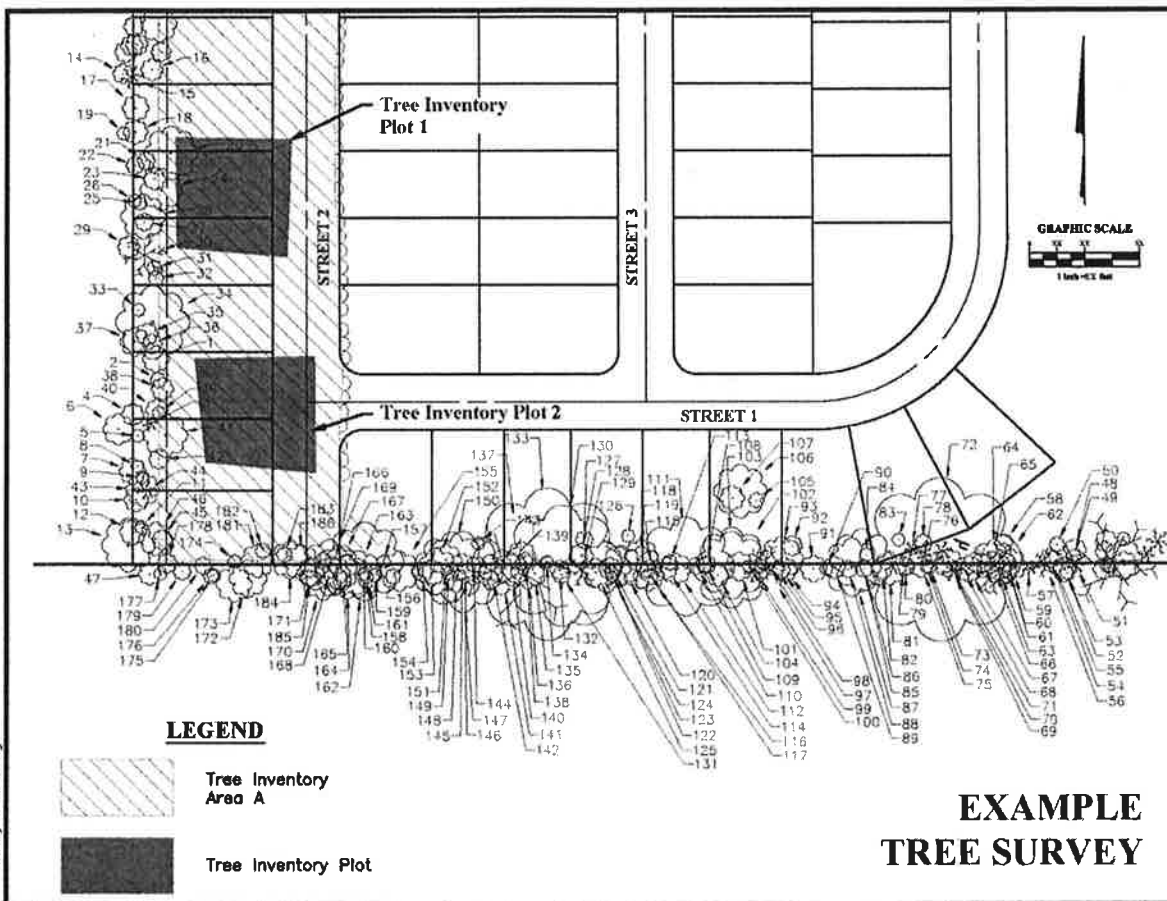
TREE PROTECTION SPECIFICATIONS

1. PROVIDE TREE PROTECTION FENCING WHEN DISTURBANCE WILL OCCUR WITHIN 25' OF THE PROTECTED ROOT ZONE (PRZ).
2. 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.
3. 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.
 - 3.1. 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.
 - 3.2. 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.
4. PROVIDE ADEQUATE WATER IF THERE IS NO IRRIGATION SYSTEM IN PLACE.
5. PRUNING SHOULD BE PERFORMED BY AN APPROVED ARBORIST.
6. 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/Tree#	Common Name	Scientific	Condition	Size	Notes	Plot/Tree#	Common Name	Scientific	Condition	Size	Notes	Plot/Tree#	Common Name	Scientific	Condition	Size	Notes
3	Common alder	<i>Quercus laevis</i>	Good	11		101	White oak	<i>Quercus alba</i>	Good	8		171	Shagbark hickory	<i>Carya ovata</i>	Good	8	
4	American elm	<i>Ulmus americana</i>	Good	7		102	Red maple	<i>Acer rubrum</i>	Good	10		172	Shagbark hickory	<i>Carya ovata</i>	Good	8	
5	Black cherry	<i>Prunus serotina</i>	Good	8		103	Black cherry	<i>Prunus serotina</i>	Good	10		173	Shagbark hickory	<i>Carya ovata</i>	Good	8	
6	Shagbark hickory	<i>Carya ovata</i>	Good	7		104	White oak	<i>Quercus alba</i>	Good	7		174	Shagbark hickory	<i>Carya ovata</i>	Good	12	
7	Black cherry	<i>Prunus serotina</i>	Good	8		105	White oak	<i>Quercus alba</i>	Good	7		175	Shagbark hickory	<i>Carya ovata</i>	Good	12	
8	Shagbark hickory	<i>Carya ovata</i>	Good	11		106	White oak	<i>Quercus alba</i>	Good	7		176	Shagbark hickory	<i>Carya ovata</i>	Good	11	
9	White oak	<i>Quercus alba</i>	Good	11		107	White oak	<i>Quercus alba</i>	Good	15		177	Shagbark hickory	<i>Carya ovata</i>	Good	11	
10	Shagbark hickory	<i>Carya ovata</i>	Good	8		108	Red maple	<i>Acer rubrum</i>	Good	17		178	Shagbark hickory	<i>Carya ovata</i>	Good	11	
11	White oak	<i>Quercus alba</i>	Good	10		109	Red maple	<i>Acer rubrum</i>	Good	15		179	Shagbark hickory	<i>Carya ovata</i>	Good	11	
12	Black cherry	<i>Prunus serotina</i>	Good	11		110	Red maple	<i>Acer rubrum</i>	Good	15		180	Shagbark hickory	<i>Carya ovata</i>	Good	11	
13	Red maple	<i>Acer rubrum</i>	Good	8		111	Red maple	<i>Acer rubrum</i>	Good	15		181	Shagbark hickory	<i>Carya ovata</i>	Good	11	
14	Red maple	<i>Acer rubrum</i>	Good	8		112	Red maple	<i>Acer rubrum</i>	Good	15		182	Shagbark hickory	<i>Carya ovata</i>	Good	11	
15	Red maple	<i>Acer rubrum</i>	Good	8		113	Red maple	<i>Acer rubrum</i>	Good	15		183	Shagbark hickory	<i>Carya ovata</i>	Good	11	
16	Red maple	<i>Acer rubrum</i>	Good	8		114	Red maple	<i>Acer rubrum</i>	Good	15		184	Shagbark hickory	<i>Carya ovata</i>	Good	11	
17	Red maple	<i>Acer rubrum</i>	Good	11		115	Red maple	<i>Acer rubrum</i>	Good	15		185	Shagbark hickory	<i>Carya ovata</i>	Good	11	
18	Red maple	<i>Acer rubrum</i>	Good	11		116	Red maple	<i>Acer rubrum</i>	Good	15		186	Shagbark hickory	<i>Carya ovata</i>	Good	11	
19	Shagbark hickory	<i>Carya ovata</i>	Good	8		117	Shagbark hickory	<i>Carya ovata</i>	Good	15		187	Shagbark hickory	<i>Carya ovata</i>	Good	11	
20	Red maple	<i>Acer rubrum</i>	Good	8		118	Shagbark hickory	<i>Carya ovata</i>	Good	15		188	Shagbark hickory	<i>Carya ovata</i>	Good	11	
21	Red maple	<i>Acer rubrum</i>	Good	15		119	Shagbark hickory	<i>Carya ovata</i>	Good	15		189	Shagbark hickory	<i>Carya ovata</i>	Good	11	
22	Red maple	<i>Acer rubrum</i>	Good	15		120	Shagbark hickory	<i>Carya ovata</i>	Good	15		190	Shagbark hickory	<i>Carya ovata</i>	Good	11	
23	Red maple	<i>Acer rubrum</i>	Good	15		121	Shagbark hickory	<i>Carya ovata</i>	Good	15		191	Shagbark hickory	<i>Carya ovata</i>	Good	11	
24	White oak	<i>Quercus alba</i>	Good	15		122	Shagbark hickory	<i>Carya ovata</i>	Good	15		192	Shagbark hickory	<i>Carya ovata</i>	Good	11	
25	White oak	<i>Quercus alba</i>	Good	15		123	Shagbark hickory	<i>Carya ovata</i>	Good	15		193	Shagbark hickory	<i>Carya ovata</i>	Good	11	
26	White oak	<i>Quercus alba</i>	Good	15		124	Shagbark hickory	<i>Carya ovata</i>	Good	15		194	Shagbark hickory	<i>Carya ovata</i>	Good	11	
27	White oak	<i>Quercus alba</i>	Good	15		125	Shagbark hickory	<i>Carya ovata</i>	Good	15		195	Shagbark hickory	<i>Carya ovata</i>	Good	11	
28	White oak	<i>Quercus alba</i>	Good	15		126	Shagbark hickory	<i>Carya ovata</i>	Good	15		196	Shagbark hickory	<i>Carya ovata</i>	Good		

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.~~

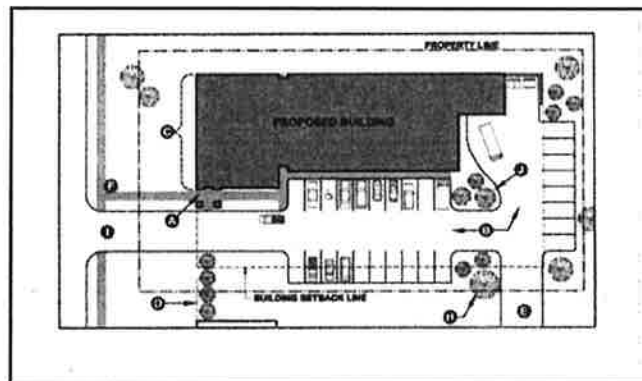
(d) Supplementary Regulations:

(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.**
- 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:

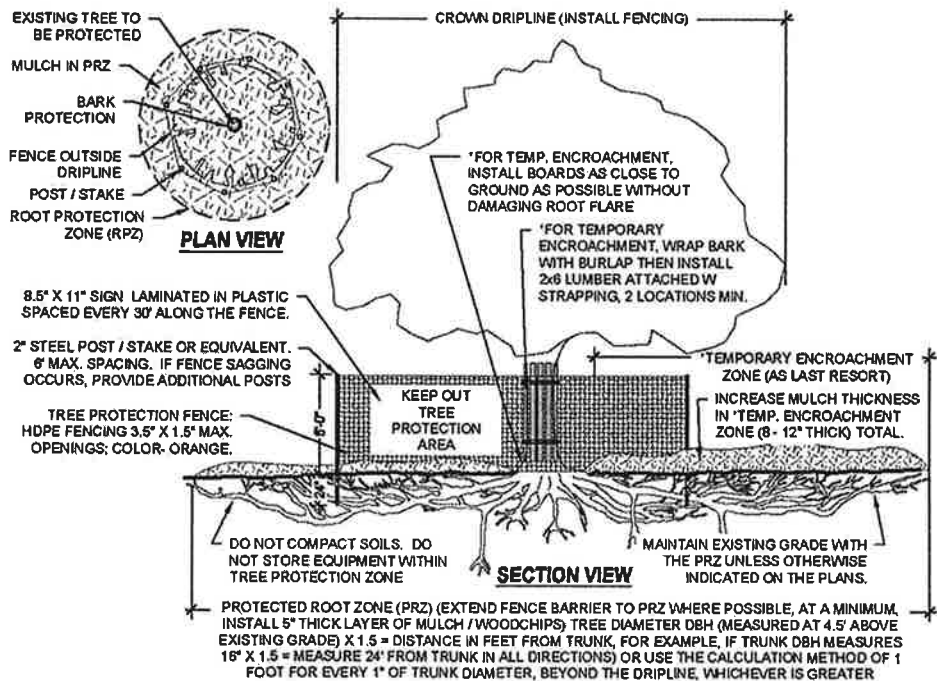
SECTION I: Council hereby adopts additional exhibits into Attachment H entitled Typical Section Drawings in Part Eleven, Title One of the Oxford Codified Ordinances to be in compliance with Chapter 1148 of the Oxford Codified Ordinances entitled Landscaping and Tree Preservation as follows:

TREE PROTECTION NOTES

- A TREE SUFFERING FROM CONSTRUCTION ACTIVITIES MAY EXPERIENCE SEVERAL YEARS OF DECLINE BEFORE 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.

