City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Agenda

Oxford City Council

Court House

TUESDAY, AUGUST 3, 2021

EXECUTIVE SESSION
None.

TUESDAY, AUGUST 3, 2021

1. Roll Call.

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
6:30 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. Update – Covid-19 Protocols at Miami University – Dr. Dana Cox & Dr. Steve Large.

B. Proclamation – "Red Brick Reunion Day"

Proclamation

C. Proclamation – "Equality Day"

Proclamation

D. 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.

A. Update – Covid-19 Protocols at Miami University – Jayne Brownell, Vice President for Student Affairs and Steve Large, Assistant Vice President of Health and Wellness for Student Affairs.

4. Consent Agenda.

A. Minutes of the July 20, 2021 City Council Work Session. (Mary Ann Eaton, Clerk of Council) pg7

Minutes

B. Minutes of the July 20, 2021 City Council Meeting. (Mary Ann Eaton, Clerk of Council) pg10

Minutes

C. Report regarding the July 14, 2021 Historic and Architectural Preservation Commission Meeting. (Sam Perry, Community Development Director) pg19

Report

D. Report regarding the July 21, 2021 Board of Zoning Appeals Meeting. (Sam Perry, Community Development Director) pg20

Report

E. A Resolution declaring certain City property no longer needed for any municipal purpose as surplus and authorizing its advertisement and sale to the highest bidder by internet auction. (Mike Dreisbach, Service Director) pg21

Staff Report/Resolution

5. Resolution.

6. Ordinances.

A. First Reading.

An Ordinance Accepting The Recommendation Of The Planning Commission And Approving The Preliminary Planned Development Application To Allow Further Commercial Development Of An 11.28 Acre Site Incorporating The MayDay Gun Range at 6711 Ringwood Drive With Conditions. (Sam Perry, Community Development Director) pg24

Staff Report/Ordinance

An Ordinance Accepting The Recommendation Of The Planning Commission And Approving The Final Planned Development Application For Heron Pond Located Along Kehr Road In The City Of Oxford With Conditions. (Sam Perry, Community Development Director)

Staff Report/Ordinance

Supporting Documents

An Ordinance Accepting The Recommendation Of The Planning Commission And Approving The Final Planned Development Application For South Forest Edge Section One With Conditions. (Sam Perry, Community Development Director)

Staff Report/Ordinance

Supporting Documents

B. Second Reading.

An Ordinance Repealing Oxford Codified Ordinance Chapter 183, Entitled "Hotel and Convention Tax," And Adopting New Oxford Codified Ordinance Chapter 183 Entitled "Hotel, Short-Term Rental And Convention Tax". (Doug Elliott, City Manager)

Staff Report/Ordinance

An Ordinance Accepting The Annexation Petition From Douglas R. Elliott, Jr. For 22.014 Acres Of Land In The Township Of Oxford, Butler County, Ohio, And Accepting Said Territory To Be Annexed. (Doug Elliott, City Manager)

Staff Report/Ordinance

An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment for 22.014 Acres Of Land Located at 6600 Brookville Road, Oxford, Ohio, And Rezoning The Property From Oxford Township A-1 (Agricultural) District to City Of Oxford R-1B (Single-Family Medium Density Residential) District. (Sam Perry, Community Development Director)

Staff Report/Ordinance

An Ordinance Amending Ordinance No. 3600. Supplemental Budget Ordinance Number 5 To Make Supplemental Appropriations For Fiscal Year 2021. (Joe Newlin, Finance Director)

Staff Report/Ordinance

An Ordinance Accepting The Recommendation Of The Planning Commission And Approving The Final Planned Development Application For Heron Pond Located Along Kehr Road In The City Of Oxford With Conditions. (Sam Perry, Community Development Director)

3. An Ordinance Accepting The Recommendation Of The Planning Commission And Approving The Final Planned Development Application For South Forest Edge Section One With Conditions. (Sam Perry, Community Development Director) pg113

2. An Ordinance Accepting The Annexation Petition From Douglas R. Elliott, Jr. For 22.014 Acres Of Land In The Township Of Oxford, Butler County, Ohio, And Accepting Said Territory To Be Annexed. (Doug Elliott, City Manager) pg184

4. An Ordinance Amending Ordinance No. 3600. Supplemental Budget Ordinance Number 5 To Make Supplemental Appropriations For Fiscal Year 2021. (Joe Newlin, Finance Director) pg204

Announcements.

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.

2. Future Meetings.

WED - Aug 4 Environmental Commission Meeting 7:00 p.m. Municipal Building

MON – Aug 9 Oxford Parking and Transportation Advisory Board 9:30 a.m. Municipal Bldg.

TUES – Aug 10 Public Arts Commission of Oxford Meeting 4:30 p.m. Municipal Building

TUES – Aug 10 Planning Commission Meeting 7:00 p.m.

WED – Aug 11 Historic and Architectural Preservation Commission Meeting 6:15 p.m.

MON – Aug 16 Housing Advisory Commission Meeting 1:30 p.m. Municipal Building

TUES – Aug 17 City Council Meeting 7:3 p.m.

THUR – Aug 19 Climate Action Steering Committee Meeting 9:30 a.m. Leonard Howell Park

THUR – Aug 19 Recreation Board Meeting 11:30 a.m. Municipal Building

THUR –Aug 19 Police Community Relations & Review Commission Meeting 7:00 p.m.

Adjourn.

A Work Session of the Oxford City Council was called to order by Mayor, Mike Smith on Tuesday, July 20, 2021 at 6:40 p.m. Council members present were Jason Bracken, David Prytherch, Chantel Raghu, Bill Snavely and Edna Southard. Glenn Ellerbe was excused.

Staff members present were Doug Elliott, City Manager, Jessica Greene, Assistant City Manager, Mike Dreisbach, Service Director, Joe Newlin, Finance Director, John Jones, Police Chief; Geoff Robinson, Police Lieutenant, John Detherage, Fire Chief, Sam Perry, Community Development Director, Casey Wooddell, Parks and Recreation Director, Chris Conard, Law Director and Mary Ann Eaton, Clerk of Council.

APPROVAL OF AGENDA

Ms. Southard moved to approve the agenda. Mr. Snavely seconded. The motion passed 6-0-0.

PURPOSE

The purpose of the Work Session was for staff to provide an update on the American Rescue Plan Act funding, City of Oxford goals for 2021 and to receive Council input on the 2022 budget.

DISCUSSION

Mr. Elliott advised the City originally expected to receive 4.5 million dollars from the American Rescue Plan Act, which was reduced to 2.4 million dollars. Mr. Elliott noted Ms. Greene would provide a PowerPoint and review the allowable uses for the funding and the adjusted staff recommendations.

AMERICAN RESCUE PLAN ACT

Ms. Greene advised the available American Rescue Plan Act funding would be $2,420,796 distributed in two parts - a year apart. Ms. Greene noted the funding could be used for the following:

Respond to public health emergency and negative economic impacts
Revenue loss for the City
Premium pay and
Water, Sewer, and Broadband Infrastructure

Ms. Greene asked Council to consider the following:

This is a once in a generation opportunity. How is the City investing for the future of the community?
What is the harm or disparity caused/exasperated by COVID that the City is trying to address?

How are the proposed projects addressing that need?
Are the proposed projects self-sustainable into the future without future aid?

Ms. Greene advised the City had until 2024 to decide how to use the funds noting the funds needed to be utilized by 2026.

Ms. Greene discussed the issue of housing noting staff recommended spending $900K on Permanent Housing and establishing a Housing Nonprofit, Transitional Housing and Emergency Housing.

Ms. Greene discussed the issue of Accessibility & Equity noting staff recommended spending $1,266,000 on broadband expansion and access within the Talawanda School District and finishing the installation of ADA compliant curbs within the City, which would free up CDBG funds to support a future housing nonprofit.

Ms. Greene noted staff recommended the remaining funds by used for City revenue replacement.

Mr. Snavely recommended the school district and the townships partner with the City in paying for the broadband expansion.

Ms. Raghu thanked Ms. Greene for the revised recommendations noting she agreed with the recommendations.

2021 CITY COUNCIL GOAL REVIEW

Ms. Greene provided a year to date: January-June Progress Report on the following topics:
Affordable Housing
Vibrant Business Districts and
Climate Sustainability

Ms. Greene also provided an update from staff on their goals and objectives for 2021.

CITY COUNCIL BUDGET PROPOSALS

Ms. Southard shared her proposal for a "Percent for Art Program" that sets aside a percent, probably 1% of capital projects for public art. Ms. Southard proposed a future ordinance or resolution which would outline the parameters for such a program.

Mr. Prytherch shared his proposals for Dedicated Seed Funding for Public Art Proposals, Enhancing the Public Bicycle Rack Infrastructure, Evaluating Ways to Broaden Oxford's Local Tax Base to be Sustainable and Equitable, Sustainability/Climate Coordination and Innovation. Mr. Prytherch also suggested using the American Rescue Plan Act funds to provide discounts for Oxford's Aquatic Center Membership for qualifying low-income families/persons and partnership with BCRTA for assistance with transportation.

Mr. Bracken suggested expanding the scope of the proposed Cottage Community Homes project.

Ms. Raghu suggested expanding the food-composting program, possibly adding curbside pickup, and diversifying renewable energy. Ms. Raghu would also like the City to hire a Social Worker for the Police Division to assist with homelessness issues as well as addiction and other social issues in the City.

Mr. Snavely thanked Ms. Greene for the presentation noting he was proud of the progress made on Council's Goals and of the work done on the American Rescue Plan Act funding recommendations.

Mr. Elliott suggested scheduling a Work Session to discuss ways to broaden Oxford's local tax base.

Mayor Smith thanked everyone for their input this evening.

ADJOURNMENT

Mr. Snavely moved to adjourn at 7:13 p.m. Ms. Southard seconded. The motion passed 6-0-0.

Office of the Mayor

Proclamation

Whereas: on February 14, 1920, the League of Women Voters was formed by a grassroots group of women, six months prior to, but in anticipation of, ratification of the 19th Amendment that gave women the right to vote in the United States; and

WHEREAS, on August 26, 1920, the Nineteenth Amendment was certified as part of our national Constitution, assuring that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of sex"; and

WHEREAS, the League was a political experiment designed to help 20 million women carry out their new responsibilities as voters by educating them on issues; and

WHEREAS, now the League has entered its second century as a nonpartisan organization of men and women in all fifty states and more than 700 communities including Oxford to register new voters, host community forums and debates, provide voters with election information they need, engage at local and state levels on legislative priorities, improve our elections, and protect our democracy; and

WHEREAS, the struggle for women's suffrage was the first step toward full and equal participation of women in our nation's life. In recent years giant strides have been taken to eliminate discrimination through our laws and to pave new avenues for equal economic opportunity for women; and

WHEREAS, this year, August 26, 2021, will mark 101 years since this important milestone in U.S. history occurred; and

WHEREAS, we recognize that attitudes cannot be changed by laws alone, prejudices still exist in the way of progress for women; we therefore, must do all that we can to overcome the barriers against what is fair and right by providing equal opportunity for everyone and voting rights for all citizens, and by urging all citizens to exercise their right to vote in local, state, and national elections.

NOW, THEREFORE, I, Michael Smith, Mayor of the City of Oxford, Ohio, do hereby proclaim August 26, 2021 to be:

"EQUALITY DAY"

in the City of Oxford and urge all citizens to join in celebrating the progress, while we continue the work of providing "equal opportunities for all".

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 3rd day of August, 2021.

_____

MICHAEL SMITH, MAYOR

Office of the Mayor

Proclamation

Whereas: the Red Brick Reunion (RBR) Porsche Concours and Car Show is held annually in August which strengthens our community relations amongst businesses, residents, charities, Enjoy Oxford, and the Miami University populace; and

WHEREAS, RBR Porsche owners and enthusiasts support and promote the highest standards of courtesy and safety on the roads, as well as maintain superb operations, maintenance and performance of the German marque; and

RBR Porsche owners enjoy and share good will and fellowship engendered by owning a Porsche which enhances the quality of life by providing camaraderie and esprit-de-corps to participants, attendees, spectators and citizens alike; and

WHEREAS, RBR enthusiasts have a shared passion for the Porsche mission, vision and goals, and gather for social events such as drive and dines, tours, concours, car shows, and driver education with other Porsche enthusiasts who share the passion for the marque, and finally;

WHEREAS, RBR advocates, "it's not just the cars - it's the People!"