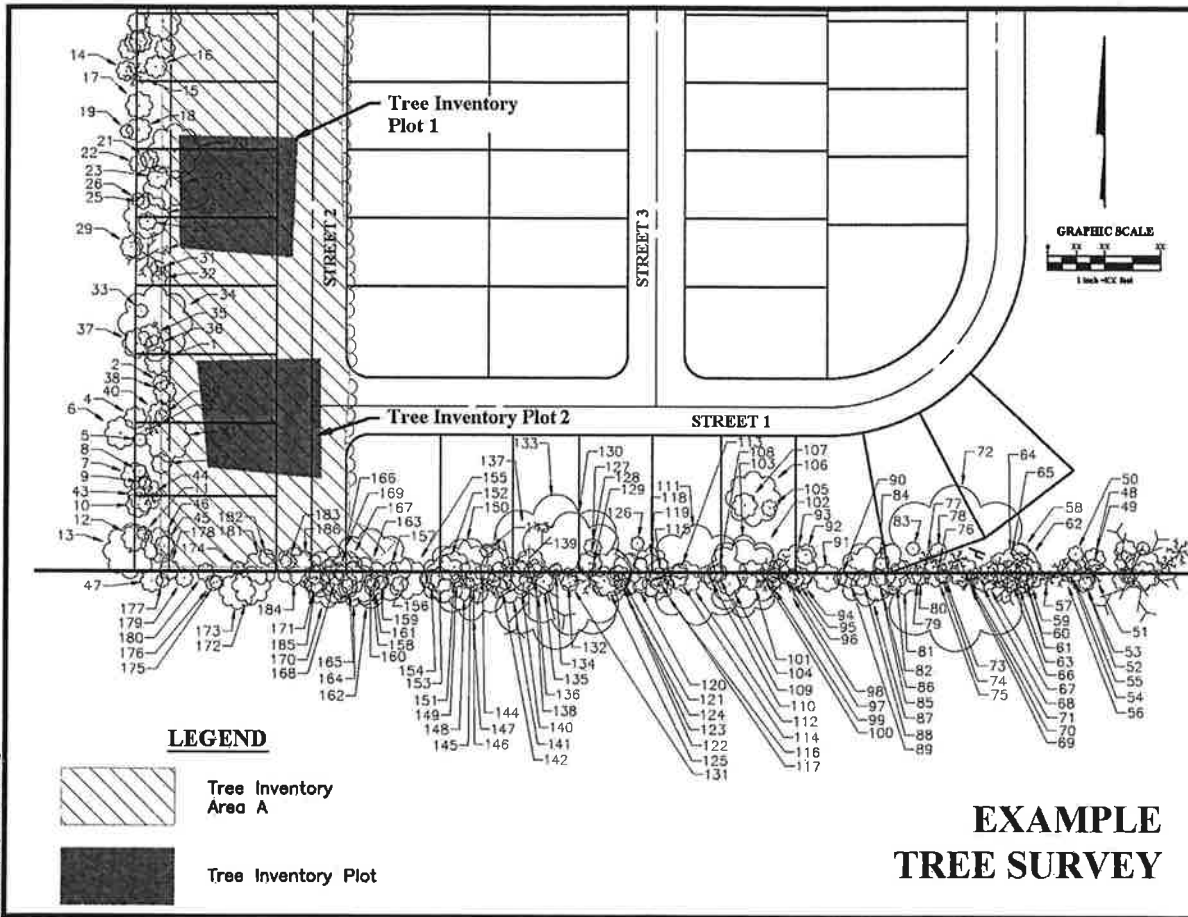
TREE PROTECTION SPECIFICATIONS

- 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, $\pm$ 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																											
Map/Tree #	ID	Common Name	Scientific	Condition	Size	Notes	Map/Tree #	ID	Common Name	Scientific	Condition	Size	Notes	Map/Tree #	ID	Common Name	Scientific	Condition	Size	Notes	Map/Tree #	ID	Common Name	Scientific	Condition	Size	Notes
1	1	Pin oak	<i>Quercus palustris</i>	Good	13		61	61	American elm	<i>Ulmus americana</i>	Good	8		187	187	Shagbark hickory	<i>Carya ovata</i>	Good	6		217	217	Shagbark hickory	<i>Carya ovata</i>	Good	10	
2	2	American elm	<i>Ulmus americana</i>	Good	7		62	62	Black walnut	<i>Juglans nigra</i>	Good	10		188	188	Sugar maple	<i>Acer saccharum</i>	Good	10		218	218	Sugar maple	<i>Acer saccharum</i>	Good	10	
3	3	Black cherry	<i>Prunus serotina</i>	Good	8		63	63	White oak	<i>Quercus alba</i>	Good	10		189	189	Red oak	<i>Quercus rubra</i>	Good	10		219	219	Red oak	<i>Quercus rubra</i>	Good	10	
4	4	Shagbark hickory	<i>Carya ovata</i>	Good	7		64	64	White oak	<i>Quercus alba</i>	Good	7		190	190	Red oak	<i>Quercus rubra</i>	Good	10		220	220	Shagbark hickory	<i>Carya ovata</i>	Good	10	
5	5	Black cherry	<i>Prunus serotina</i>	Good	7		65	65	White oak	<i>Quercus alba</i>	Good	8		191	191	Red oak	<i>Quercus rubra</i>	Good	10		221	221	Shagbark hickory	<i>Carya ovata</i>	Good	10	
6	6	Black cherry	<i>Prunus serotina</i>	Good	6		66	66	Sugar maple	<i>Acer saccharum</i>	Good	10		192	192	White oak	<i>Quercus alba</i>	Good	10		222	222	Shagbark hickory	<i>Carya ovata</i>	Good	10	
7	7	White oak	<i>Quercus alba</i>	Good	11		67	67	White oak	<i>Quercus alba</i>	Good	16		193	193	American elm	<i>Ulmus americana</i>	Good	10		223	223	Shagbark hickory	<i>Carya ovata</i>	Good	10	
8	8	Shagbark hickory	<i>Carya ovata</i>	Good	8		68	68	Red oak	<i>Quercus rubra</i>	Good	17		194	194	Shagbark hickory	<i>Carya ovata</i>	Good	6		224	224	Shagbark hickory	<i>Carya ovata</i>	Good	10	
9	9	White oak	<i>Quercus alba</i>	Good	10		69	69	Red oak	<i>Quercus rubra</i>	Good	12		195	195	Red oak	<i>Quercus rubra</i>	Good	10		225	225	Shagbark hickory	<i>Carya ovata</i>	Good	10	
10	10	Shagbark hickory	<i>Carya ovata</i>	Good	10		70	70	Red oak	<i>Quercus rubra</i>	Good	12		196	196	Sugar maple	<i>Acer saccharum</i>	Good	10		226	226	Sugar maple	<i>Acer saccharum</i>	Good	10	
11	11	Black cherry	<i>Prunus serotina</i>	Good	11		71	71	Red oak	<i>Quercus rubra</i>	Good	10		197	197	F. oak	<i>Quercus alba</i>	Good	10		227	227	Sugar maple	<i>Acer saccharum</i>	Good	10	
12	12	Red maple	<i>Acer rubrum</i>	Good	7		72	72	Sugar maple	<i>Acer saccharum</i>	Good	8		198	198	F. oak	<i>Quercus alba</i>	Good	10		228	228	Shagbark hickory	<i>Carya ovata</i>	Good	10	
13	13	Sugar maple	<i>Acer saccharum</i>	Good	8		73	73	White oak	<i>Quercus alba</i>	Good	10		199	199	Shagbark hickory	<i>Carya ovata</i>	Good	10		229	229	Shagbark hickory	<i>Carya ovata</i>	Good	10	
14	14	Sugar maple	<i>Acer saccharum</i>	Good	16		74	74	Black walnut	<i>Juglans nigra</i>	Good	11		200	200	White oak	<i>Quercus alba</i>	Good	10		230	230	Shagbark hickory	<i>Carya ovata</i>	Good	10	
15	15	Black cherry	<i>Prunus serotina</i>	Good	9		75	75	American elm	<i>Ulmus americana</i>	Good	7		201	201	White oak	<i>Quercus alba</i>	Good	10		231	231	Shagbark hickory	<i>Carya ovata</i>	Good	10	
16	16	Red oak	<i>Quercus rubra</i>	Good	10		76	76	Black cherry	<i>Prunus serotina</i>	Good	10		202	202	F. oak	<i>Quercus alba</i>	Good	10		232	232	Shagbark hickory	<i>Carya ovata</i>	Good	10	
17	17	Red maple	<i>Acer rubrum</i>	Good	11		77	77	Sugar maple	<i>Acer saccharum</i>	Good	8		203	203	F. oak	<i>Quercus alba</i>	Good	10		233	233	Shagbark hickory	<i>Carya ovata</i>	Good	10	
18	18	Red maple	<i>Acer rubrum</i>	Good	9		78	78	White oak	<i>Quercus alba</i>	Good	12		204	204	Shagbark hickory	<i>Carya ovata</i>	Good	10		234	234	Shagbark hickory	<i>Carya ovata</i>	Good	10	
19	19	Shagbark hickory	<i>Carya ovata</i>	Good	6		79	79	Green ash	<i>Fraxinus pennsylvanica</i>	Good	6		205	205	F. oak	<i>Quercus alba</i>	Good	10		235	235	Shagbark hickory	<i>Carya ovata</i>	Good	10	
20	20	Red maple	<i>Acer rubrum</i>	Good	7		80	80	Sugar maple	<i>Acer saccharum</i>	Good	11		206	206	Shagbark hickory	<i>Carya ovata</i>	Good	6		236	236	Shagbark hickory	<i>Carya ovata</i>	Good	10	
21	21	Red maple	<i>Acer rubrum</i>	Good	15		81	81	Green ash	<i>Fraxinus pennsylvanica</i>	Good	8		207	207	Shagbark hickory	<i>Carya ovata</i>	Good	10		237	237	Shagbark hickory	<i>Carya ovata</i>	Good	10	
22	22	White oak	<i>Quercus alba</i>	Good	8		82	82	American elm	<i>Ulmus americana</i>	Good	8		208	208	F. oak	<i>Quercus alba</i>	Good	10		238	238	Shagbark hickory	<i>Carya ovata</i>	Good	10	
23	23	Pin oak	<i>Quercus palustris</i>	Good	8		83	83	Sugar maple	<i>Acer saccharum</i>	Good	9		209	209	F. oak	<i>Quercus alba</i>	Good	10		239	239	Shagbark hickory	<i>Carya ovata</i>	Good	10	
24	24	White oak	<i>Quercus alba</i>	Good	6		84	84	White oak	<i>Quercus alba</i>	Good	8		210	210	Shagbark hickory	<i>Carya ovata</i>	Good	10		240	240	Shagbark hickory	<i>Carya ovata</i>	Good	10	
25	25	Red maple	<i>Acer rubrum</i>	Good	6		85	85	Red oak	<i>Quercus rubra</i>	Good	10		211	211	F. oak	<i>Quercus alba</i>	Good	10		241	241	Shagbark hickory	<i>Carya ovata</i>	Good	10	
26	26	White oak	<i>Quercus alba</i>	Good	17		86	86	White oak	<i>Quercus alba</i>	Good	6		212	212	F. oak	<i>Quercus alba</i>	Good	10		242	242	Shagbark hickory	<i>Carya ovata</i>	Good	10	
27	27	White oak	<i>Quercus alba</i>	Good	7		87	87	Shagbark hickory	<i>Carya ovata</i>	Good	10	2 Trunks	213	213	Shagbark hickory	<i>Carya ovata</i>	Good	10		243	243	Shagbark hickory	<i>Carya ovata</i>	Good	10	
28	28	White oak	<i>Quercus alba</i>	Good	6		88	88	Black walnut	<i>Juglans nigra</i>	Good	10		214	214	Shagbark hickory	<i>Carya ovata</i>	Good	10		244	244	Shagbark hickory	<i>Carya ovata</i>	Good	10	
29	29	White oak	<i>Quercus alba</i>	Good	14		89	89	Shagbark hickory	<i>Carya ovata</i>	Good	7		215	215	Shagbark hickory	<i>Carya ovata</i>	Good	10		245	245	Shagbark hickory	<i>Carya ovata</i>	Good	10	
30	30	White oak	<i>Quercus alba</i>	Good	11		90	90	Shagbark hickory	<i>Carya ovata</i>	Good	10		216	216	F. oak	<i>Quercus alba</i>	Good	10		246	246	Shagbark hickory	<i>Carya ovata</i>	Good	10	
31	31	White oak	<i>Quercus alba</i>	Good	13		91	91	Red oak	<i>Quercus rubra</i>	Good	12		217	217	F. oak	<i>Quercus alba</i>	Good	10								
32	32	White oak	<i>Quercus alba</i>	Good	19		92	92	White oak	<i>Quercus alba</i>	Good	10		218	218	Shagbark hickory	<i>Carya ovata</i>	Good	10								
33	33	Shagbark hickory	<i>Carya ovata</i>	Good	5		93	93	White oak	<i>Quercus alba</i>	Good	10		219	219	Shagbark hickory	<i>Carya ovata</i>	Good	10								
34	34	White oak	<i>Quercus alba</i>	Good	8		94	94	White oak	<i>Quercus alba</i>	Good	10	2 Trunks	220	220	F. oak	<i>Quercus alba</i>	Good	10								
35	35	White oak	<i>Quercus alba</i>	Good	10		95	95	Green ash	<i>Fraxinus pennsylvanica</i>	Good	10		221	221	F. oak	<i>Quercus alba</i>	Good	10								
36	36	White oak	<i>Quercus alba</i>	Good	9		96	96	Red oak	<i>Quercus rubra</i>	Good	21		222	222	F. oak	<i>Quercus alba</i>	Good	10								
37	37	White oak	<i>Quercus alba</i>	Good	6		97	97	Green ash	<i>Fraxinus pennsylvanica</i>	Good	16	2 Trunks	223	223	F. oak	<i>Quercus alba</i>	Good	10								
38	38	Sugar maple	<i>Acer saccharum</i>	Good	7		98	98	Shagbark hickory	<i>Carya ovata</i>	Good	10		224	224	Green ash	<i>Fraxinus pennsylvanica</i>	Good	10								
39	39	Sugar maple	<i>Acer saccharum</i>	Good	7		99	99	White oak	<i>Quercus alba</i>	Good	5		225	225	Shagbark hickory	<i>Carya ovata</i>	Good	10								
40	40	White oak	<i>Quercus alba</i>	Good	10		100	100	White oak	<i>Quercus alba</i>	Good	10		226	226	American elm	<i>Ulmus americana</i>	Good	10								
41	41	Red oak	<i>Quercus rubra</i>	Good	13		101	101	White oak	<i>Quercus alba</i>	Good	8		227	227	Shagbark hickory	<i>Carya ovata</i>	Good	10								
42	42	White oak	<i>Quercus alba</i>	Good	5		102	102	White oak	<i>Quercus alba</i>	Good	6		228	228	F. oak	<i>Quercus alba</i>	Good	10								
43	43	White oak	<i>Quercus alba</i>	Good	8		103	103	White oak	<i>Quercus alba</i>	Good	6		229	229	F. oak	<i>Quercus alba</i>	Good	10								
44	44	White oak	<i>Quercus alba</i>	Good	12		104	104	White oak	<i>Quercus alba</i>	Good	10		230	230	Shagbark hickory	<i>Carya ovata</i>	Good	10								
45	45	Black walnut	<i>Juglans nigra</i>	Good	14		105	105	White oak	<i>Quercus alba</i>	Good	6		231	231	Black oak	<i>Quercus velutina</i>	Good	10								
46	46	American elm	<i>Ulmus americana</i>	Good	6		106	106	Sugar maple	<i>Acer saccharum</i>	Good	6		232	232	F. oak	<i>Quercus alba</i>	Good	10								
47	47	American elm	<i>Ulmus americana</i>	Good	7		107	107	Sugar maple	<i>Acer saccharum</i>	Good	7		233	233	F. oak	<i>Quercus alba</i>	Good	10								
48	48	Black oak	<i>Quercus velutina</i>	Good	17		108	108	Sugar maple	<i>Acer saccharum</i>	Good	6		234	234	White oak	<i>Quercus alba</i>	Good	10								
49	49	Black walnut	<i>Juglans nigra</i>	Good	14		109	109	Pin oak	<i>Quercus palustris</i>	Good	12		235	235	Black cherry	<i>Prunus serotina</i>	Good	10								
50	50	Sugar maple	<i>Acer saccharum</i>	Good	9		110	110	Sugar maple	<i>Acer saccharum</i>	Good	6		236	236	F. oak	<i>Quercus alba</i>	Good	10								
51	51	White oak	<i>Quercus alba</i>	Good	8		111	111	Shagbark hickory	<i>Carya ovata</i>	Good	8		237	237	Black cherry	<i>Prunus serotina</i>	Good	10								
52	52	White oak	<i>Quercus alba</i>	Good	7		112	112	Black oak	<i>Quercus velutina</i>	Good	15		238	238	F. oak	<i>Quercus alba</i>	Good	10								
53	53	Black walnut	<i>Juglans nigra</i>	Good	18		113	113	Sugar maple	<i>Acer saccharum</i>	Good	7		239	239	Shagbark hickory	<i>Carya ovata</i>	Good	10								
54	54	White oak	<i>Quercus alba</i>	Good	8		114	114	Shagbark hickory	<i>Carya ovata</i>	Good	6		240	240	F. oak	<i>Quercus alba</i>	Good	10								
55	55	White oak	<i>Quercus alba</i>	Good	9		115	115	White oak	<i>Quercus alba</i>	Good	10		241	241	American elm	<i>Ulmus americana</i>	Good	10								
56	56	Black cherry	<i>Prunus serotina</i>	Good	6		116	116	Sugar maple	<i>Acer saccharum</i>	Good	10		242	242	Shagbark hickory	<i>Carya ovata</i>	Good	10								
57	57	Shagbark hickory	<i>Carya ovata</i>	Good	12		117	117	Sugar maple	<i>Acer saccharum</i>	Good	6		243	243	Black cherry	<i>Prunus serotina</i>	Good	10								
58	58	Shagbark hickory	<i>Carya ovata</i>	Good	10		118	118	White oak	<i>Quercus alba</i>	Good	17		244	244	American elm	<i>Ulmus americana</i>	Good	10								
59																											

**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:

SP/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 Jupiter 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

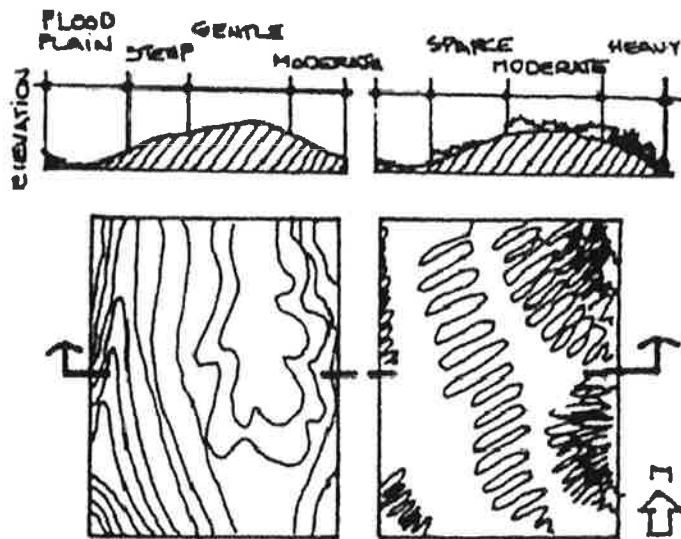
If the Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to poor drainage, flood hazard, topography, inadequate water or sewer supply, slippage potential, unstable subsurface conditions due to poor soils or other reasons and other such conditions 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.

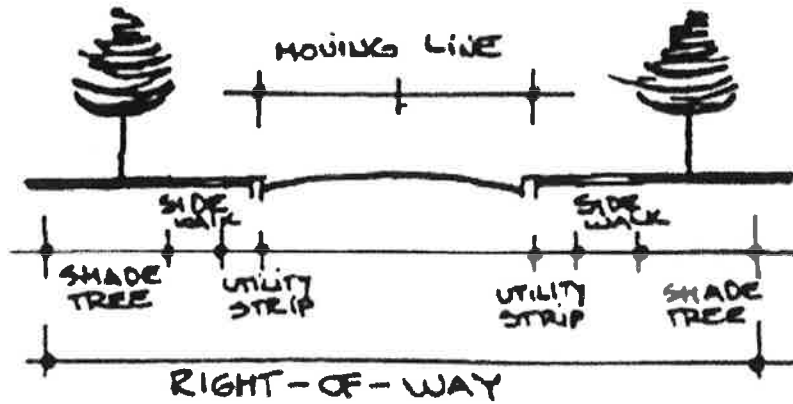


(E) Private Streets

- (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.

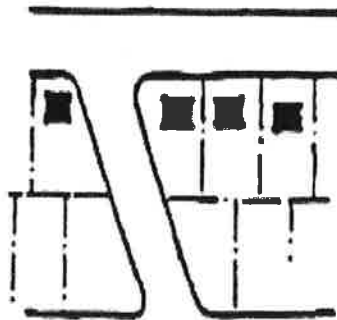
408 – Blocks

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 of 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.