NOW, THEREFORE, I, Michael Smith, Mayor of the City of Oxford, Ohio, do hereby recognize the month of August 2021, and specifically the date of August 7, 2021 as

"RED BRICK REUNION PORSCHE CAR SHOW DAY"

in the City of Oxford and encourage all citizens to take part in this observance.

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

MICHAEL SMITH, MAYOR

A Regular meeting of the Oxford City Council was called to order by Mayor Mike Smith on Tuesday, July 20, 2021 at 7:30 p.m. Members present were: Jason Bracken, David Prytherch, Chantel Raghu, William Snavely and Edna Southard. Glenn Ellerbe was excused.

Staff members present were: Doug Elliott, City Manager, Jessica Greene, Assistant City Manager, Mike Dreisbach, Service Director, Joe Newlin, Finance Director, John Jones, Police Chief, Geoff Robinson, Police Lieutenant, John Detherage, Fire Chief, Casey Wooddell, Parks and Recreation Director, Chris Conard, Law Director and Mary Ann Eaton, Clerk of Council.

APPROVAL OF AGENDA

Ms. Southard moved to approve the agenda. Mr. Snavely seconded. The motion passed 6-0-0.

PUBLIC PARTICIPATION

PROCLAMATION
"CHIEF MCCANDLESS DAY"

Mayor Smith read the Proclamation and presented it to MUPD Police Chief John McCandless who is retiring from the Miami University Police Department effective July 31, 2021.

Chief Jones noted he was excited that Council was recognizing Chief McCandless and advised Chief McCandless has been a mentor to him since he took over as Police Chief for OPD. Chief Jones noted Chief McCandless has been a great partner to work with and he was sad to see him go although he was excited for him to begin his retirement, which he deserved. Chief Jones noted he appreciated everything Chief McCandless has done for the City in general.

Chief McCandless thanked Mayor Smith for the Proclamation noting when Chief Jones told him he was getting something he was secretly hoping it would be a big "Key to the City". Chief McCandless thanked Mr. Elliott and his staff noting 17 years of dealing with university and City issues has been a pleasure because Mr. Elliott and his staff are so professional. Chief McCandless noted he had the honor of working with Chief Schwein, Chief Holzworth and Chief Jones and advised he felt they were all outstanding human beings and great Police Chiefs. Chief McCandless noted when he arrived 17 years ago the Memo of Understanding between the two departments talked more about not going into each others jurisdiction and today, the two police departments are nearly interchangeable in what they do and how they work together and advised a lot of that is attributable to Chief Jones. Chief McCandless noted one of the hardest things about leaving Oxford was leaving his friendship with Chief Jones and Chief Detherage and advised he would miss them both dearly. Chief McCandless introduced Captain Steve VanWinkle and advised he would soon be the new Police Chief of the Miami University Police Department. Chief McCandless noted his hope Chief Jones and Captain VanWinkle would continue the outstanding legacy of providing outstanding police services to the Oxford community. Chief McCandless thanked everyone for allowing him to be part of such a wonderful place for 17 years noting he felt there were very few places that can rival the City of Oxford and the quality and character of the people who work here.

PUBLIC COMMENTS

Ms. Ann Fuehrer, Executive Director of TOPSS (Talawanda Oxford Pantry & Social Services) advised she attended the Work Session this evening and applauded the work of the City Manager's office. Ms. Fuehrer noted Ms. Greene has done a wonderful job of consulting with local non-profits. Ms. Fuehrer advised she wanted to speak to the importance of prioritizing the investment in affordable, transitional and emergency shelter housing in the community. Ms. Fuehrer noted she echoed personally and in her professional role the need for emergency, cold tornado shelter in the community. Ms. Fuehrer advised this has to be done carefully because those are different kinds of shelter that could require very different specifications. Ms. Fuehrer noted she felt it was possible to think creatively to work towards combining them in some way in a new facility.

Ms. Fuehrer advised she and a Council member working at TOPSS over the last week have had three separate encounters with a person who is living on the streets, has addiction related issues, mental health issues, has been evicted from residency at Parkview Arms and has challenges with family members and a dog. Ms. Fuehrer noted during the three encounters the person was tremendously distraught.

Ms. Fuehrer advised TOPSS would gladly be a partner (possibly by fundraising) in such an endeavor to establish a commercial kitchen in a new facility. Ms. Fuehrer provided an update on the use of the CARES Act funding TOPSS received from the City last fall noting they purchased a van in collaboration with the Oxford Farmers Market. Ms. Fuehrer advised TOPSS finally began the operation of a mobile food pantry last Thursday serving residents at Parkview Arms two days a week.

CONSENT AGENDA

Minutes of the June 15, 2021 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Minutes of the July 6, 2021 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Report regarding the July 7, 2021 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

A Resolution No. 7318 authorizing the City Manager to enter into an agreement with Canon Solutions America for a 60-month lease of a Canon imagePRESS C165 color copier through state contract pricing. (Kim Newton, Human Resources Manager)

A Resolution No. 7319 authorizing the City Manager to enter into an agreement with Pitney Bowes for a 60-month lease for new postage equipment and meter rental through state contract pricing. (Kim Newton, Human Resources Manager)

A Resolution No. 7320 authorizing the Oxford Division of Police to retain for use by the municipality certain unclaimed property in its possession. (John Jones, Police Chief)

A Resolution No. 7321 declaring certain property in the City's possession no longer needed for any municipal purpose as surplus and authorizing its advertisement and sale to the highest bidder by public or internet auction. (John Jones, Police Chief)

Mr. Snavely moved to approve the Consent Agenda. Ms. Southard seconded. The motion passed 6-0-0.

RESOLUTION
RESIDENTIAL PERMITTED PARKING

A Resolution No. 7322 establishing 1021 to 1040 Arrowhead Drive as a Residential Permitted Parking Zone, twenty-four (24) hours a day, seven (7) days a week. (John Jones, Police Chief)

Chief Jones advised citizens petitioned for a Residential Permitted Parking (RPP) area noting the conversation started when Acorn Circle became a RPP area and pushed some student parking into the number of signatures from residents in the neighborhood and OPD conducted the required studies and found the area was well above the occupancy threshold for the area. Chief Jones noted the Oxford Parking & Transportation Advisory Board held a Public Hearing, reviewed the petition, and recommended approval.

Ms. Shana Rosenberg, 1036 Arrowhead Drive, thanked Angela Schatzle of the Oxford Parking Unit noting she did an amazing job of researching whether the requirements were fulfilled for establishing a RPP area. Ms. Rosenberg advised she felt Ms. Schatzle's presentation at the Public Hearing was amazing and noted she was in the neighborhood several times to collect the required data. Ms. Rosenberg thanked Council for considering the petition.

Mr. Snavely moved to adopt Resolution No. 7322. Ms. Southard seconded. The motion passed 6-0-0.

ORDINANCES
FIRST READING

ORDINANCE
NEW CHAPTER 183

An Ordinance Repealing Oxford Codified Ordinance Chapter 183, Entitled "Hotel and Convention Tax," And Adopting New Oxford Codified Ordinance Chapter 183 Entitled "Hotel, Short-Term Rental And Convention Tax". (Doug Elliott, City Manager)

Mr. Elliott read his staff report into the record as follows: "City Council has discussed the need to expand the City's Convention and Hotel Tax to include Short-Term Rentals or Transient Lodging. The City began a registration requirement in 2019 for Short-Term Rentals. The Business Regulation Code was updated in 2020 to account for Short-Term Rentals or Transient Lodging. A Short-Term Rental or Transient Lodging is defined as a dwelling unit or portion thereof where sleeping accommodations are offered for compensation to transient users occupying a room or rooms for a period of less than thirty (30) days duration.

The attached Ordinance expands the city's Hotel and Convention Tax to include Short-Term Rentals or Transient Lodging. The amount of excise tax is 6% which includes a 3% Convention Tax and a 3% Hotel Tax. The proposed disposition of the Convention Tax at 3% will go to Enjoy Oxford (Oxford's Visitors and Convention Bureau) and the Hotel Tax at 3% to the City's Housing Trust Fund. The tax will be effective January 1, 2022 in order to provide sufficient time to publicize this new tax requirement." Mr. Elliott noted the business school provided a summary showing a tax revenue estimate of $411,000 for 2019 which would generate approximately $25,000 half of which would go to Enjoy Oxford and half of which would go the Housing Trust Fund. Mr. Elliott recommended approval of the proposed Ordinance at the next meeting.

There were no comments from the public.

Mr. Snavely advised he felt this was long overdue noting short-term rental owners should play by the same rules as hotel and motel owners. Mr. Snavely advised he felt it was appropriate and he was glad to see Council considering it.

Ms. Southard noted she was glad to see the proposed Ordinance before Council and noted she felt Council should be very much in favor of it.

Mr. Prytherch inquired about the mechanics of collecting the taxes. Ms. Greene advised Airbnb has a feature for the property owners to enter the tax although it will be up to the property owner to collect it and send it to the City. Ms. Greene noted staff will need to monitor the Airbnb property owners and let them know of the new rule. Ms. Greene advised eventually the City's proposed non-profit housing group would have an interest in watching this revenue stream.

Mr. Snavely inquired if the City was going to monitor whether short-term rentals are really registered. Ms. Greene advised staff planned to do some spot checks. Mr. Elliott noted a penalty for not registering was built into the Ordinance although it would take some policing. Mr. Elliott encouraged neighbors to help with the policing.

Mr. Prytherch inquired how this changes things for the Business and Convention Bureau. Mr. Elliott advised approximately 4 years ago they did not get 100% of the 3% convention tax noting they received approximately 87% of the 3%. Mr. Elliott advised staff introduced legislation to give them the full 3%. Mr. Conard advised there was a hotel tax and a short-term lodging tax and they are both 3%.

Ms. Southard noted no money from the tax will support the inspection of the short term rental properties that will have to be done. Mr. Newlin advised there was a rental inspection fee per unit.

Mayor Smith noted Council would consider the proposed Ordinance again in two weeks.

ORDINANCE
ACCEPTING AN ANNEXATION PETITION

An Ordinance Accepting The Annexation Petition From Douglas R. Elliott, Jr. For 22.014 Acres Of Land In The Township Of Oxford, Butler County, Ohio, And Accepting Said Territory To Be Annexed. (Doug Elliott, City Manager)

Mr. Elliott advised this was the final legislation necessary to annex 22.014 acres of land (3 parcels) off of Brookville Road bordering the Oxford Community Park and Autumn Drive. Mr. Elliott noted the annexation petition was filed with the Butler County Commissioners on March 12, 2021 and an expedited Type II process was utilized for the annexation. Mr. Elliott advised he served as the statutory agent for the petitioners. Mr. Elliott noted after the property is annexed to the City, the current Township zoning will continue (A-1 Agricultural) until it is rezoned by the City. Mr. Elliott advised the next item on Council's agenda this evening addresses the rezoning. Mr. recommended Council's adoption of the proposed Ordinance at the next meeting.

There were no comments from the public or from Council.

ORDINANCE
ZONING MAP AMENDMENT

An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment for 22.014 Acres Of Land Located at 6600 Brookville Road, Oxford, Ohio, And Rezoning The Property From Oxford Township A-1 (Agricultural) District to City Of Oxford R-1B (Single-Family Medium Density Residential) District. (Sam Perry, Community Development Director)

Mr. Perry advised the Planning Commission reviewed the proposed map amendment at their last meeting, which was a request of his on behalf of the property owners who propose to sell the property to a developer. Mr. Perry noted the Planning Commission reviewed the Decision Standards for a zoning map amendment and made several findings to recommend approval of the zoning to R-1B. Mr. Perry referred to page 61 of Council's packet and recommended the removal and addition of certain text in the proposed Ordinance for the second reading.

Ms. Southard advised the rezoning could allow the opportunity for Council to reduce the speed limit on Brookville Road noting the speed limit has been an issue for Oxford citizens.

Mr. Prytherch noted he felt one of the consequential things the City can do is annex land and zone it, which sets the template for development. Mr. Prytherch advised he felt the Planning Commission's findings reflect the fact that what is being proposed here in terms of the annexation and the zoning conform to a variety of Council goals. Mr. Prytherch noted he felt the proposed zoning was appropriate and advised he appreciated the staff findings. Mr. Prytherch advised he felt the Comprehensive Plan should guide annexations and Council should have input on where land should be annexed. Mr. Prytherch noted he felt the proposed Ordinance conforms with Council's goals.

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 3600. Supplemental Budget Ordinance Number 5 To Make Supplemental Appropriations For Fiscal Year 2021. (Joe Newlin, Finance Director)

Mr. Newlin addressed his staff report as presented on pages 71-72 of Council's packet and offered to answer any questions.

There were no comments from the public.

Mr. Prytherch expressed his appreciation noting there was so much detail related to the City's finances.

ORDINANCE
SECOND READING
CONDITIONAL USE PERMIT

An Ordinance No. 3625 Accepting The Recommendation Of The Planning Commission And Approving A Conditional Use Permit Application To Allow A Single Level Hotel Use Within A New Four Story Building And Granting The Requested Additional 2,500 Square Feet Of Floor Area In The UP (Uptown) District To Be Located At 22 South Beech Street With One Condition. (Sam Perry, Community Development Director)

Mr. Perry advised there was no new information to share since the first reading of the proposed Ordinance. Mr. Perry noted Conditional Uses handle special zoning situations such as hotels, religious institutions, schools and drive-thru restaurants that could potentially cause an impact to the surrounding area. Mr. Perry offered to answer any questions.

Mr. Scott Webb, Architect, advised he had no new information and thanked Council for their patience over the last couple of years as he and his client have worked to get this project off the ground.

There were no comments from the public.

Mayor Smith inquired if the issues were resolved with the proposed dumpster area, which Mr. Perry and Mr. Webb addressed.

Mr. Snavely moved to adopt Ordinance No. 3625. Ms. Southard seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott advised the Government Finance Officers Association (GFOA) recognizes governments that have received GFOA's Certificate of Achievement for Excellence in Financial Reporting, the Popular Annual Financial Reporting Award, and the Distinguished Budget Presentation Award. Mr. Elliott noted the City of Oxford has received this Triple Crown Award for Fiscal Year 2019. Mr. Elliott advised the City is one of seven other cities (out of a total of 253 cities in Ohio) to receive this award.

Mr. Elliott advised he participated in the Leadership Meeting on Monday and noted Mike Everett of McCullough Hyde Memorial Hospital/TriHealth reported the hospital has not had any Covid-19 patients although things were changing rapidly. Mr. Elliott shared some of the trends by state including Ohio. Mr. Elliott encouraged everyone who has not to become vaccinated.

Mr. Perry advised a Virtual Public Meeting would take place on August 11 at noon regarding the northwestern arc of the Oxford Area Trail for public input.

Ms. Greene advised the City continues to plan mobile vaccine clinics noting staff was working with the Residents Council at Parkview Arms to figure out the best way to do the clinics in partnership with McCullough-Hyde.

Ms. Greene noted staff was planning a Red Brick Friday Streets & Eat Welcome Back Miami Students event on Friday, August 27 and advised it will be similar to the Red Brick Friday events except the DORA will not be in effect.

Ms. Raghu advised this past week she talked with the Ohio Emergency Management Agency in Columbus noting she asked the director what he felt municipalities needed to pay the most attention to and he advised cybersecurity and gun violence needed to be focused on.

Ms. Raghu referred to Ms. Fuehrer's comments this evening and noted there was a woman in desperate need walking around the Mile Square. Ms. Raghu advised she offered to take the woman to a shelter and take care of her dog while she was there noting many of the City's non-profits are not open on the weekends. Ms. Raghu advised she called OPD to see what else might be able to be done and Detective Hatfield assisted her showing a lot of patience and compassion for the woman in need. Ms. Raghu noted the key issue was they could not persuade her to go to the shelter. Ms. Raghu advised she spent all last week reading up about intervention. Ms. Raghu advised she looked forward to Council being as creative as possible to help people in need noting it was not fair to put all of the responsibility on the Police Division.

Mr. Snavely thanked Ms. Raghu for bringing up the subject noting it underscores the kind of things Council talked about earlier at their Work Session. Ms. Snavely thanked Ms. Raghu for being a compassionate person.

Mr. Snavely advised being vaccinated was not a political issue and urged everyone who can be vaccinated to do so for everyone's health and safety.

Mr. Snavely noted he would like to hear from Miami University about what they are going to do and advised he felt they should give students an option to be vaccinated or to be tested on a weekly basis. Mr. Snavely reiterated he would like to know what their plan is. Mr. Elliott advised he would discuss the issue with Ted Pickerill at Miami University and provide an update to Council at their next meeting.

Mr. Snavely wished his colleagues good luck with the 2021 Campaign.

Ms. Southard noted she was proud of Indiana University (where she got her PHD) for requiring students living on campus to be vaccinated. Ms. Southard advised she wished it were possible for Miami University to do something similar. Ms. Southard noted her hope Miami University will come up with a solution.

Ms. Southard noted one of the things about being on City Council is helping residents when they have complaints or questions. Ms. Southard advised she appreciated City staff for being so quick in responding to any such complaints. Ms. Southard noted she appreciated Chief Jones for responding to the question of the height of new parking meters currently being installed noting it was a work in progress.

Ms. Southard advised the Unidiversity Festival, which is a Latin American/Hispanic Festival, will take place August 17 noting it was always a fantastic event Uptown.

Ms. Southard encouraged everyone to stay safe, help protect each other and observe everything needed to prevent the spread of Covid-19.

Mr. Bracken advised he supported everything Councilor Raghu said in terms of addressing homelessness issues.

Mr. Bracken echoed all the sentiments on vaccinating noting greater than 99% of those who pass away from Covid-19 are not vaccinated.

Mr. Bracken requested the vacancy on the Housing Advisory Commission be filled soon noting there were many good applicants.

Mr. Prytherch advised he hoped Council could ask Miami University for an update on their Covid-19 program noting he works for Miami University and really does not know what the plan is.

Mr. Prytherch thanked City staff who participated in the process of moving towards the strategic plan model that provides the transparency on progress toward Council's goals.

Mr. Prytherch commended the City's parking staff noting they do a job that is really hard and thankless at times. Mr. Prytherch complimented the work Angela Schatzle has done and all the other staff including people from the Street Department, installing meters and cutting down poles to move to the new Smart Meter program within the City.

Mayor Smith noted he felt the parking changeover is going as well as it could go.

Mayor Smith made a plea for everyone not vaccinated to do so.

Mayor Smith advised Council would continue to work on the homeless issue.

ADJOURN

Mr. Snavely moved to adjourn at 8:39 p.m. Ms. Southard seconded. The motion passed 6-0-0.

The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Sam Perry
DATE PREPARED:	July 30, 2021
COUNCIL MEETING DATE:	August 3, 2021
AGENDA TITLE:	July 14, 2021 Historic and Architectural Preservation Commission Summary
CITY MANAGER/DEPT HEAD APPROVAL:	Sam Perry

This was the first in-person meeting since the pandemic. The meeting was held at the courthouse.

New Business

HAPC 2021-06, 48 E. Park Place, Pre-Application Review of new 3-4 story building, Scott Webb, Architect

Scott Webb presented a rendering for a potential new 4-story brick building to be located on the vacant land behind Sigma Chi Foundation at 20 E. High Street. Feedback was provided by the Commission members. Requests were made to adjust the design of the top levels of the building to help the building better fit in with the surrounding buildings. No vote was taken because it was a pre-application.

Old Business

Historic District Expansion

The project of potentially expanding jurisdiction into S. College and S. Elm areas had been put on hold during the pandemic. The Commission discussed options on the best way to move forward; regarding inventory, outreach and partnership with Miami University.

Administrative Approvals

HAPC 2021-05, 22 E. High St, Administrative Approval of Wall Sign Replacement, Betsy Hope, Oxford Community Foundation

No action needed; previously approved administratively.

The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Sam Perry
DATE PREPARED:	July 30, 2021
COUNCIL MEETING DATE:	August 3, 2021
AGENDA TITLE:	July 21, 2021 Board of Zoning Appeals Summary
CITY MANAGER/DEPT HEAD APPROVAL:	Sam Perry

This was the first in-person meeting since the pandemic.

Chair Michael Schnipper ran the virtual meeting, Director Sam Perry providing staff reporting.

Old Business

Extension Request - BZA-2021-02, 407 N Campus, Variances to Section 1143.07(c) maximum lot coverage and Section 1149.03(i), required parking spaces, First Class LLC

This case was previously approved in February 2021. The owner requested a six-month extension due to the fact that the variance approvals would expire before they could complete the project. The code required that the building permit had to be obtained and that construction must commence prior to the expiration of the initial 6 months. The Board heard from staff and the owner. The Board determined that there were no changes to the project or the city code since the time of the approval. The Board voted 4-0 (one absent) to approve the extension request, resulting in one full year of validity, ending in February 2022.

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Service Department
PREPARED BY:	Michael Dreisbach
DATE PREPARED:	July 16, 2021
COUNCIL MEETING DATE:	**August 3, 2021**
AGENDA TITLE:	**Resolution Authorizing Disposal of Surplus Equipment by Auction**
BUDGETED AMOUNT:	Not Applicable
ACCOUNT CODE:	Not Applicable
RECOMMENDATION:	Approval
CITY MANAGER/DEPT HEAD APPROVAL:	DRE 7-29-21

Discussion:

As the City has replaced equipment at the end of its useful service life, Staff is requesting City Council's authorization to dispose of surplus equipment. Exhibit A, attached, provides a detailed listing of the equipment proposed for disposal.

This Resolution will authorize the City Manager to dispose of the above referenced surplus vehicles and equipment by public auction, including Internet electronic auction, at the earliest convenience of the City.

RESOLUTION NO.

A RESOLUTION DECLARING CERTAIN CITY PROPERTY NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AS SURPLUS AND AUTHORIZING ITS ADVERTISEMENT AND SALE TO THE HIGHEST BIDDER BY INTERNET AUCTION.

WHEREAS, the equipment set forth in Exhibit 'A' attached hereto and incorporated herein, is surplus and no longer needed for any municipal purpose, and

WHEREAS, the City Manager and the Service Director recommend the equipment set forth in Exhibit "A" attached hereto and incorporated herein be declared surplus and that the same be advertised and sold to the highest bidder by internet auction at the earliest convenience of the City.

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

SECTION 1: Council accepts the recommendation of the City Manager and the Service Director and hereby declares the equipment set forth in Exhibit "A" attached hereto and incorporated herein as surplus.

SECTION 2: Council further authorizes the advertisement and sale of the surplus equipment set forth in Exhibit "A" attached hereto and incorporated herein to the highest bidder by internet auction with the proceeds thereof deposited in the General Fund.

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

_____
MAYOR

ADOPTED:

ATTEST:

_____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

Equipment for Disposal 2021

EXHIBIT A

GovDeals ID	City ID #	YEAR	MAKE/ BRAND	MODEL	VIN/SERIAL	MILES / HRS	Description	RESERVE
663	#505	2001	John Deere	HD75	MOHHD75X010670	1591	John Deere Mower	$ 200.00
			NEED COUNCIL APPROVAL, Ready for Auction, Out of Service					
662	N/A	2006?	John Deere	JX85	GXJX85X029524	N/A	John Deere Mower	NONE
			NEED COUNCIL APPROVAL, Ready for Auction, Out of Service					
661	01-30	2001	Dodge	Ram 3500	3B6MC36521M244541		Dodge Ram 3500 2 WD with Covered Utility / Serv Body	$ 1,000.00
			Waiting for delivery of New Truck, Remove Decals, Update Mileage at sale time, move to City Garage					
660	59	2000	Chevrolet	C3500	1GBJC34R4YF520253		Chevrolet 29' Bucket Truck	$ 9,000.00
			Waiting for EXACT Delivery Date (Mid October) of New Bucket Truck, Remove decals, Update Mileage at sale time					$500 more than Trade in value from UTE
659	41	1989	Chevrolet	C7D042	1GBL7D1G6KV112128	31715	GMC Dump	$ 500.00
			Remove Decals, Ready for Auction, Move to City Garage					
658	07-25	2007	Ford	Ranger	1FTYR44E77PA42494	78021	Ford Ranger Ext Cab pick-up, 2 WD, transmission slips in rev	$ 500.00
			Remove decals, Ready for Auction					
625	N/A	Unknown	Onan	30.0EK-3P/7529D	1172514378	1195	Onan 30KW generator W/ Transfer Switch	$ 500.00
			Ready for Auction					
624	40	2001	Dodge	Ram 3500	3B6MF36551M560698	31670	Dodge Ram 3500 4x4, one ton dump	$ 1,000.00
			Remove decals, Ready for Auction					
623	07-50	2007	Sterling / Schwarze	SC8000/A7000	48HAADBV27DX54553	73702	Sterling SC8000/ Schwarze A7000 Street Sweeper	$ 3,500.00
			Remove decals, Ready for Auction					

The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Zachary Moore
DATE PREPARED:	July 26, 2021
COUNCIL MEETING DATE:	August 3, 2021
AGENDA TITLE:	**PC-2021-07, 6711 Ringwood Road, PRELIMINARY PLANNED DEVELOPMENT,** further development of MayDay Gun Range site, including new self-storage facility, **Scott Webb, Architect**, Applicant/Agent
CITY MANAGER/DEPT HEAD APPROVAL:	DRE 7-29-21

Proposal Summary:

On behalf of the property owner, applicant Scott Webb is requesting approval of a Preliminary Planned Development in order to further develop the MayDay Gun Range site into a private multi-use business park. The gun range is located on a large parcel totaling a little over 11 acres, but only occupies about 10 percent of the site; the other 90 percent is currently vacant/undeveloped. The proposed plan seeks to utilize the existing 24-foot wide driveway (located on a long panhandle portion of the parcel leading to/from Ringwood Road), and expand upon the existing gun range parking area to form a more expansive network of drive aisles and parking spaces to serve additional business uses.