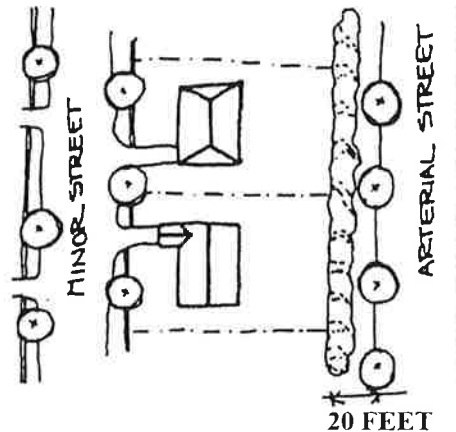
409 – Lots

- (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.
- 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

☒ 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

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:


G. Allen Ryan

PRINTED NAME

Date: 2-6-20

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



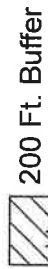
PC-2020-04

Surrounding Property Owners Notifications Map

Legend



Subject Area



200 Ft. Buffer



Oxford Corp. Limit



Address Point

Parcel

16.5' Vacated ROW



Building Footprint



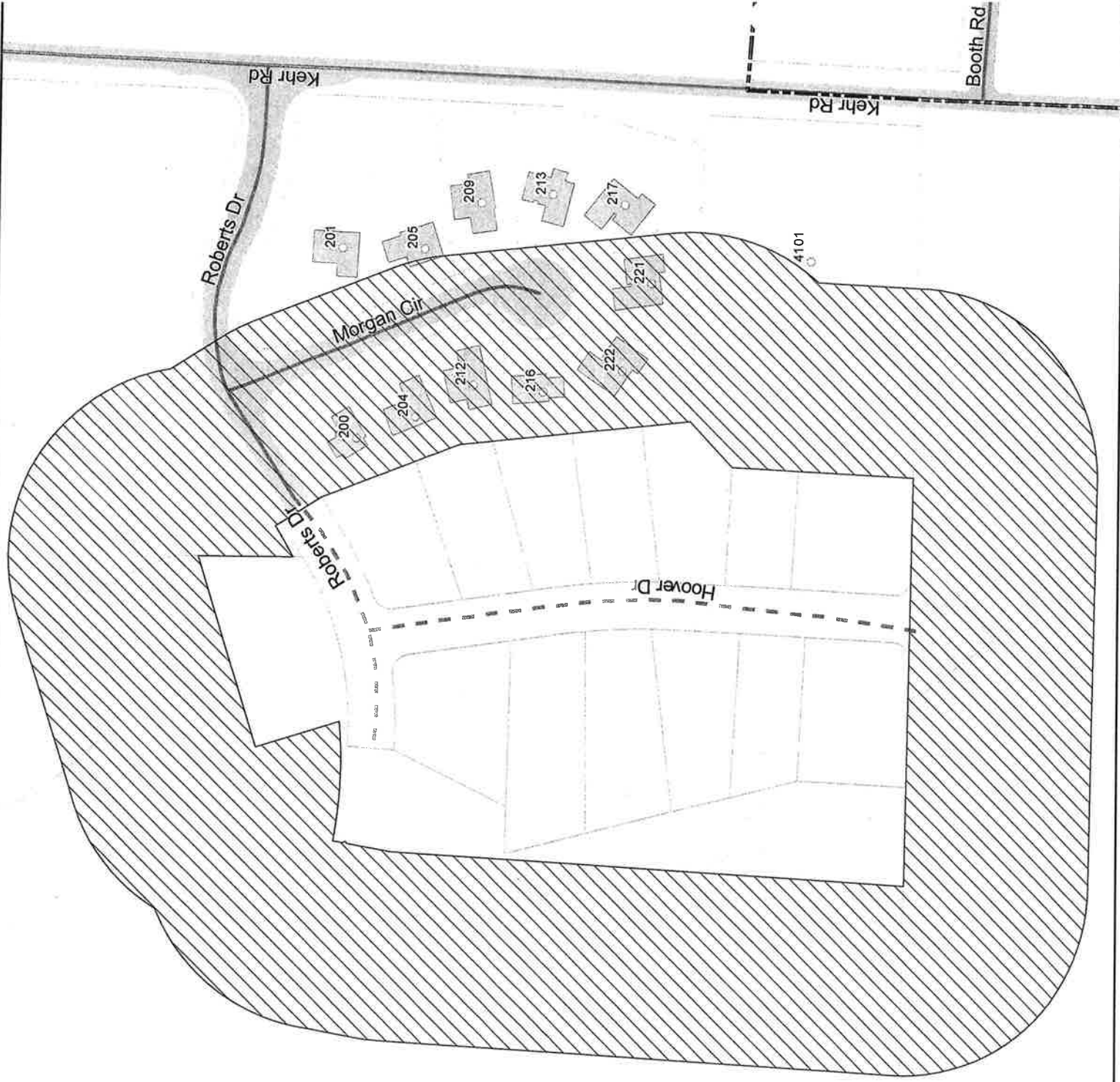
Paved Roadway



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

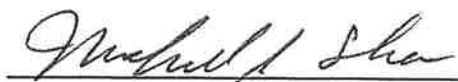
A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval. The review is based on the General Decision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

Fees & Receipt

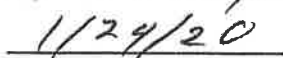
The fees for a Preliminary, Final, or combined Preliminary and Final Planned Development application are \$470.00 plus \$100.00 per acre, plus \$10.00 postage charge.

Sign and Date

Applicant Signature *



Date *



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

FEB 18 2020

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

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.

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

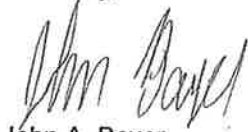
Enclosed please find Draft Covenants and Restrictions for the development.

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.

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.

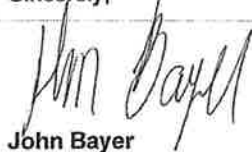
12. Though the sample elevation drawings are great for demonstrating the intended home products, we need the exact controlling aspects to be identified as part of this approval. You may propose your own architectural standards, or I can suggest some for inclusion in our recommendation. I do not think 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 follow 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.

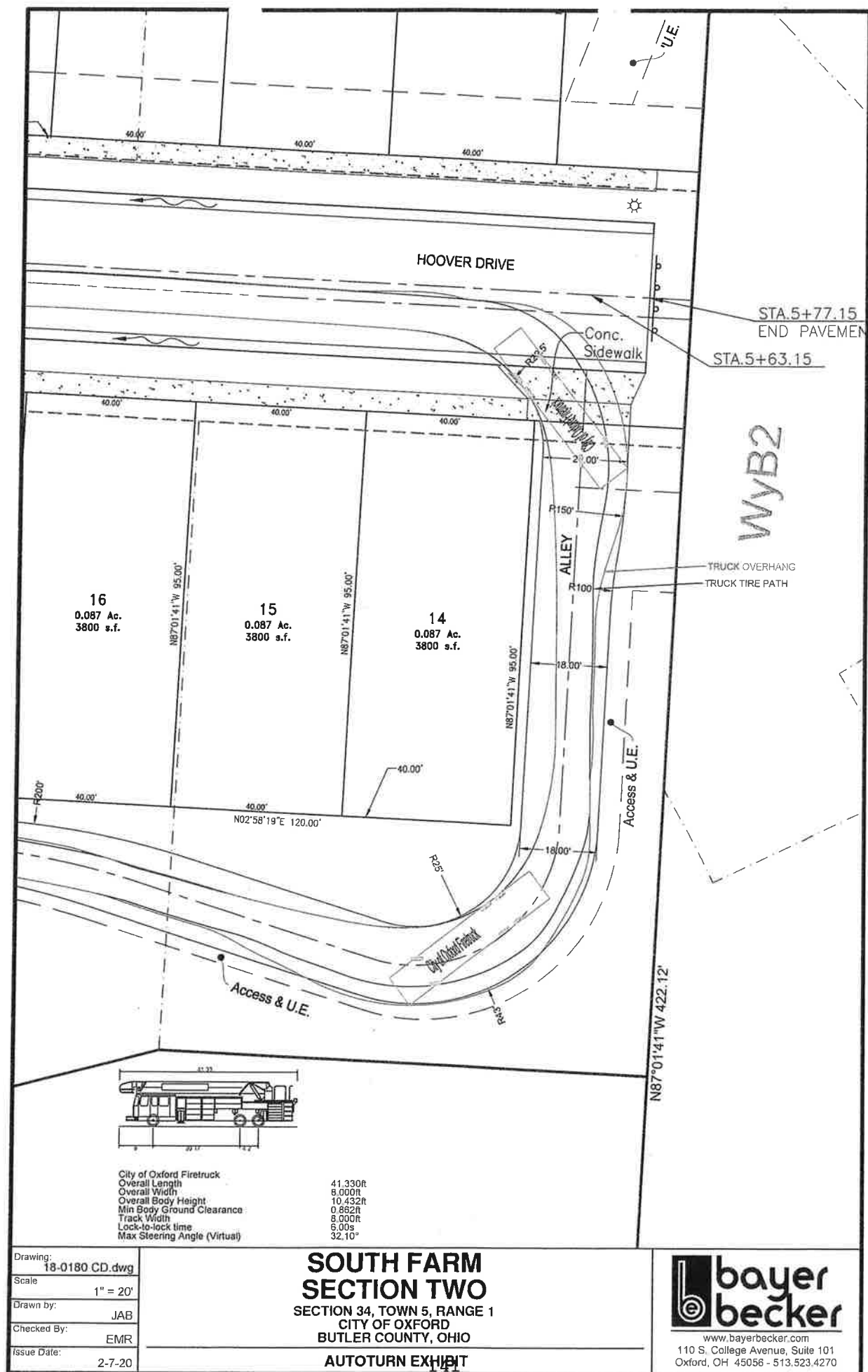
Should you have any questions, or need any additional information, please do not hesitate to contact us.

Sincerely,



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

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



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 110 South College Ave, Suite 101 1404 Race Street, Suite 204
Mason, OH 45040 Oxford, OH 45056 Cincinnati, OH 45202
513-336-6600 513-523-4270 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;

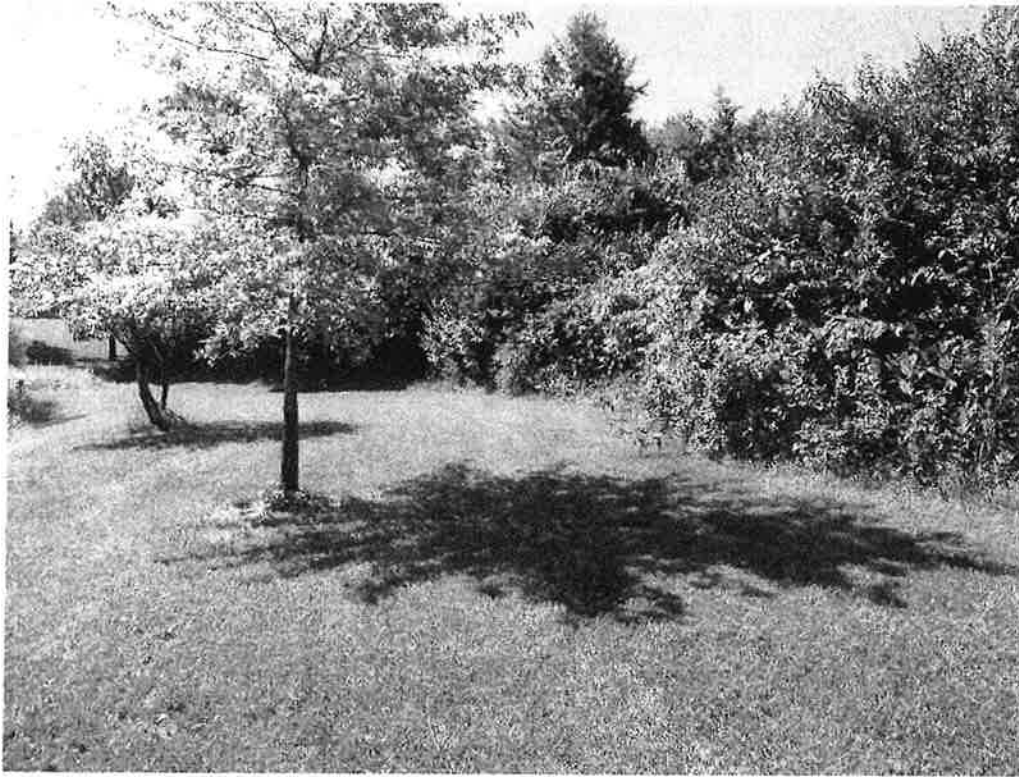
thence, continuing with the westerly boundary of said South Farm, Section 1, South 05° 49' 43" East, 247.00 feet to the **True Point of Beginning** containing 296,786 square feet or 6.813 acres of land, more or less.