The property is zoned LI Light Industrial, which allows a multitude of potential commercial and industrial uses, such as light manufacturing, laboratories, offices, and even adult entertainment facilities, by-right. The district also prescribes a number of Conditional Uses. The applicant proposes developing in such a manner to allow up to 8 total development sites, inclusive of the existing gun range use. 2 of the 7 new development sites are more clearly defined at this stage, which are proposed to be occupied by a business incubator and self-storage facility. These two uses alone would encompass a little over 3 acres, or 28% percent, of the site. The incubator is intended to provide space for contractors and other service professionals to both interact with customers, and store supplies and wares. The remaining 5 development areas are shown more conceptually, with exact land uses for these areas to be determined at a later date as part of a future application.

The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

Background:

The development of the subject site underwent a concept review by the Planning Commission in May 2020. The original design included a loop road layout. A revised plan was formally submitted in March 2021 and contained a direct connection point to US 27; however, this application ultimately was not processed. A second revised plan was submitted in May 2021, reverting back to a loop road design more akin to the original and without vehicular connection to US 27; this application was processed and was ultimately the version reviewed by the Planning Commission on July 13.

Planning Commission Recommendation:

On July 13, the Oxford Planning Commission held an in-person public hearing and reviewed the case and the decision standards. Most of the discussion and questions revolved around the following subjects: (1) tree coverage, including the recent loss of woods in the middle of the site and calculation of an appropriate amount of trees to be planted; (2) provisions for emergency vehicle access and turnaround, including a potential means of access via the First Baptist Church parking lot; and (3) walkway connection(s) between the development and existing public right-of-way along Ringwood and US 27.

Mr. Terry Dudley, who owns a 60-foot wide strip of land east of the development site, provided comments regarding the City's thoroughfare plan which shows a 100-foot wide collector right-of-way running through his land and the applicant's. The Commission explained to Mr. Dudley the City is not requiring an easement, rather this is a voluntary set-aside by the property owner to ensure buildings do not have to be demolished in the future to make way for a new roadway if pursued by the City in the future. Mr. Dudley stated he did not wish for a road or bike path to be constructed through his property.

Upon closure of the public hearing, the Commission expressed agreement with staff's recommendation for a walkway connection to US 27 but modified an original recommendation for a temporary turnaround at the end of the drive, instead opting for a stub of additional pavement between the incubator and storage facility to allow for vehicle turnaround. The Commission voted 6-0-0 (with 1 member absent) to recommend approval of the application subject to the following 9 conditions:

1. The existing gun range, and proposed business incubator and self-storage facility uses shall be the only land uses approved at this stage. Additional future land uses may be considered on a case-by-case basis as part of either a Final Planned Development or amended Preliminary Planned Development, in accordance with provisions prescribed for the LI District. In all instances, Adult Entertainment Facilities shall be prohibited.

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

2. A new Traffic Impact Study shall be completed for the latest site design to verify whether public off-site improvements are necessary to support anticipated uses. The study shall be completed prior to submission of a Final Planned Development application; staff may require the study be amended at a future date depending upon the anticipated traffic impacts when additional land uses are more clearly defined.

3. Bicycle parking shall be provided in accordance with the Oxford Zoning Code and reviewed at the Final Planned Development stage.

4. Five-foot wide sidewalk shall be provided along the Ringwood Road frontage.

5. A five-foot wide paved pathway shall be provided between the walkway system shown on the Plan and the existing public sidewalk along US 27. This connection shall be reviewed at the Final Planned Development stage.

6. Additional landscaping shall be provided along the back side of the larger self-storage outbuilding facing future collector road right-of-way, to help soften the viewscape along the future corridor. More exact details shall be reviewed at the Final Planned Development stage.

7. A portion of the loop road extending out from the 4-way intersection (located between the business incubator and storage facility) shall be paved to City staff's satisfaction to allow for emergency vehicle turnaround. Such feature shall be reviewed at the Final Planned Development stage.

8. A waiver to Section 1145.06(f)(1) is hereby granted to reduce the amount of required open space from 20% to 11.4%.

9. A waiver to Section 1148.05(b)(2)(A) is hereby granted to relieve the developer from the Tree Survey requirement, on condition that wooded areas noted to remain are not disturbed during construction and the landscaping plan as presented is fulfilled.

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION AND APPROVING THE PRELIMINARY PLANNED DEVELOPMENT APPLICATION TO ALLOW FURTHER COMMERCIAL DEVELOPMENT OF AN 11.28 ACRE SITE INCORPORATING THE MAYDAY GUN RANGE AT 6711 RINGWOOD DRIVE WITH CONDITIONS.

WHEREAS, Council hereby finds the Planning Commission held a public hearing on July 13, 2021 in accordance with Chapter 1145 of the Codified Ordinances of the City of Oxford, on the application of Scott Webb, Architect, for a Preliminary Planned Development to allow further commercial development of an 11.28 acre site incorporating the MayDay Gun Range at 6711 Ringwood Drive Oxford, Ohio; and

WHEREAS, the Planning Commission, after due deliberation found the application satisfied the basic code requirements in Chapter 1145 of the Codified Ordinances of the City of Oxford, and recommended approval of the Preliminary Planned Development application to allow further commercial development of an 11.28 acre site incorporating the MayDay Gun Range at 6711 Ringwood Drive, Oxford, Ohio 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 Preliminary Planned Development application to allow further commercial development of an 11.28 acre site incorporating the MayDay Gun Range at 6711 Ringwood Drive, Oxford, Ohio with the following conditions:

1. The existing gun range, and proposed business incubator and self-storage facility uses shall be the only land uses approved at this stage. Additional future land uses may be considered on a case-by-case basis as part of either a Final Planned Development application or an amended Preliminary Planned Development application, in accordance with the provisions prescribed for the LI District. In all instances, Adult Entertainment Facilities shall be prohibited.
2. A new Traffic Impact Study shall be completed for the latest site design to verify whether public off-site improvements are necessary to support anticipated uses. The study shall be completed prior to the submission of a Final Planned Development application; staff may require the study to be amended at a future date depending upon the anticipated traffic impacts when additional land uses are more clearly defined.
3. Bicycle parking shall be provided in accordance with the Oxford Zoning Code and reviewed at the Final Planned Development stage.
4. A five-foot wide sidewalk shall be provided along the Ringwood Road frontage.
5. A five-foot wide paved pathway shall be provided between the walkway system shown on the Plan and the existing public sidewalk along US 27. This connection shall be reviewed at the Final Planned Development stage.
6. Additional landscaping shall be provided along the backside of the larger self-storage outbuilding facing the future collector road right-of-way, to help soften the viewscape along the future corridor. Exact details shall be reviewed at the Final Planned Development stage.

7. A portion of the loop extending out from the 4-way intersection (located between the business incubator and storage facility) shall be paved to City staff's satisfaction to allow for emergency vehicle turnaround. Such feature shall be reviewed at the Final Planned Development stage.
8. A waiver to Oxford Codified Ordinance Section 1145.06(f)(1) is hereby granted to reduce the amount of required open space from 20% to 11.4%.
9. A waiver to Oxford Codified Ordinance Section 1148.05(b)(2)(A) is hereby granted to relieve the developer from the Tree Survey requirement, on condition the wooded areas noted to remain are not disturbed during construction and the landscaping plan as presented is fulfilled.

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/JASON BRACKEN

PREPARED BY: LAW (STAFF)

Case No:
PC-2021-07

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Meeting Date:
July 13, 2021

STAFF REPORT

Community Development | Planning Commission

APPLICATION DETAILS

Applicant	Scott Webb, Architect
Location	6711 Ringwood Road – Parcel ID H4000028000015
Owner	MayDay Handgun Training LLC c/o Jeff Day
Action Request	Preliminary Planned Development (PD)
Current Use	Commercial (Gun Range) & vacant ground
Current Zoning	LI Light Industrial District
Lot Size	11.28 acres
Surrounding Land Uses	Institutional (First Baptist Church), Commercial/Warehouse (Capitol Varsity), Industrial (IMI Concrete & Schneider Electric/Square D)
Staff Recommendation	**Approval**, subject to recommended conditions

PROPOSAL SUMMARY

On behalf of the property owner, applicant Scott Webb has submitted an application requesting approval of a Preliminary Planned Development in order to further develop the MayDay Gun Range site into a private multi-use business park. The gun range is currently located on a large parcel totaling a little over 11 acres, but only occupies about 10 percent of the site; the other 90 percent is vacant/undeveloped. The proposed plan seeks to utilize the existing 24-foot wide driveway (located on a long panhandle portion of the parcel leading to/from Ringwood Road), and expand upon the current gun range parking area to form a more expansive network of drive aisles and parking spaces to serve additional business uses. Two dry detention basins are planned in the northern and eastern portions of the site to fulfill the City's stormwater management requirements and can count toward the open space calculation for the development.

The property is zoned LI Light Industrial, which allows a multitude of potential commercial and industrial uses, such as light manufacturing, laboratories, offices, and even adult entertainment facilities, by-right. The district also lists a number of Conditional Uses. The applicant proposes developing in such a manner to allow up to 8 potential uses, inclusive of the existing gun range. The applicant proposes a more definitive plan for 2 of the 7 additional uses, for a business incubator building and a self-storage facility. These 2 uses alone would encompass a little over 3 acres, or 28% percent, of the site. The proposed self-storage use/area is to be gated off and includes a large indoor air-conditioned storage building (i.e. mini warehouse) as well as two storage unit outbuildings. The business incubator use would share the gated/secured vehicle egress area with the storage facility, and also provide front doors and customer parking along the opposite side.

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.

DEPARTMENT COMMENTS

Below are comments from City departments:

Department	Respondent	Response
Economic Development	Seth Cropenbaker, Assistant to the City Manager	Returned with Comments
The proposed project includes 11 acres of development, including light industrial and business incubator space, and a storage facility including climate-controlled storage units. *The proposed development on this site would be a welcomed addition to the Oxford economic landscape. Currently the City offers limited sites and facilities suitable for light industrial use. This development could provide that resource, as well as support other commercial and business growth with facilities dedicated to "incubator" functions.* *This project could compliment the College@Elm project by Miami University at 20 S. Elm St. The College@Elm intends to feature light manufacturing operations as well as a variety of business start-up support services. The addition of commercial ready light industrial space could further catalyze business growth in Oxford.* *The proposed self-storage with the inclusion of climate controlled options adds a service unique to the Oxford area.* *At this time the Economic Development staff have no reservations regarding this project.*		
Engineering	Scott Otto, City Engineer	Returned without Comments
Fire	John Detherage, Fire Chief	Returned with Comments
An easement would need to be created to ensure future emergency access through the church parking lot. *When is the Phase 2 Loop scheduled to be added? Is there a plan for emergency vehicle turn around and secondary emergency vehicle access in the mean time?* *The emergency vehicle turns will need to be evaluated to ensure access through the development and to each building.*		
Police	John Jones, Police Chief	Returned without Comments

CASE HISTORY

The subject site and surrounding area has been involved in numerous past applications and approvals by the City of Oxford since the early 1980s. A summary of relevant case history is provided below:

Case No.	Application	Decision
PC-1980-02	**Preliminary Plat/PUD**	Council approved December 16, 1980 by Ord No 1623
The original site totaled 20.133 acres with 988 feet of frontage along Ringwood Road and 392 feet of frontage along US 27. The applicant, Tim Myers, initially proposed constructing a new cul-de-sac street off US 27, approximately 250 feet south of the intersection between US 27 and Ringwood Road. The cul-de-sac street, named "Commerce Street," was proposed to support a total of 8 lots, while the remaining site acreage would have direct frontage and curb cut access to either Ringwood and/or US 27 and be divided into 12 lots. The Planning Commission at the time opposed creating a new access point off US 27 between Ringwood Road and Todd Rodd, leading the applicant to significantly downscale their proposal by only showing the property being split into 2 lots at the Preliminary stage, including a 2-acre lot in the western corner of the site while the remaining 18 acres was left undefined in terms of lot boundaries. Council approved the Industrial Preliminary PUD subject to the condition that no more than five (5) access points be planned off Ringwood Road, with at least seventy five (75) feet of distance between each. Additional conditions also prohibited direct access from US 27, and specified any access point on Ringwood Road must be no closer than 200 feet to the US 27 centerline.		
PC-1981-11	**Final Plat/PUD**	Council approved May 18, 1982 by Ord No 1677
Council approved the subdivision of 2 lots, including the 2-acre lot previously shown at the Preliminary stage (now owned by Irving Materials Inc. as part of IMI Concrete, referred to as "Brookville Concrete" in prior staff reports), as well as a 1.102 acre lot that is now the site of Capitol Varsity at 6723 Ringwood.		
PC-1982-08	**Additional Use**	Council approved June 1, 1982 by Ord No 1683
Council approves an "Additional Use" (the predecessor term to today's "Conditional Use") for a 16,000 square foot building on the 1.102 acre lot comprising office and warehousing uses. This resulted in a new curb cut off Ringwood Road to support the use.		
PC-1986-02	**Lot Split**	Administrative Approval in January, 1986
This case involved splitting off an additional lot immediately to the east of the main Capitol Varsity site and currently addressed as 6715 Ringwood Road, also totaling 1.102 acres. This action was approved administratively by the Planning Commission.		
PC-1986-19	**Additional Use**	Council approved October 21, 1986 by Ord No 1912
This approval was for a "light manufacturing, office and distribution multi-use building" on the lot at 6715 Ringwood Road. The access point to Ringwood was originally proposed to be shared with the adjacent lot to the west; however, the plan was later revised to include a new curb cut accessed separately further east on Ringwood. The reality today is there is shared parking/accessibility across property lines between 6723 and 6715 Ringwood, as well as a separate curb cut and parking lot on the east side of the building at 6715 as had been shown in the revised plans.		
PC-1987-09	**Lot Split**	Administrative Approval in August, 1987
This approval involved splitting off another 1.102 acre lot with 150 feet of frontage along Ringwood Road (currently undeveloped, addressed as 6705), as well as a 3.414 acre lot with 305 feet of frontage along Ringwood and 392 feet of frontage along US 27, which eventually became the site of the First Baptist		

Church at 6701 Ringwood. By this time, almost all frontage along Ringwood had been absorbed by approved lot splits, sparing just a 50 foot width in between 6715 and 6705, which constitutes the present day location of the MayDay Gun Range driveway and panhandle portion of the subject site.		
PC-1987-16	**Stormwater Retention**	N/A
It is not clear from the limited contents of this file what the exact intent was behind this Planning Commission case. It appears the applicant, Ernie Myers, was aiming to construct a stormwater retention area within an easement that had been created specifically for that purpose as part of the previous lot split (PC-1987-09), on property currently occupied by the First Baptist Church (6701 Ringwood). There is no record of an approval, and no such retention feature was ever constructed in this area.		
PC-1994-17	**Additional Use**	Council approved January 17, 1995 by Ord No 2379
Council approved a reception hall use to be located at 6701 Ringwood (corner lot bordering both Ringwood and US 27). The hall was proposed to have a floor area exceeding 7,000 square feet, with capacity for up to 400 guests, and a 150-space parking lot provided in front. The building was proposed to be oriented toward US 27, with 2 curb cuts off Ringwood Road. This project never came to fruition following Council approval.		
PC-1996-04	**Additional Use**	Council approved June 18, 1996 by Ord No 2457
Council approved a "computer assembly operation" to be located at 6705 Ringwood, comprising a single building and surrounding parking area and including 2 new curb cuts off Ringwood. However, this project never came to fruition as this particular lot remains vacant.		
PC-2002-11	**Additional Use**	Council approved September 17, 2002 by Ord No 2763
Council approved a request from applicant Tim Myers and First Baptist Church to construct a church building and parking area at 6705 Ringwood Road. The church was eventually built on the site, accessed via a single curb cut off Ringwood.		
PC-2016-02	**Conditional Use**	Council approved March 15, 2016 by Ord No 3348
Council approved a request for a shooting and training facility on the 11.28 acres currently under consideration for a Preliminary Planned Development. The use had been determined by staff to fit into the Conditional Use category under the LI zoning district. The building itself was proposed to be around 12,000 square feet in area. Loading space, pedestrian safety, and bicycle parking requirements were waived as part of the approval.		
PC-2018-04	**Conditional Use**	Council approved May 15, 2018 by Ord No 3471
This request sought to construct an automotive service facility for specialty automobiles, including modification and repair services, at 6705 Ringwood. The use would have also entailed vehicle sales, but to a more a limited extent and not the primary focus. Council approved the application while also waiving bicycle parking and pedestrian circulation/safety requirements. Site construction did not ultimately come to fruition, and the Conditional Use approval has since expired.		

COMMENTARY

Staff comments on site conditions and a number of key development aspects are provided below:

- **Building Areas and Uses:** The table below summarizes the 8 individual development areas which are proposed as part of this Preliminary Planned Development. The plan includes 1 existing use to be retained, and up to 7 new uses to be allowed on the site. Staff is of the opinion that the Commission could consider the entire site at the Preliminary stage, however the Final Planned Development approval should be split up into two or more approvals based on when uses and site construction are more concretely defined for each use. For instance, assuming this Preliminary application was eventually approved by Council, the first Final Planned Development submittal could encompass the proposed business incubator and self-storage facility uses only. Along these lines, the Commission should consider the proposed buildable areas and building footprints for Development Areas 1 and 5-8 on a more conceptual basis, as these could be subject to more substantial design variation at a Final stage depending on the use(s)/tenant(s) in mind.

Development Area	Existing Use	Planned Use	Buildable Area	Building Footprint
Development Area 1	Vacant	Undefined	40,905 sq ft	13,650 sq ft (estimate)
Development Area 2	Gun Range	Gun Range	30,292 sq ft	11,371 sq ft (actual)
Development Area 3	Vacant	Business Incubator	18,032 sq ft	8,219 sq ft (proposed)
Development Area 4	Vacant	Self-Storage Facility	46,468 sq ft	20,716 sq ft (proposed)
Development Area 5	Vacant	Undefined	10,993 sq ft	5,083 sq ft (estimate)
Development Area 6	Vacant	Undefined	13,903 sq ft	8,005 sq ft (estimate)
Development Area 7	Vacant	Undefined	11,558 sq ft	6,964 sq ft (estimate)
Development Area 8	Vacant	Undefined	12,456 sq ft	4,902 sq ft (estimate)

- **Landscaping and Tree Preservation:** The project is subject to the standards of Chapter 1148 Landscaping and Tree Preservation, which includes both tree planting and tree preservation requirements. It should be noted however that the Commission has the ability to waive or modify such standards, or impose more stringent requirements, inherent to a more discretionary review process involved with a Planned Development. Summaries by subject are provided below:

    - **Tree Planting:** The Code's tree planting requirements are normally based upon the amount of lot frontage a given site has along a public street. Going strictly off the Code language, the calculation would only be based on a total of 50 feet of lot frontage along Ringwood, thus requiring only 5 total trees on the overall site (minimum of 1 tree per 10 linear feet of frontage), not inclusive of additional trees that may be required for parking areas. Because the development is planned as a single site and not as a subdivision with new public streets, no new public street lot frontage is being created. However, given the flexibility allowed in a Planned Development process, a more practical interpretation of the tree planting could be to observe the "pseudo" frontage being created for each individual leased area located along the extended drive/parking aisle intended to serve each area. Measuring frontage in this manner results in a total frontage length of 1,174 feet. Applying the Code's formula to this figure results in a total of 117 overall site trees. The applicant has provided a Landscape Plan (Sheet A-3) displaying a total of 41 new trees to be planted, including 25 deciduous trees and 16 new conifer trees; this would account for 35% of the "perceived" minimum

amount of trees necessary for the new development under the revised calculation. It should be noted though that the submitted Landscape Plan does not yet account for the conceptual development areas (#s 1, and 5-8), so more trees could eventually be proposed through Final Planned Development procedures for the remaining uses.

- **Tree Preservation:** The Zoning Code requires a Tree Survey to be performed for all nonresidential developments. The Survey is required to document the location, diameter at breast height (DBH), and species of each tree totaling 10 inches DBH or greater. Estimations may be accepted for areas greater than 1 acre, and any area that is more than 100 feet away from the nearest proposed improvement (structure, pavement surface, etc.) may be exempted from the need to survey. The vast majority of the site is field and does not contain trees. A wooded portion in the center of the site appears to have been clear cut recently. The most significant tree line is along the southern boundary of the site, bordering the railroad. Although this tree line is located roughly 100 feet away from the existing gun range, it is much closer to the proposed business incubator building (84 feet) and nearest self-storage outbuilding (32 feet). In the preliminary planning stages, it can be difficult to determine whether a wooded area will actually be impacted by grading activities since engineered contour lines are not yet determined. The spirit of the Tree Survey requirement is to observe the amount of significant trees that are unnecessarily removed for the sake of development, exempting those that must come down to make way for buildings, walkways, parking surfaces, etc.. The Survey is then compared to the number of new tree plantings to ensure a balance where the net amount of tree coverage is at or above the site's existing conditions. Overall, staff sees this as a low risk situation compared to the number of new trees planned, and recommends the Survey requirement be waived.

- **Parking Area Trees:** The Parking Code also specifies tree planting requirements based on the number of parking spaces provided. The standard, per ***Section 1149.07(e)(6)(B)***, is a minimum of 2 trees per facility plus 1 tree for every 5 parking spaces. If the entire site is considered 1 "facility," this amounts to 34 total trees based on a total of 159 parking spaces proposed. The vast majority of the 41 trees proposed by the applicant are within proximity to parking areas and drive aisles.

- **Lighting:** The applicant proposes a series of post-mounted light fixtures to illuminate vehicle and pedestrian circulation areas. Wall pack lights are also proposed on the faces of the business incubator and self-storage buildings. All lights are to be shielded and LED. Staff would need to verify compliance with Zoning Code lighting requirements at the time of Building Permit submission.

- **Lot Coverage:** The LI District provides a generous maximum lot coverage of 70%. The applicant's plan proposes an overall coverage percentage of 43%, well below the maximum. The resulting coverage percentage could change at a later stage depending on the scale of future construction on the remaining 5 building sites, though it would unlikely exceed the 70% limit unless a more substantial redesign was contemplated.

- **Non-Vehicular Mobility:** Relevant topics are discussed below:

  - **Pedestrian Facilities:** The proposed plan provides sidewalks and walkways throughout much of the development, linking building sites to one another and to available parking. The Zoning Code was recently amended to include standards requiring the construction of sidewalks, when absent, along all public street frontage. The Code also requires a separate walkway to link the public sidewalk to the entrance(s) of the developed building/use(s). A public sidewalk currently exists along US 27 (dead-ending into the shoulder about 100 feet away from the Ringwood intersection corner), but no sidewalk exists along Ringwood Road.

The proposed plan does not show construction of a new sidewalk along Ringwood, nor does it show a walkway connection to either Ringwood or US 27.

- **Bicycle Parking:** The Zoning Code provides minimum bicycle parking standards based on the number of vehicular parking spaces provided. The Code was recently updated to factor into the calculation either the required amount of vehicle spaces, or actual vehicle spaces provided, whichever is greater. Observing the proposed number of spaces (159), this results in a minimum total of 15 bike spaces based on a factor of 1 per 10 provided. Bicycle parking standards had been waived in the past for other developments in this area of town, though such past decisions do not preclude the Planning Commission from adhering to the Code and enforcing current standards for this project. It should also be noted that previous waivers pre-dated Council's adoption of a Complete Streets Policy in August 2019, which seeks to make the transportation network safer and better connected by serving all users and modes of travel. Staff encourages the Planning Commission to consider the full "Policies" section of the Complete Streets Policy, as seen in Appendix B of this report. The Policy outlines very specific circumstances in subsections (a.) thru (f.) where exemptions may be considered.