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.



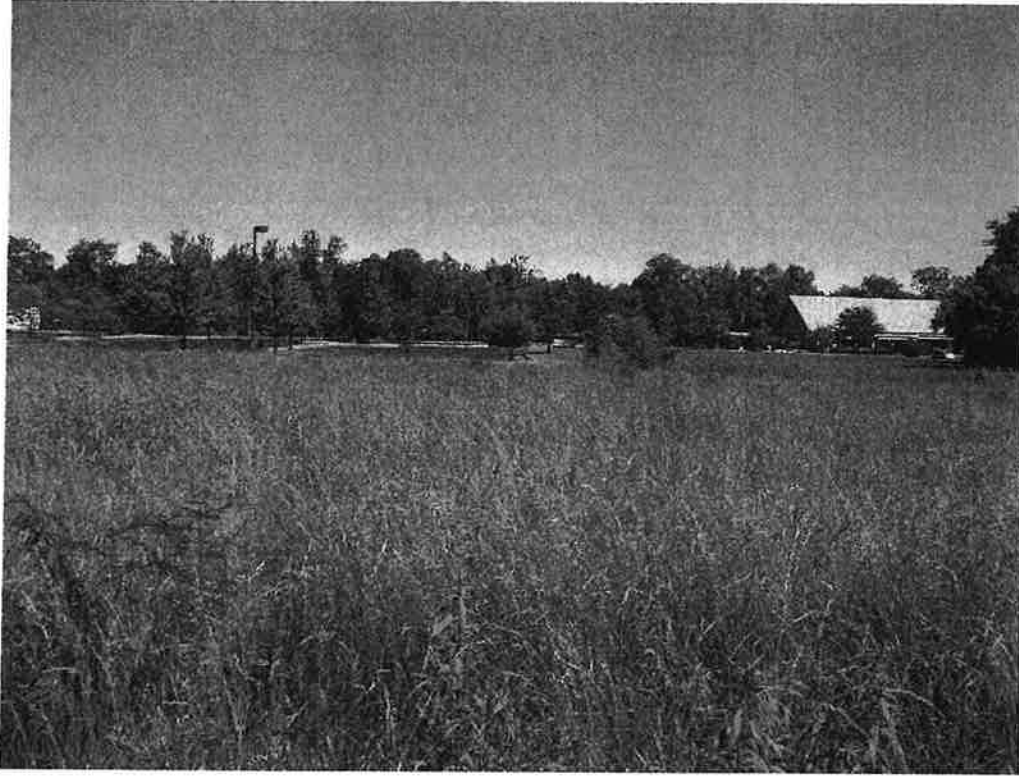
View from north property line facing west.



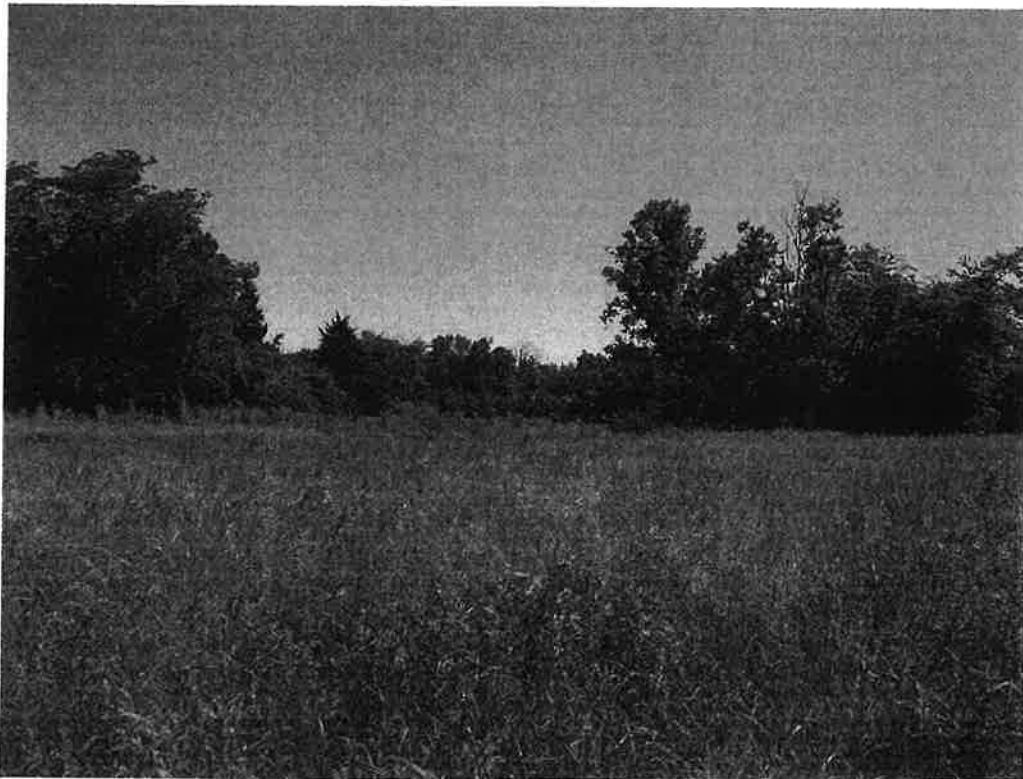
View from the north property line facing south towards future development.



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.

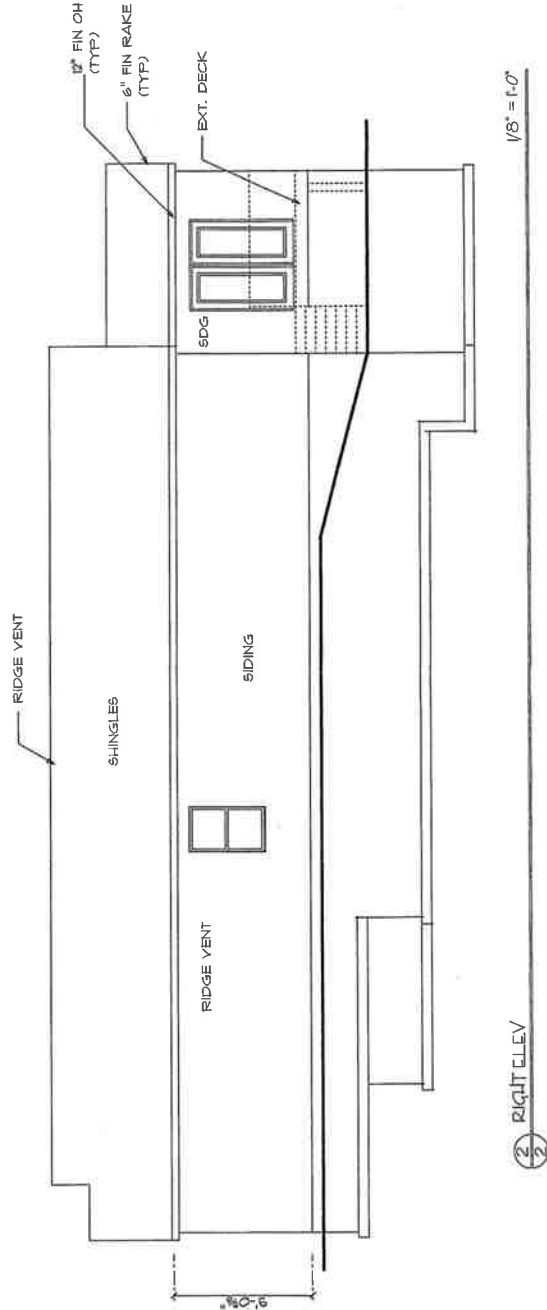
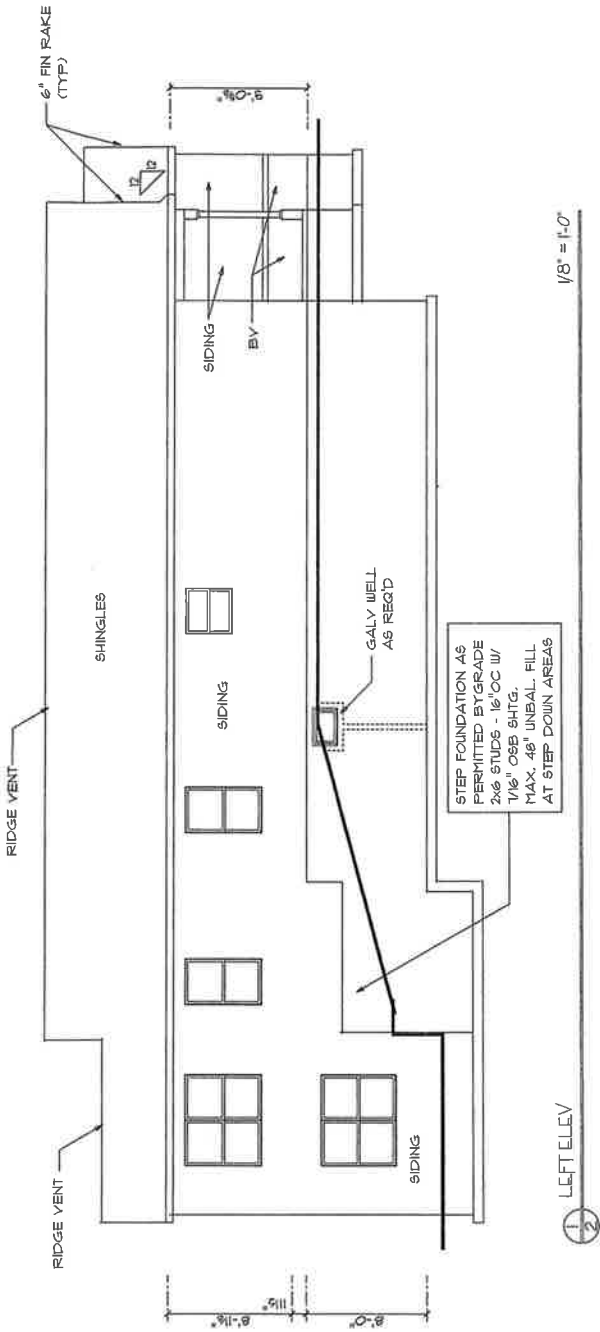


View from the center of the property of the future development facing east.



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

JOB NAME: THE ANSALONE RESIDENCE		JOB NO. 14216		SHEET NO. 07016	
LOT # 14025 21.05 WILSON CT. FAIRFIELD, CT 06424		JOB NO. 14216		SHEET NO. 07016	
JOB ADDRESS: 5464 WESLEY WAY WILMINGTON, OH 45001 OFF (513) 892-8749		JOB NO. 14216		SHEET NO. 07016	
DATE: 06/29/17		DATE: 07/04/17		DATE: 07/04/17	
DESCRIPTION: STUDY PLAN		DESCRIPTION: STUDY PLAN		DESCRIPTION: STUDY PLAN	
DRAWN BY: TVG		DRAWN BY: TVG		DRAWN BY: TVG	
CHECKED BY: TVG		CHECKED BY: TVG		CHECKED BY: TVG	
APPROVED BY: TVG		APPROVED BY: TVG		APPROVED BY: TVG	
PRINTOUT DATE: JULY 04, 2017		PRINTOUT DATE: JULY 04, 2017		PRINTOUT DATE: JULY 04, 2017	
SHEET NO. 2		SHEET NO. 2		SHEET NO. 2	



TERMITE CONTROL: METHODS OF PROTECTION SHALL BE BY CHEMICAL SOIL TREATMENT, TREATMENT RESISTANT WIRE OR PHYSICAL BARRIERS (SUCH AS METAL OR PLASTIC TERMITES SHIELDS), OR ANY COMBINATION OF THESE METHODS.