- **Open Space:** There is a 20% minimum open space requirement for Planned Developments per ***Section 1145.12(f)(1)***, which normally cannot include any area less than 50 feet by 50 feet nor can it include the required 50-foot perimeter setback for an industrial zoning district. The proposed plan delineates these open space areas, totaling approximately 1.61 acres or **14.4%** of the overall site. Unfortunately, the plan only recognizes a 25-foot setback, which normally applies in residential and commercial districts; thus, to adjust to the proper 50-foot setback, this would result in significantly less overall "calculable" open space. The Commission would need to grant a waiver to reduce the amount of required open space from 20% down to **11.4%** (1.29 acres).

- **Signage:** The Zoning Code normally restricts development sites to no more than 1 wall or freestanding sign in the LI District. Staff agrees with the applicant's argument that this would be far too restrictive in preventing usable signage for the development. Instead, the applicant proposes the following sign allowances for the Commission to consider as part of the Planned Development: (1) a ground sign next to the existing driveway entrance off Ringwood Road, to provide a directory of businesses; (2) a ground sign next to and identifying the business incubator; (3) a ground sign next to and identifying the self-storage facility; (4) two wall signs not exceeding 3 feet in height, including one on the business incubator building and one on the main storage building, each on the east facing sides; and (5) individual business unit wall signs displayed along the front of the business incubator building each not exceeding 16 square feet in size. The submitted renderings illustrate the look and placement of much of the proposed signage. Ground signs are proposed to comply with typical dimensional standards, including a maximum sign area of 48 square feet, maximum height of 6 feet, and maximum width of 12 feet.

- **Stormwater Management:** Two detention areas are proposed for the development. One is located within the middle of the loop road, and another in the easternmost corner of the site near US 27. Each is to be located within a utility and drainage easement and be recognized as contributing toward the open space requirement. Since the development is being proposed as one contiguous site designed in a comprehensive manner (as opposed to a subdivision with divided ownership), all maintenance responsibilities for such facilities would rest with the property owner. It would be up to the owner to ensure that any lease agreements with future tenants account for funding ongoing maintenance of these areas.

- **Traffic Circulation:** Various topics are discussed below:

- **Future Major Collector Road:** The 2007 Oxford Transportation Thoroughfare Plan (as reflected in the Oxford Transportation Plans compilation document most recently approved by Council in May 2020) shows a future major collector roadway (segment 15B) running between US 27 and Contreras Road. The plan shows the potential for a reconfigured intersection between Todd Road and US 27, to align with this major collector route as well as a new minor collector route leading around Walmart and eastward to Brown Road. A long 60-foot wide parcel under separate ownership is located between the subject site and Schneider Electric, stretching between the railroad and US 27 near Todd Road. The applicant has agreed to reserve 40 feet of additional ground adjoining this parcel to make up a potential future right-of-way width of 100 feet as called for in the Thoroughfare Plan's Major Collector typical section. This would help to ensure any future right-of-way acquisition would not require demolition of structures, or an elimination or reduction of land usage. However, it should be noted that if a collector of this type were built between the subject site and Schneider, at least a couple of the proposed structures would be in close proximity to the resulting right-of-way line. For example, one of the self-storage outbuildings is shown approximately 10 feet from the future right-of-way line. Accessory buildings are normally not permitted in a front yard area, and the minimum front yard depth in LI is 50 feet. This configuration may be acceptable in this circumstance given the industrial character of the area, provided additional vegetative screening was provided between the building and the right-of-way.

- **Off-Site Improvements:** No off-site transportation improvements, such as road widening, signals, or turning lanes, are proposed as part of the submitted application. The current site plan represents the third design drawn up for the subject site. A traffic study had been performed for the second design, which had included a new curb cut off US 27 in addition to the existing drive accessed from Ringwood Road; this study had determined no off-site improvements were necessary to handle the projected amount of traffic. Staff's opinion is that a new traffic study be performed for the latest design which features only one formal way in and out of the site via Ringwood Road, to confirm whether or not any improvements might be necessary at the existing entrance location or at the intersection of US 27 & Ringwood.

- **Parking:** The applicant displays a total of 159 parking spaces for the entire site, which are intended to be shared between uses. Of this total, 27 currently exist and serve the gun range use. The Oxford Zoning Code does not provide a schedule of required parking for a business incubator or self-storage (mini warehouse) use, but by recent amendment allows staff to utilize parking demand estimates produced by the Institute of Traffic Engineers (ITE). Below is an analysis of potential parking demand vs. parking capacity provided in the plan. It appears adequate parking is provided to serve the two new uses.

Use	ITE Use	Peak Period Parking Demand (average)	Gross Floor Area	Estimated Parking Spaces	Provided Parking Spaces
Business Incubator	General Light Industrial (110)	0.65 / 1,000 sq ft gross floor area	8,219 sq ft	5	22
Self-Storage Facility	Mini Warehouse (151)	0.10 / 1,000 sq ft gross floor area	20,716 sq ft	2	8

- **Emergency Access via Church:** During initial internal discussions between staff and the applicant, the Fire Chief expressed concern with the original loop road plan providing only one possible way in and out of the development. The first attempt to address this concern was by providing an access point along US 27, which in turn was not well received by the

Community Development and Service Departments. Ultimately, a potential compromise was reached by returning to a loop road layout but providing a second means of emergency access via the First Baptist Church parking lot. The applicant proposes at the initial stage of development (encompassing only the business incubator and self-storage facility), to construct the gravel base for the loop road, but hold off on paving and curbing until the time when the remaining areas are developed. Once the loop road is fully built, the plan is for a depressed curb in vicinity of the southern edge of the church parking lot.

- **Utilities:** Comments on individual utility services are provided below.
    - **Sanitary Sewer:** The engineered version of the site plan from Bayer Becker shows new 8-inch sanitary mains tapping in to the existing sanitary system on US 27.
    - **Water:** The Bayer Becker site plan also shows a new 8-inch water main connection from US 27.
    - **Electric:** Information on electric utility connections is not shown at this time. The preference is for such utilities to be located underground.
    - **Garbage & Recycling Collection:** In order to accommodate development expansion, the existing refuse enclosure serving the gun range will need to be relocated. The applicant proposes situating a new enclosure at the end of a new parking area to the south of the existing building, adjoining the new business incubator. A total of two garbage enclosures are also shown inside the secured vehicle egress area around the self-storage facility; it is possible one of these enclosures may also serve the business incubator. The sizing and accessibility of these facilities would need to be reviewed at the time of Building Permit submission.

DECISION CRITERIA

All Planned Developments shall satisfy the General Decision Standards provided in ***Section 1145.06(b)***. The standards found within this section are below with staff analysis provided for each:

1. **The proposed planned development is in fact permitted in the zoning districts in which it is proposed.**
   A mini-warehouse and business incubator are Conditional Uses in the LI District. These uses may be approved for the subject site through the Planned Development process.

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.**
   This criterion is not applicable. This is the first attempt at a Planned Development application for this site within the past year.

3. **The uses and site plan will satisfy the general intent of this Zoning Code.**
   Section 1143.14(a) describes the purpose of the LI District is *to provide for those analytical and associated fabrication activities associated with research and development, as well as for office and industrial uses having minimum impact upon the surrounding environment in areas that are suitable for industrial development by reason of location and availability of adequate utility and transportation systems.* The uses that are known at this time fit the general intent of the LI District.

4. **The uses and site plan will be compatible with the general intent of the Comprehensive Plan.**
   The Comprehensive Plan designates the site as a "Corridor" developable character area, where the City should work to *promote and attract new commercial uses, and enhance connectivity and the design of*

existing uses through public and private investment. Industrial and commercial uses are found to be permissible in this area. Staff believes the proposed site development helps to fulfill the vision expressed by the Comprehensive Plan, as well as fulfill a community need for storage space as well as incubator space so that area contractors/plumbers will have a "base" from which to interface with customers and store supplies.

5. **The size and shape of the site are sufficient for the proposed planned development.**
The applicant has undergone several revisions in striving to achieve a design that satisfies City concerns for accessibility and safety. The applicant has provided the required 50-foot setback around the perimeter of the site, but only with respect to buildings. The 40-foot area offered as potential future right-of-way is included within the 50-foot setback, rather than being apart and separate from the setback, meaning if a major collector roadway were ever built, structures could be situated a lot closer to the right-of-way than as normally would be allowed by Code.

6. **The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.**
The subject site is located far from residential uses, making it ideal for many of the uses prescribed by the LI District as well as the types of uses proposed. The site borders industrial, commercial, and institutional uses.

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.**
A new traffic study should be performed for the latest design, to determine whether off-site public improvements are warranted on Ringwood Road and/or US 27. Based on the land uses known at this time, it is not believed that noise, smoke, fumes, glare, odors, vibration or other external effects of this nature will become a concern.

8. **Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.**
Two accessory outbuildings associated with the self-storage facility use are proposed and will be accessed via the gated/secured grounds of the site.

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.**
Construction drawings will need to be reviewed by the Service Department at a later date to determine the feasibility of connection to existing utilities, and also verify compliance with the City's stormwater management regulations. All "streets" and drainage structures interior to the site are to be privately held and managed/maintained. The Service Department will likely require bonding of these private infrastructure improvements to ensure their completion. Adequate provisions must be made for emergency access through the church parking area for fire protection.

10. **Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.**
The engineered version of the site plan indicates that water and sewer utilities are directly available from US 27. While the proposed plan has been designed with the possible future construction of a collector roadway in mind, new public streets or roadways are not necessitated by the proposal. As mentioned previously, a new traffic study should be conducted to verify whether off-site improvements to public roadway infrastructure are necessary. It is quite possible such a study will need to be updated once more specificity is reached on the intended usage of additional development areas on the site.

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.**
Based on the plans and renderings provided, staff believes the intended character will be harmonious in appearance with the general character of the surrounding area.

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.**
As mentioned in the body of the report, adequate provisions have not been made to ensure accessibility for alternate modes of travel, including by foot and by bike. The plan should be revised to include such connections to the existing public sidewalk system and comply with the latest development codes in the City's Zoning Code as well as the City's Complete Street Policy.

13. **Proposed construction will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.**
Remaining portions of the site surrounding the gun range development are presently undeveloped. It is not believed that a feature of this magnitude will be lost as a result of further development.

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.**
Much of the subject site is presently field, or has been cleared of previously existing vegetation. The existing tree lines along the perimeter of the site should be retained as much as possible. In accordance with the Zoning Code, at Tree Survey would normally be required for the southernmost corner of the site in proximity to the planned business incubator and self-storage uses. The Commission may consider waiving this requirement due to a relatively low risk of disturbance to perimeter vegetation, in consideration of additional new landscaping/trees planned throughout the site.

STAFF RECOMMENDATION

Based upon a review of the Decision Standards, staff recommends **approval** of the Preliminary Planned Development subject to the following conditions:

1. The existing gun range, and proposed business incubator and self-storage facility uses shall be the only land uses approved at this stage. Additional future land uses may be considered on a case-by-case basis as part of either a Final Planned Development or amended Preliminary Planned Development, in accordance with provisions prescribed for the LI District. In all instances, Adult Entertainment Facilities shall be prohibited.

2. A new Traffic Impact Study shall be completed for the latest site design to verify whether public off-site improvements are necessary to support anticipated uses. The study shall be completed prior to submission of a Final Planned Development application; staff may require the study be amended at a future date depending upon the anticipated traffic impacts when additional land uses are more clearly defined.

3. Bicycle parking shall be provided in accordance with the Oxford Zoning Code and reviewed at the Final Planned Development stage.

4. Five-foot wide sidewalk shall be provided along the Ringwood Road frontage.

5. A five-foot wide walkway connection shall be provided between the walkway system shown on the Plan and the existing public sidewalk along US 27. This connection shall be reviewed at the Final Planned Development stage.

6. Additional landscaping shall be provided along the back side of the larger self-storage outbuilding facing future collector road right-of-way, to help soften the viewscape along the future corridor. More exact details shall be reviewed at the Final Planned Development stage.

7. In-lieu of a gravel base being laid for the loop road proposed to service Development Areas 5-8, a paved temporary turnaround/cul-de-sac shall be provided in proximity to the last gated entrance to the self-storage facility to enable emergency vehicles to turn around; such feature shall be reviewed at the Final Planned Development stage. No gravel base for the loop road shall be laid until such time as it is approved for Development Areas 5-8.

8. A waiver to ***Section 1145.06(f)(1)*** is hereby granted to reduce the amount of required open space from 20% to 11.4%.

9. A waiver to ***Section 1148.05(b)(2)(A)*** is hereby granted to relieve the developer from the Tree Survey requirement, on condition that wooded areas noted to remain are not disturbed during construction and the landscaping plan as presented is fulfilled.

SUBMITTED BY: Zachary W. Moore

Zachary Moore, AICP
Planner

DATE: July 7, 2021

APPENDIX A
RELEVANT ZONING CODE PROVISIONS

Within the Oxford Zoning Code, ***Section 1143.14*** provides the base zoning standards for the LI zoning district and ***Chapter 1145*** governs Planned Development applications.

1143.14 – LI Light Industrial District.

(a) Purpose.
This district is intended to provide for those analytical and associated fabrication activities associated with research and development, as well as for office and industrial uses having minimum impact upon the surrounding environment in areas that are suitable for industrial development by reason of location and the availability of adequate utility and transportation systems. Permitted uses are those that can be operated in a clean and quiet manner, subject only to those regulations and performance standards necessary to prohibit congestion and for the protection of adjacent residential and business activities.

(b) Uses.

(1) Permitted uses.

A. Any use whose principal function is basic research, design and/or pilot or experimental product development or technical training.
B. Office buildings of an executive or of an administrative nature or incidental to those uses previously listed.
C. Sales offices related to the principal manufacturer on the same site provided that any retail trade with the general public shall be of a limited nature and that no stock of goods is maintained for sale to the general public.
D. Sales offices related to the principal manufacturer on the same site provided that any retail trade with the general public shall be of a limited nature.
E. Business and industrial service facilities.
F. Laboratories including experimental, film, testing, research, or engineering.
G. Printing, publishing, binding, and typesetting plants.
H. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to bakery goods, business machinery, candy, clocks and toys, cosmetics, electrical and electronics products, components and equipment, food products, hardware and cutlery, tools, and pharmaceuticals.
I. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as, but not limited to, bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, sheet metal (excluding large stampings, such as automobile fenders or bodies) shell, textiles, tobacco, wax, wire, wood, (excluding saw and planning mills), and yarns.
J. Medical, dental, optical manufacturing.
K. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
L. The manufacture and repair of electric and neon signs.
M. Motion picture production.
N. Adult Entertainment Facilities.
O. Accessory buildings and uses incidental to the principal use.

(2) Conditional uses.
The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.

A. Any permitted use over 100,000 square feet of gross floor area

B. Electroplating
C. Graphic products manufacturer
D. Light sheet metal products, including heating and ventilating equipment, cornices or eaves
E. Cold storage plants
F. Tool and die shops, wrought iron shops, machine shops, excluding drop hammers
G. Banks, including drive-in facilities
H. Restaurants, including fast food and drive-ins
I. Taverns
J. Wholesale facilities
K. Other manufacturing, processing, or storage uses determined by the Planning Commission to be of the same general character as the permitted uses previously listed and found not to be a nuisance or offensive by reason the potential emission or transmission of noise, vibration, smoke, dust, glare, heat, water or air pollution. In this regard, the Planning Commission may seek expert advice on what conditions should be imposed on a particular operation to carry out the purposes of this zone: the cost of such expert assistance shall be borne by the applicant.
L. Mini-Warehouse (Self-Storage Units)
M. Business Incubator

(c) Site Development Regulations.

(1) Lot requirements.
A. Minimum lot frontage and width: 100 feet
B. No minimum lot size is specified, however, the lot size shall be adequate to provide for parking, access drive spacing, yard space and screening requirements.

(2) Yard requirements.
A. Minimum front yard depth: 50 feet
B. Minimum rear yard depth and side yard width
1. If side or rear yard abuts onto a Residential District, yard shall have a minimum 50 feet for Permitted Use and minimum 100 feet for Conditional Use, and landscaped screening provided.
2. Each side and rear yard shall be equal to the height of the principal building.
3. Opaque fence may be substituted for plantings if approved by the Zoning Board of Appeals.

(3) Structural requirements.

A.	Maximum height	45 feet
B.	Maximum Lot coverage	70 percent

(d) Supplementary Regulations.

(1) Site plan approval required.
A site plan shall be submitted that shows graphically the location and dimensions of vehicular entrances, exits, internal circulation pattern, off-street parking and loading facilities, building location and dimensions, storage facilities, landscaping and screening facilities.

(2) Impact statement.
Prior to being issued a zoning certificate in the Office/Industrial District, the applicant must obtain approval of a descriptive text indicating the nature of the proposed activity, expected levels of noise, odor, dust, smoke, light, water and air pollution, glare and/or vibration from normal operations and a plan for addressing these impacts. The expected number of employees per shift, at the outset and at full expansion, shall be indicated. Other information, as required, shall be submitted either in text or plans.

(3) Storage of material.
Storage of material and equipment shall be within an enclosed building, unless located behind the principal structure and visually screened from the street and adjacent properties

by a landscaped screen, fence or wall. Such screening of open storage and trash containers must meet the requirements of Sections 1141.01 and 1141.04.

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.

(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.

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.

APPENDIX B
COMPLETE STREETS POLICY

Below is an excerpt from the **Policies** section of the Complete Streets Policy, adopted by the Oxford City Council by Resolution 7098 on August 20, 2019. Specific attention should be directed to the exemptions outlined in subsections (a.) thru (f.).

Policies

The City of Oxford surface transportation network shall balance the need for all current and future users. Project identification, planning, scoping, and design for new construction, reconstruction, resurfacing, rehabilitation within the public right-of-way shall adhere, where applicable to the following:

1) There is no one design standard that achieves the complete streets outcome. Design of particular projects will be context-sensitive, consideration of adjacent land uses and local needs and incorporating the most up-to-date, widely-accepted design standards for the particular setting, traffic volume and speed, and current and projected demand. Each project must be considered both separately and as a part of a connected network to determine the level and type of treatment necessary for the street to be complete. Additional principles, polices and guidelines may be found under the Best Practice Design.

2) Exemptions to the Resolution may be made under one (1) or more of the following conditions as determined by City Council in consultation with the City Manager, upon recommendation of the Oxford Parking and Transportation Advisory Board.

   a. Where bicyclists and pedestrians are prohibited by law from using the roadway; or
   b. Where the cost of providing such accommodations would be disproportionate given the need or probability of use; or
   c. Where severe topographic or natural resource constraints prohibit such accommodations, or
   d. Where conditions or restrictions outside the purview of the City of Oxford prohibit such actions.
   e. Where the project consists primarily of the installation of traffic control or safety devices.
   f. Where roadway safety standards or bicycle and pedestrian safety standards cannot be met.

3) Where accommodations for all users cannot be made, reasonable efforts shall be made to identify adjacent alternative routes and/or methods of travel to provide a safe, reliable, integrated, and interconnected surface transportation network.

4) Roadways, sidewalks, shared-use paths, street crossings, pedestrian signals, signs, street furniture, transit stops and facilities, and all connecting pathways shall be designed, constructed, operated, and maintained so that all users of the surface transportation network can travel safely, reliably, and independently.

5) The implementation of this policy shall reflect the context and character of the surrounding built and natural environment, and enhance the appearance of such.

6) The design and development of surface transportation infrastructure shall be in accordance with all City of Oxford ordinances, codes, plans, policies, and guidelines where appropriate.

7) A system of performance measurements shall be established to gauge the success of this Policy with regards to the stated Goals above.

City of Oxford Fire Department

Memo

To: Zach Moore, Planner

From: John Detherage, Fire Chief

CC:

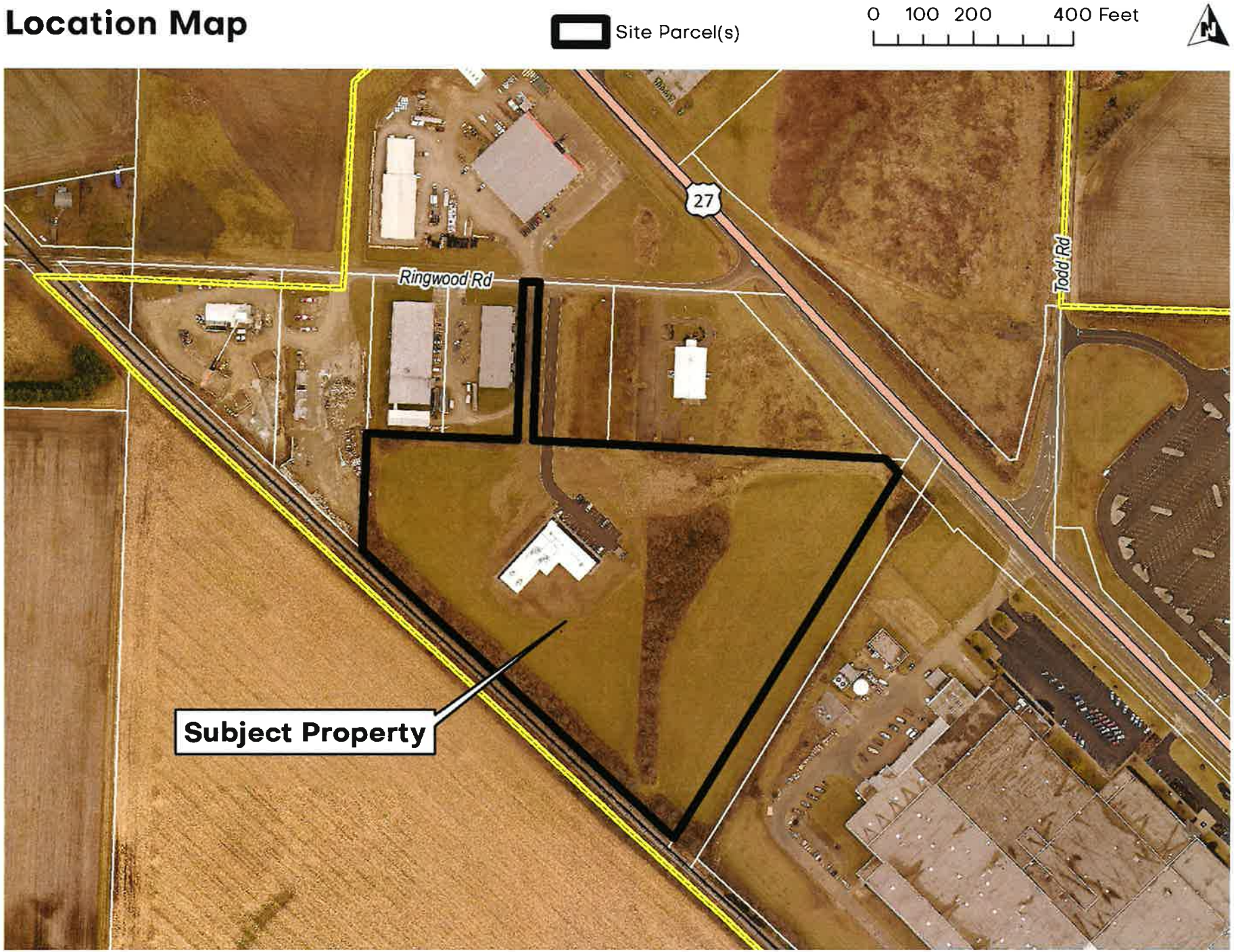
Date: 7/6/2021

Re: 6711 Ringwood Rd.