STEP FOUNDATION AS PERMITTED BY GRADE 246 STUDS - 16" O.C. W/ MAX 4" W/ 16" O.C. FILL AT STEP DOWN AREAS

EMERGENCY EGRESS FROM EACH SLEEPING ROOM: MIN. CLEAR OPENING 5.7 SQ. FT. 20" MIN. CLEAR OPENING WITH 24" MIN. CLEAR OPENING HEIGHT 44" MIN. CLEAR HEIGHT ABOVE FINISHED FLOOR

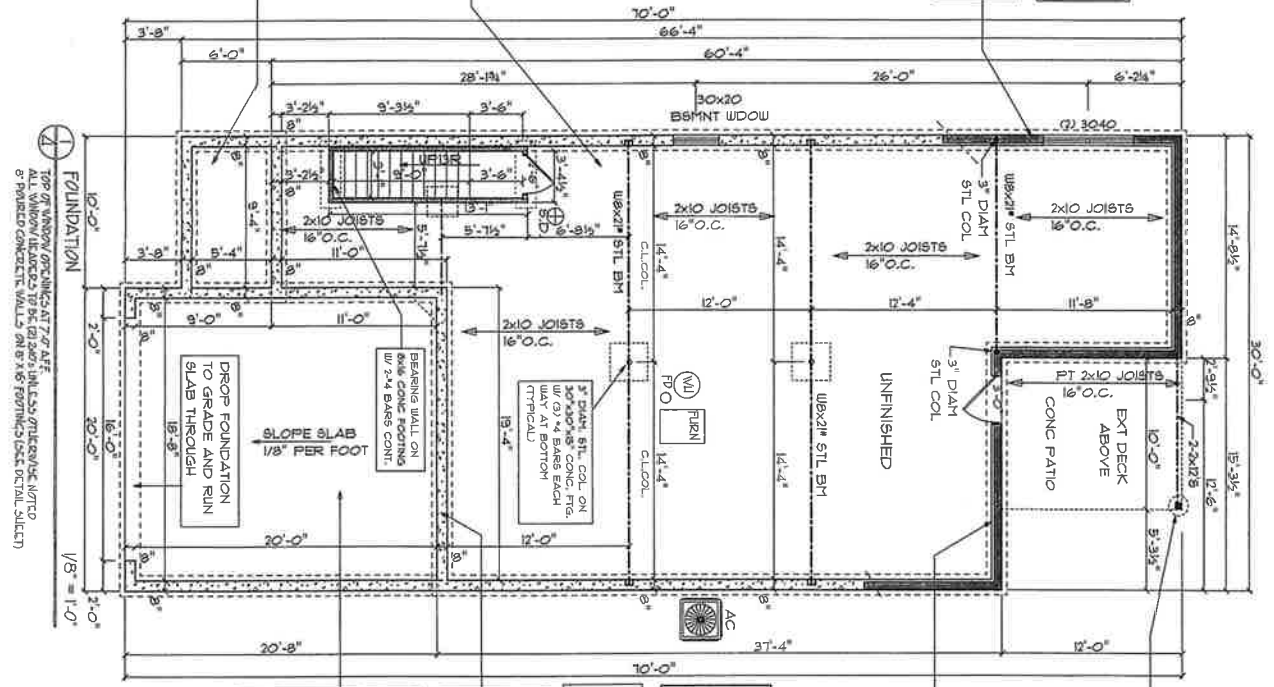
WINDOW SUPPLIER TO CONFIRM THAT UNITS SUPPLIED CONFORM TO THESE SPECIFICATIONS

TEMPERED GLASS REQUIREMENTS:
1) GLASS MINIMUM 1/2" 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 36" FT AND 18" A.F.F. VERIFY FIRESTOPS (AS REQ'D) AT ALL GYPSUM BOARD CEILING

BASEMENT AREA
4" CONCRETE SLAB WITH 6"x6"x10 W/ 1/2" 8" GRAVEL FILL W/ 6" MIN. 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 GROUNDING WITH A "JUL DIRECT BUREL GROUND CLAMP WITH 1/4" BARE COPPER WIRE. ALL REBAR IN FOOTING IS 20' LENGTHS TIED WITH STEEL WIRE TIES AS REQUIRED TO FORM A CONTINUOUS BOND AT FOOTERS.



6"x6" PT POST SET ON GALLY BASE ANCHOR FASTENED TO 16" DIAM. CONC. PIER - MIN. 30" BELOW GRADE LINE (TYPICAL)

2"x24" PERIMETER INSULATION AT WALKOUT TYPICAL

GENERIC WINDOW OPENING SIZES ARE SHOWN HERE EX. 3050 = 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 DROPS, BEAMS, ETC. (MAXIMUM IF 50% OF FINISHED AREA)

FOUNDATION ANCHOR BOLTS BETWEEN GARAGE AND BASEMENT: 1/2" DIAM 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 OPNGS

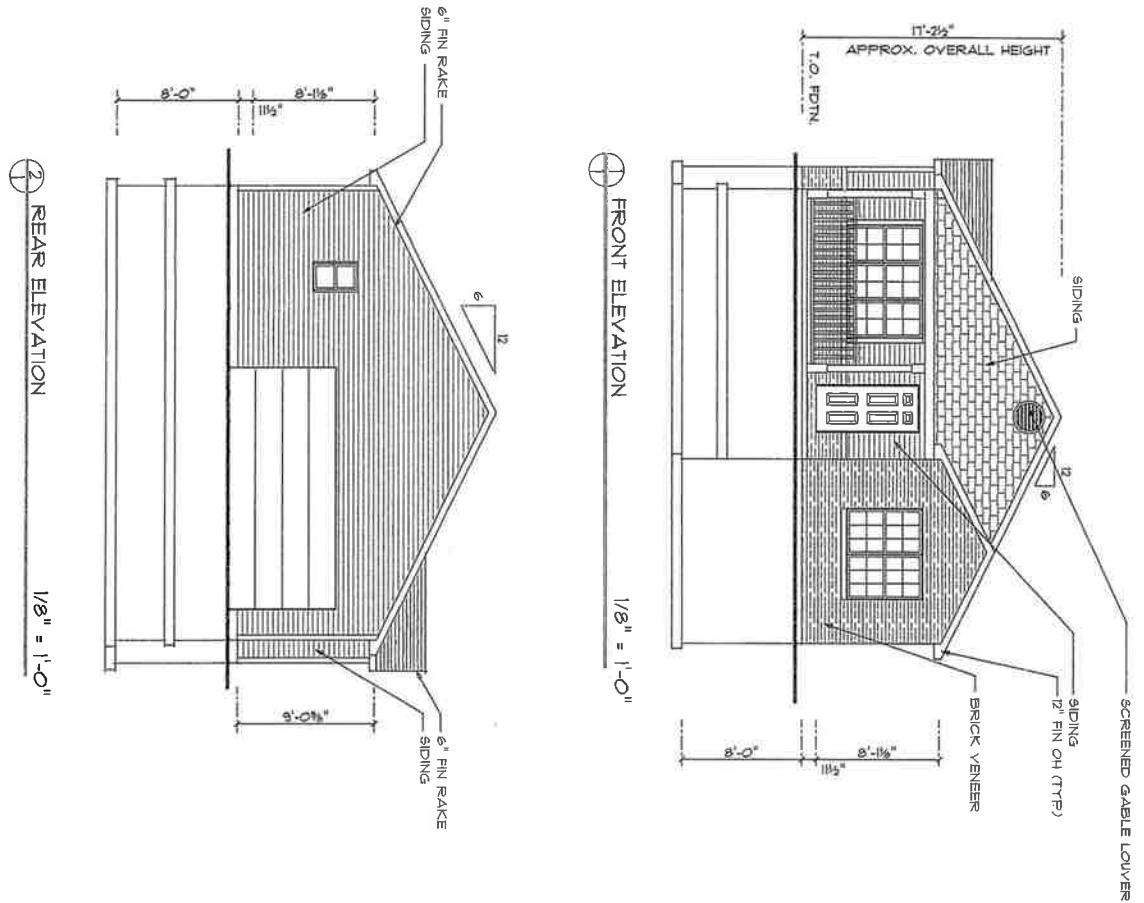
4" CONCRETE SLAB OVER 8" WASHED GRAVEL FILL. SLOPE SLAB MIN 1/8" TO 1/4" PER FOOT TOWARDS DOORS) IF FLOOR DRAINS ARE USED IN GARAGE SLOPE SLAB TO DRAINS. DESTINATION OF ALL GARAGE FLOOR DRAINS (IF USED) INTO SANITARY SEWERS.

FOUNDATION TOP OF WINDOW OPENINGS AT 7'-0" A.F.F. ALL WINDOW HEADS TO BE 2" MIN. INSULATED (SEE DETAIL SHEET) 6" REINFORCED CONCRETE WALLS ON 8" X 8" FOOTINGS (SEE DETAIL SHEET)

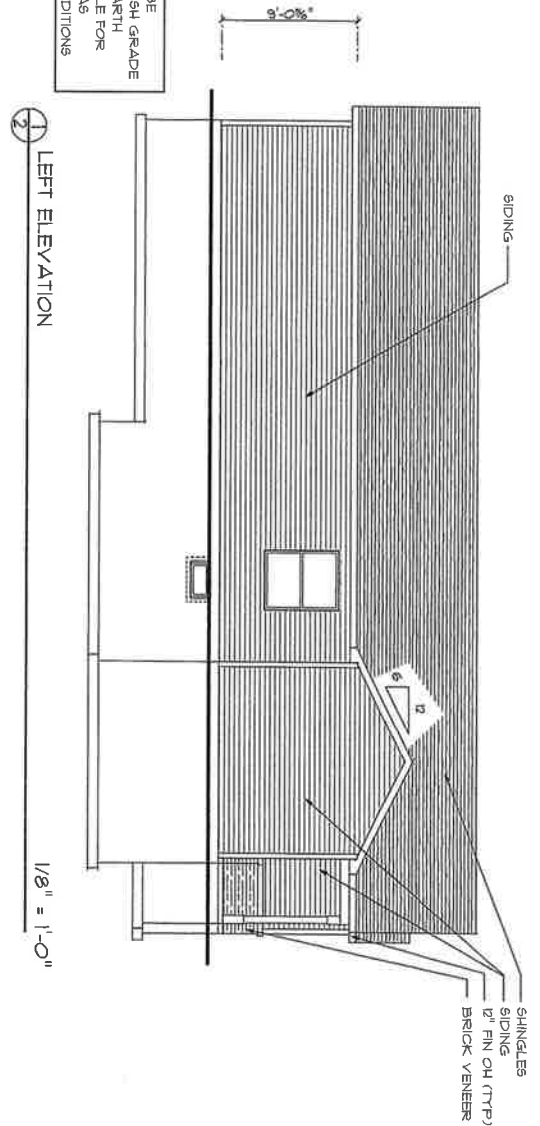
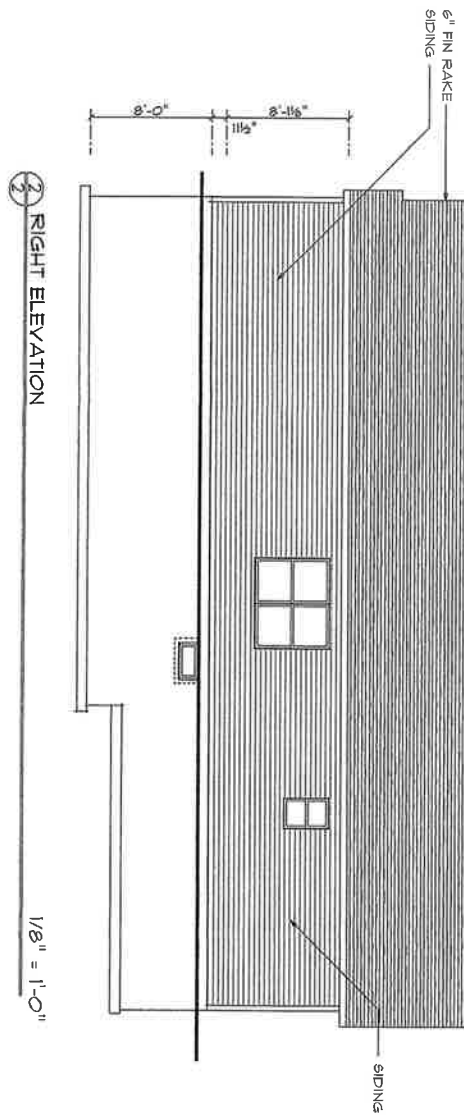
Job Name: THE ANSALONE RESIDENCE			
Job Address: LOT # 10033, OLD WINTON CT, FAIRFIELD, CT 06424			
VPD No: 57015	Job No: 1416	Plan No: 1416	Sheet: FOUNDATION

JNB CUSTOM HOMES
5464 WESLEY WAY
HAMILTON, CT 06101
OFF: (513) 892-8749

PRINTOUT DATE: July 04, 2017	SHEET NO. 4	
DATE: 06/20/17	DESCRIPTION: STUDY PLAN	DRAWN BY: TVG
07/10/17	PERMIT SET	TVG



Job Name: MARY DESSEAU RESIDENCE				JNB CUSTOM HOMES				PRINTOUT DATE: September 17, 2016		SHEET NO.
Job Address: 5024 OLDE WINTON LANE OLDE WINTON FAIRFIELD, OHIO 45014				5464 WESLEY WAY HAMILTON, OH 45011 OFF: (513) 892-8149				DATE:	DESCRIPTION:	DRAWN BY:
VPD No:	Job No:	Plan No.	Sheet:					06/27/16	PERMIT SET	TUG
								07/13/16	BLOG CMT REV'S	TUG
								07/14/16	BLOG DEPT REV'S	TUG
47022		1-1180	FT / REAR ELEV							



Job Name: MARY DESSEAU RESIDENCE			
Job Address: 5824 OLDE WINTON LANE OLDE WINTON FAIRFIELD, OHIO 45014			
VPD No. 4/1022	Job No. 1-11-02	Plan No. SIDE ELEV	Sheet 157

JNB CUSTOM HOMES

5464 WESLEY WAY
HAMILTON, OH 45011
OFF: (513) 892-8143

157

PRINTOUT DATE: September 17, 2011			SHEET NO. 2
DATE:	DESCRIPTION:	DRAWN BY:	
08/21/11	PERMIT SET	TUG	
08/21/11	BLDG DEPT REV'S	TUG	
08/21/11	BLDG DEPT REV'S	TUG	



GENERIC WINDOW OPENING SIZES ARE SHOWN HERE
 EX: 3050 = 3'-0" WIDE x 5'-0" HIGH
 WINDOW SUPPLIER IS TO PROVIDE PROPER R.O. SIZES
 AND WINDOW DESIGNATIONS.

6x6 FT POST CONT. TO BEARING
 BOX FRAME TO 8"
 SUPPLY SIMPSON POST BASE
 EPIBOLT (OR EQUAL) SECURED TO
 CONCRETE W/ 5/8" ROD IMBEDDED
 T" IN CONCRETE. INSTALL PER
 MANUFACTURER'S SPECIFICATIONS

1 HR FIRE RATED AT
 ALL SIDES OF ENTIRE BUMP-OUT
 (WALLS AND BANDBOARD)
 5/8" F.C. DRYTALL INSIDE AND
 5/8" F.C. DRYTALL OUTSIDE AND
 UP OVER FACE OF GABLE
 W/ PLYWOOD SHEET OVER
 PROVIDE FIRESTOP AT SCOTTS
 TO PREVENT HORIZONTAL DRAFT

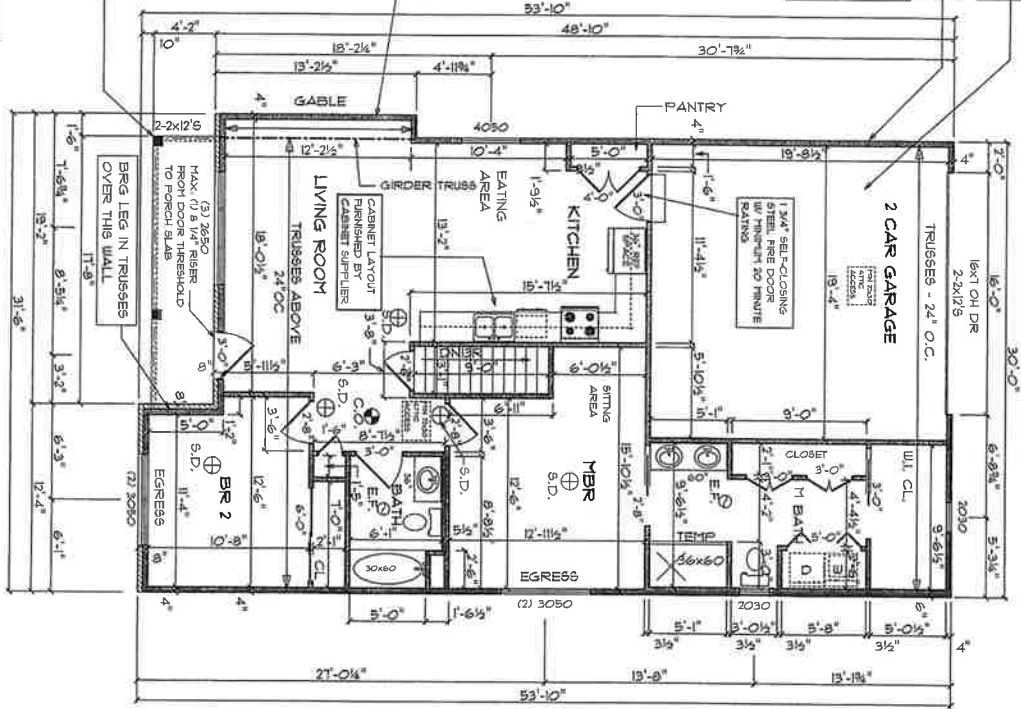
TEMPERED GLASS REQUIREMENTS:
 1) ANY GLAZING WITHIN 24" OF ARC OF
 DOOR OR WINDOW EDGE LESS
 THAN 60" A.F.F.
 2) ANY GLAZING 3/8" HORIZONTALLY FROM
 INSIDE EDGE OF TUB AND LESS THAN
 60" ABOVE LEVEL OF DRAIN
 3) ANY GLAZING 18 SQ FT AND 18" A.F.F.
 VERIFY FIRESTOP (AS REQD) AT ALL
 GYPSUM BOARD CEILINGS

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

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

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

SEE GARAGE SHEAR
 WALL DETAIL - SHEETS



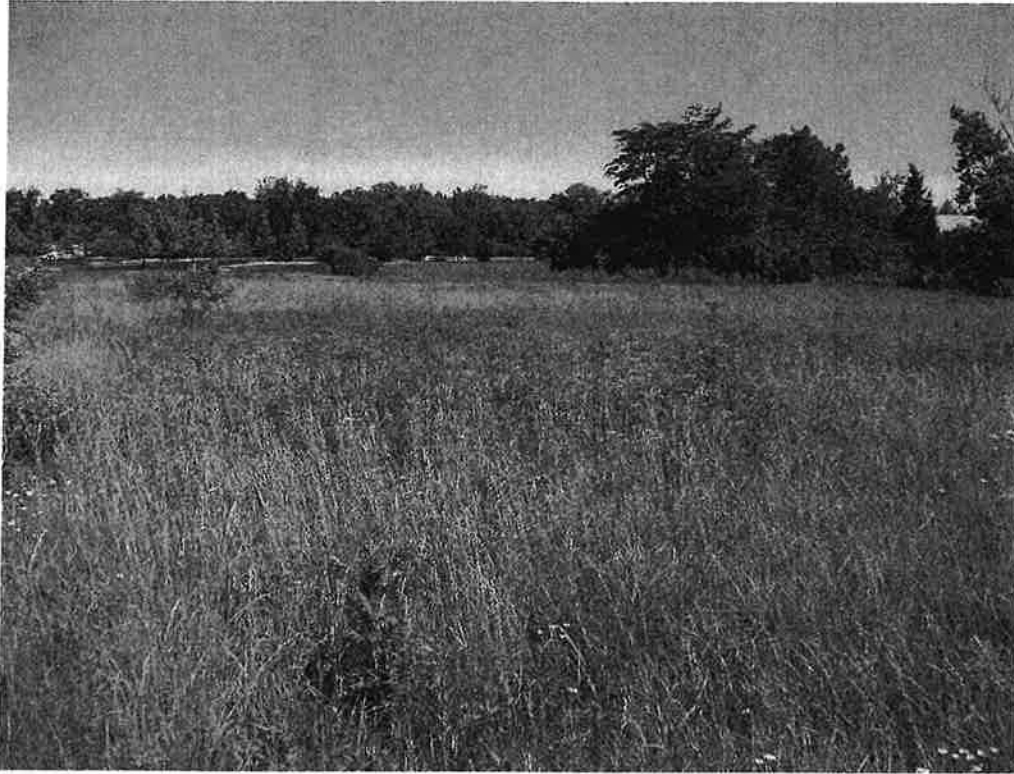
1 MAIN FLOOR PLAN
 1/8" = 1'-0"
 1180 SQ. FT. LIVING AREA
 TOP OF WINDOW OPENINGS AT 1'-0" A.F.F.
 ALL WINDOW HEADERS TO BE (2) 2x10 UNLESS OTHERWISE NOTED
 CEILINGS ARE 8'-1 1/2" ABOVE FLOOR UNLESS OTHERWISE NOTED.