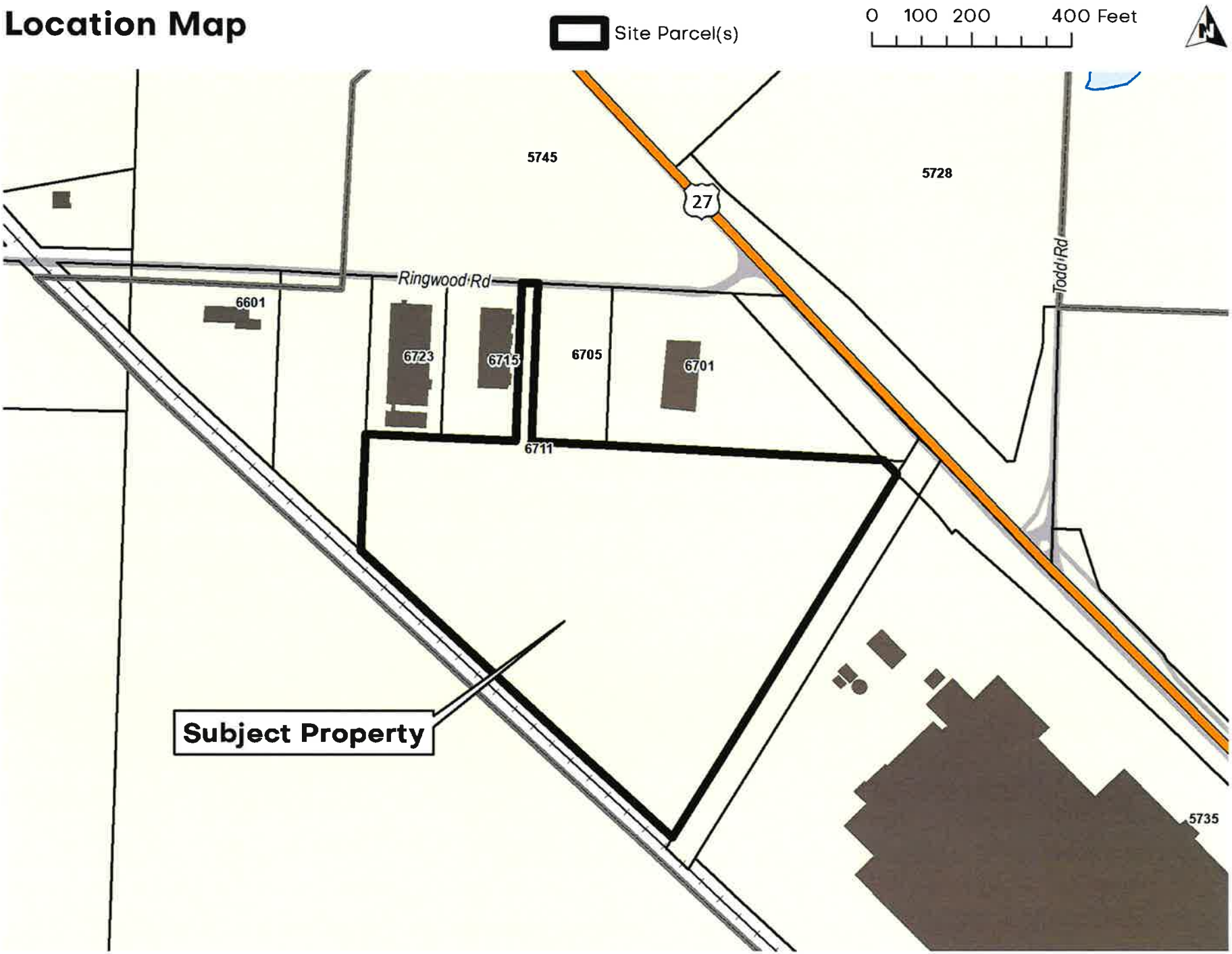
Per our conversation today regarding the proposed development at this locations I offer the following:

- I am agreeable to the loop portion of the road being based in with compacted gravel and maintained in a passable condition for emergency vehicle travel until such time that the proposed buildings on that section are constructed.
- The turns around the proposed phase 1 buildings will need to be evaluated for emergency vehicle access by the designer.
- A second emergency vehicle ingress will need to be in place when the road for phase 2 is paved.

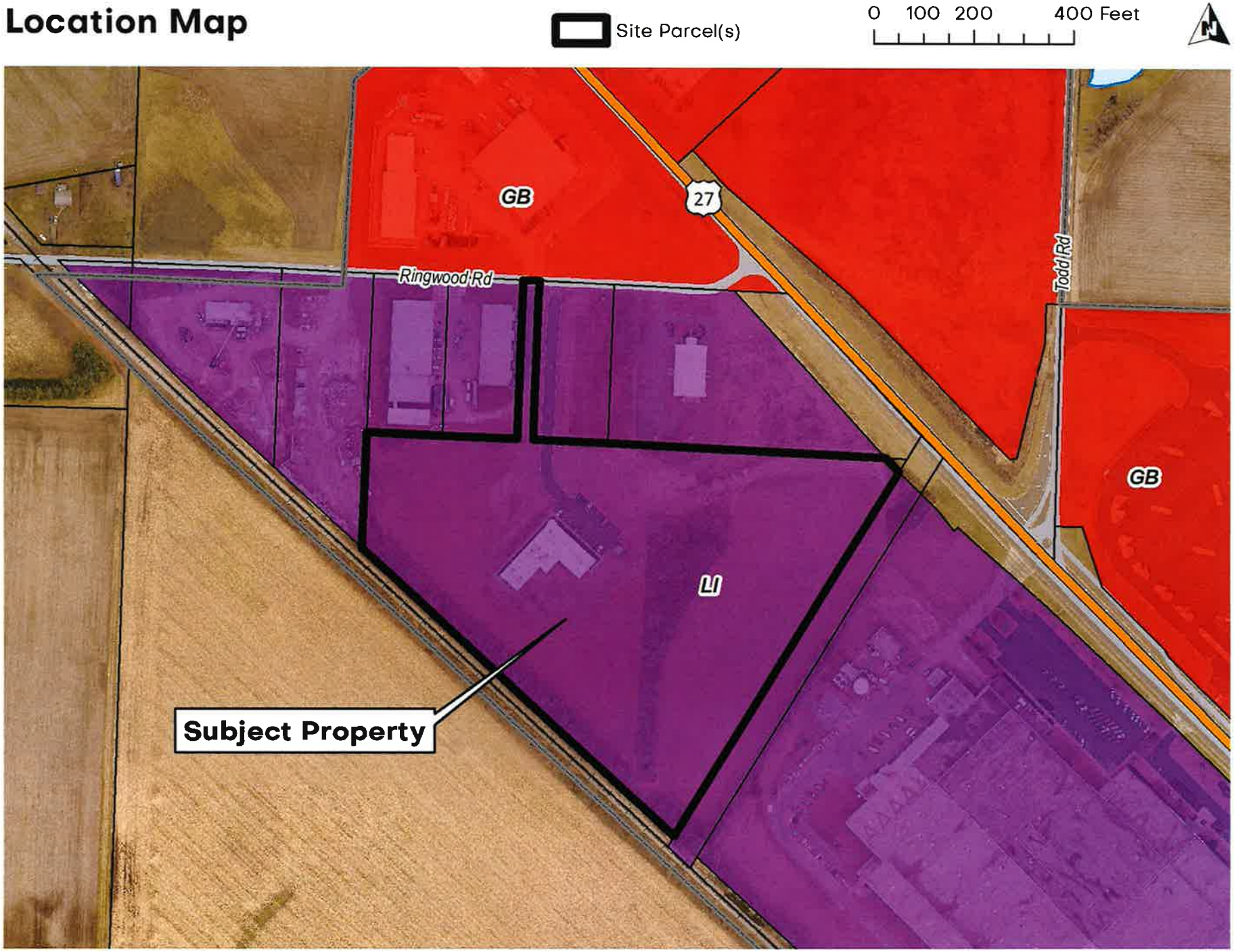
Location Map



Location Map



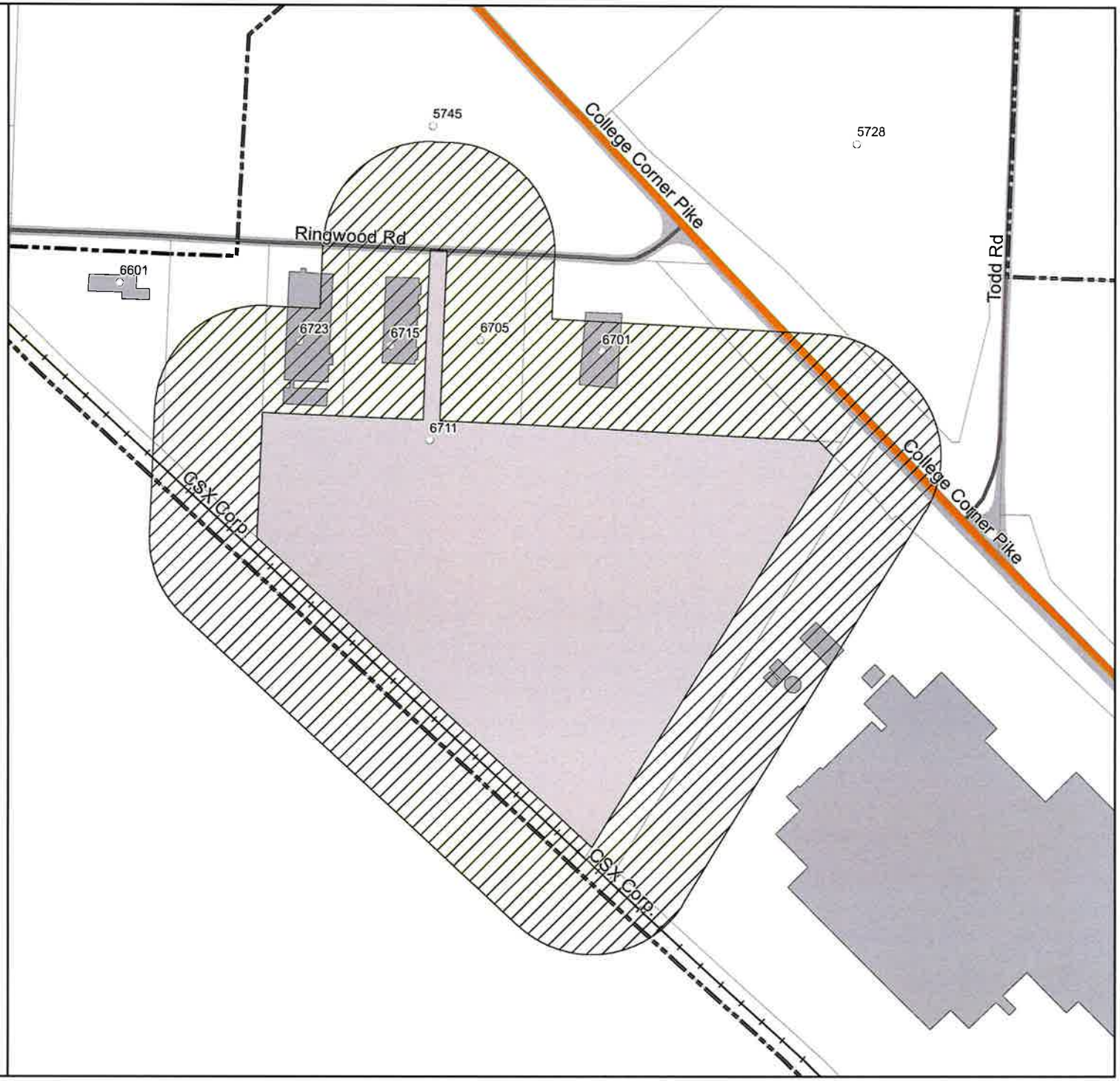
Location Map



City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

PC-2021-07

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

N

1 inch = 250 feet

Prepared on Tuesday, June 08, 2021

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

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Internal Use Only:
Case No. PC-2021-07
Date Filed 5-28-2021

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 * Scott Webb, Architect

Mailing Address * 103 West Walnut Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number * 523-3838 Email Address scott@scottwebbarchitect.com

Owner Information

Name * Mayday Handgun Training LLC

Mailing Address * 6711 Ringwood Road

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number * 200-8121 Email Address maydays44@gmail.com

Engineer/Surveyor Information

Name * Bayer Becker, Engineers, & Surveyors

Mailing Address * 110 South College Avenue

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number * (859) 415-1602 Email Address markrosenberger@bayerbecker.com

Location and Lot Information

Name of Subdivision *

Location of Property * 6711 Ringwood Road

Legal Description * Survey Attached

Zoning District * LI Total Area * 11.28 Acres

Submission Requirements and Documentation

The application requirements (Section 1145.05[1]) 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

the type of materials included. **The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement.**

(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 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.

(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 Search[2] is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number.

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 1145.06[1].

Fees & Receipt

The fees for a Preliminary, Final, or combined Preliminary and Final Planned Development application are $570.00 plus $100.00 per acre, plus $10.00 postage charge.

Sign and Date

Applicant Signature *

Date * 05/28/2021

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: https://www.cityofoxford.org/fees-ordinances-and-charter

[2] Butler County Auditor Real Estate Search: https://www.butlercountyauditor.org/

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford's Planning Commission & City Council regarding a new Planned Development incorporating the Mayday Gun Range

Thank you,

Signed: _____ 6-15-21

Jeff day, MayDay Handgun Training LLC Date:

Sam Perry
Community Development director
City of Oxford
Municipal Building
15 South College Avenue
Oxford, Ohio 45056

Re: Preliminary Industrial Planned Development
Incorporating the MayDay Gun Range
6711 Ringwood Road & College Corner Pike (US 27)

May 27, 2021

SCOTT
WEBB
ARCHITECT
103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3838
www.scottwebbarchitect.com

Sam,

Please accept this letter as a formal request for a Preliminary Planned Development review by the City of Oxford