Job Name: MARY DESSEAU RESIDENCE		
Job Address: 5824 OLDE WINTON LANE OLDE WINTON FAIRFIELD, OHIO 45014		
VPO No. 41022	Job No./Plan No. 1-1180	Sheet: FLOOR PLAN

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

PRINTOUT DATE: September 17, 2011		SHEET NO.
DATE:	DESCRIPTION:	DRAWN BY:
06/20/10	PERMIT SET	TUG
08/13/10	BLDG DEPT REV'S	TUG
08/16/10	BLDG DEPT REV'S	TUG

3



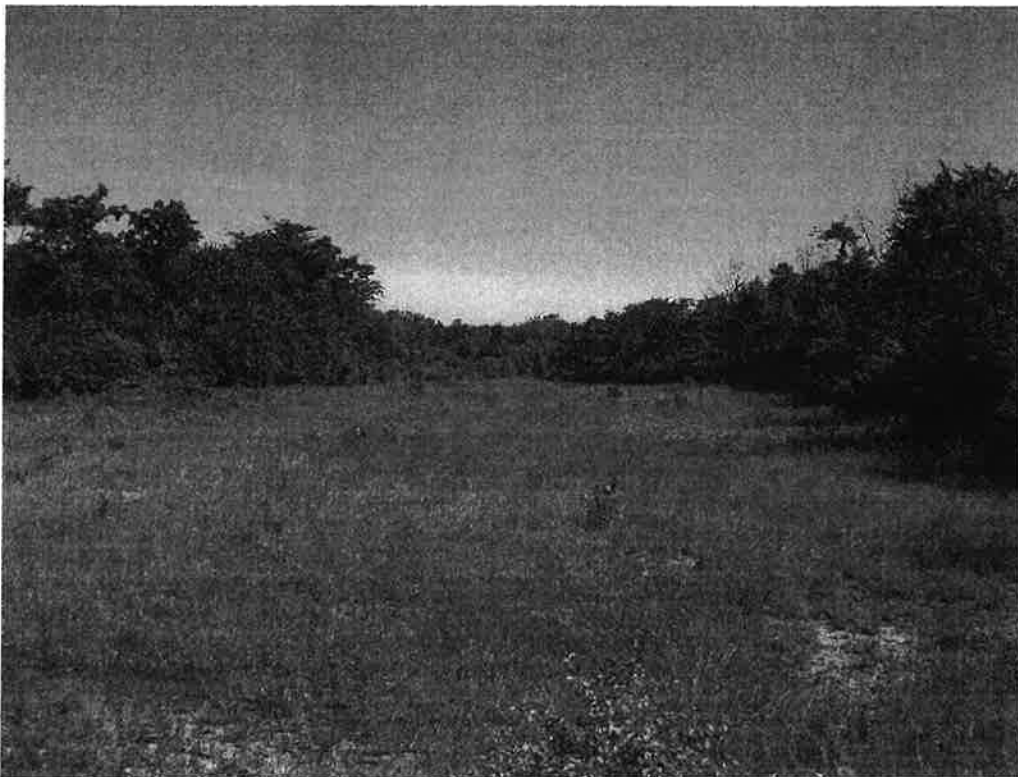
View from the center of the property of the future development facing north.



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



**COLDWELL
BANKER**
WEST SHELL



STARTING AT \$160,000

Built by JNB Custom Homes, LLC

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



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



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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

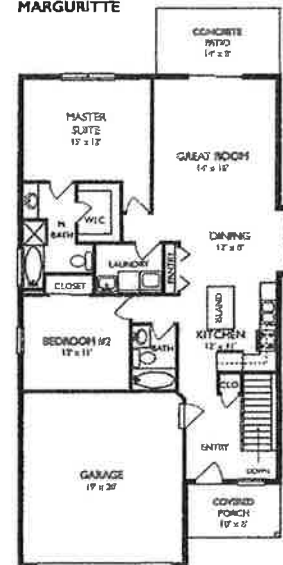
BETSY



THE MARGUERITE

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

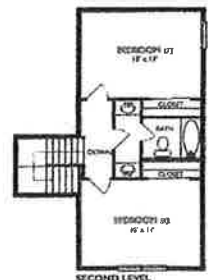
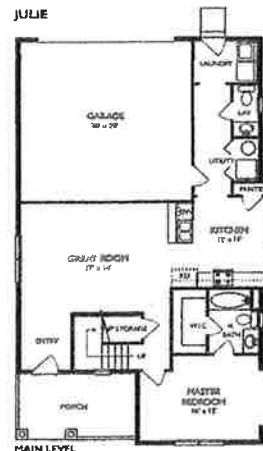
MARGUERITE



THE JULIE

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

JULIE



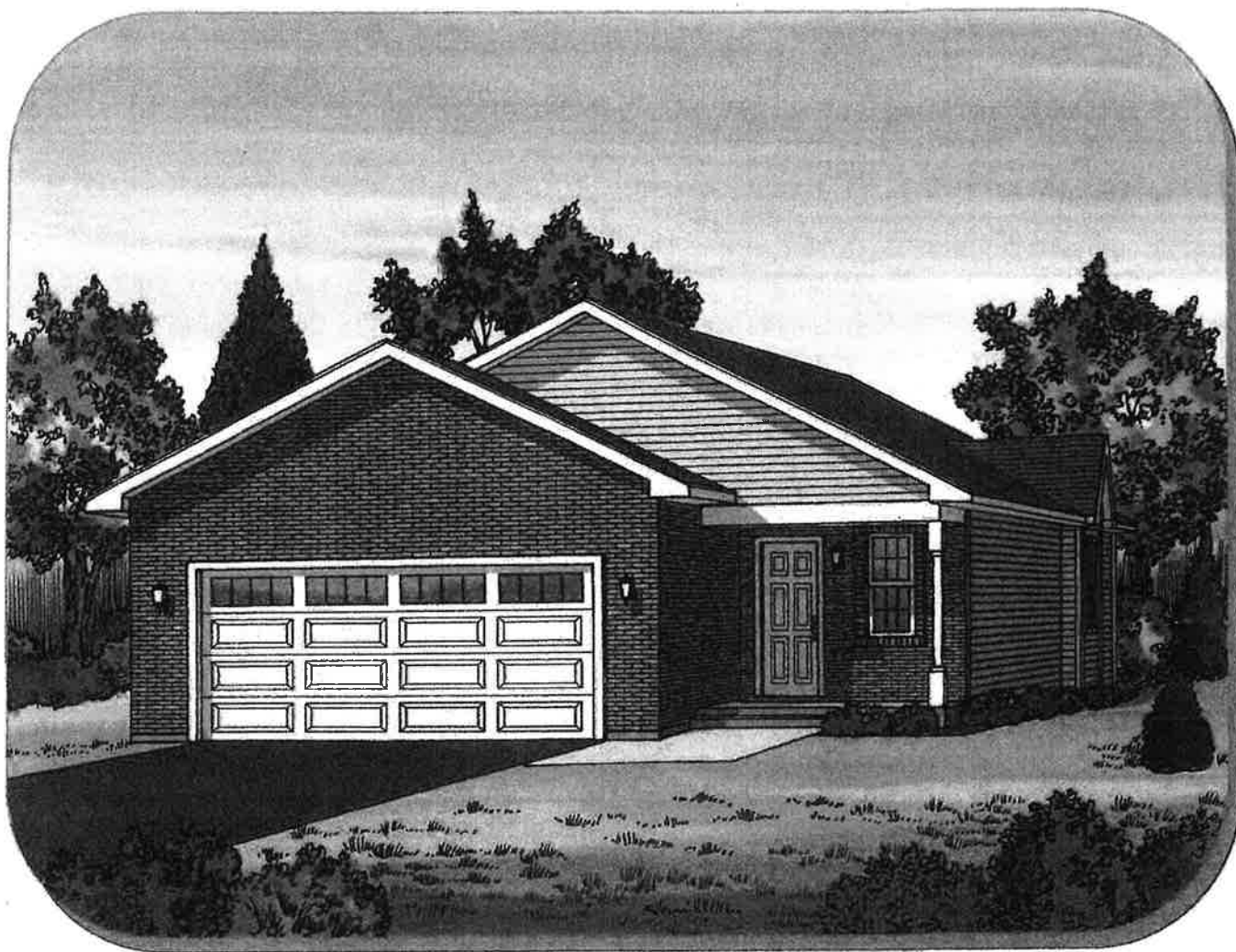
**COLDWELL
BANKER**

WEST SHELL

OLDE WINTON

CUSTOM GARDEN HOMES

HASSLE-FREE LIVING IN FAIRFIELD



MARGUERITE

Ranch Style | Two Bedroom | First Floor Laundry



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



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

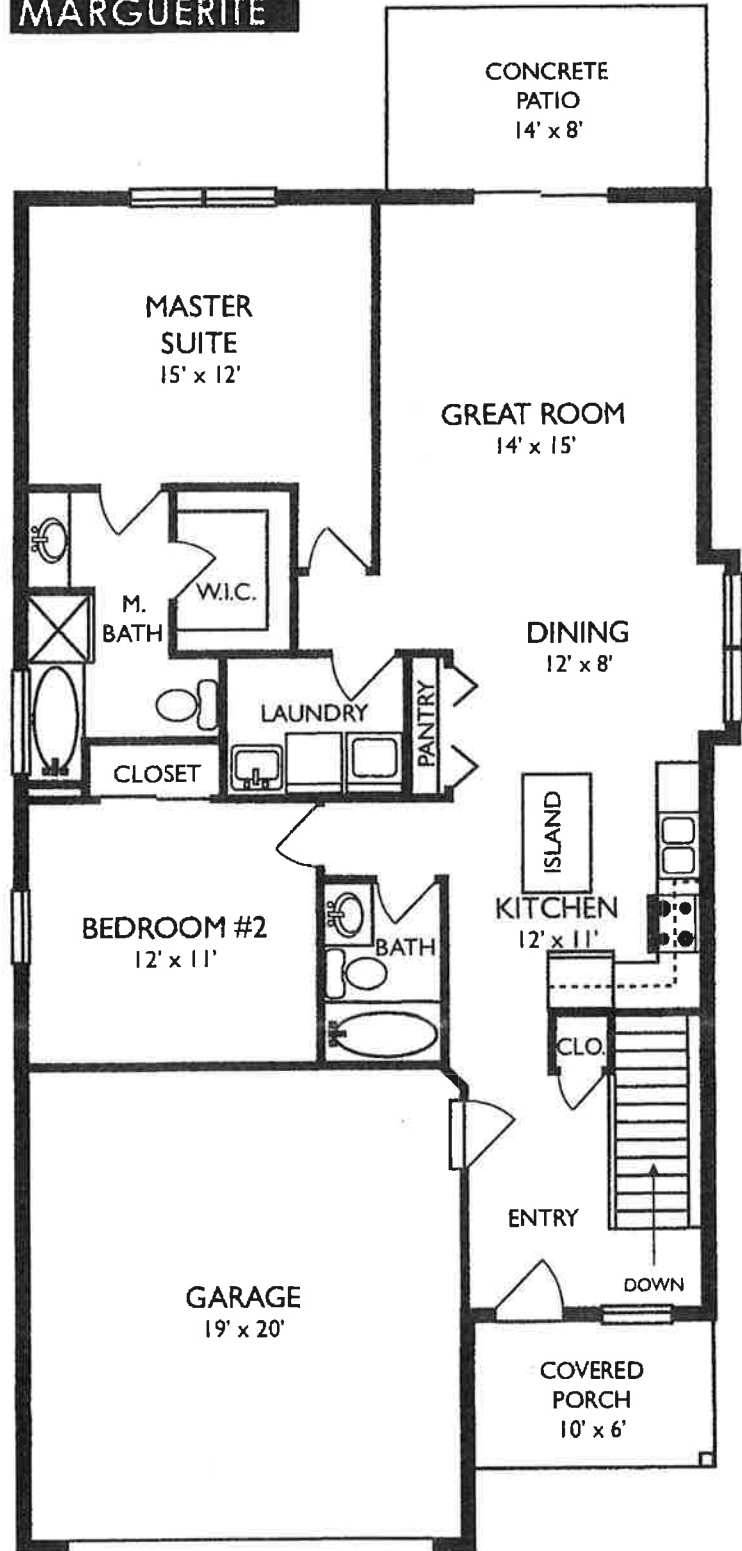
Includes Snow Removal, Mowing
and Landscape Management

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 2: *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 affect 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
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
--

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/mre / 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)

EXHIBIT "A"

LOUIS 3078-3081, 3087-3089, 3555, 3669-3674 AND 3695
SECTION 34, TOWN 5, RANGE 1
CITY OF OXFORD, BUTLER COUNTY, OHIO



FINAL PLAT FOR SOUTH FARM-SECTION 2 & 2A
SECTION 34, TOWN 5, RANGE 1
CITY OF OXFORD, BUTLER COUNTY, OHIO

NEXUS ENGINEERING

**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/mae / 4-17-20
DRE / 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 Search² 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/>

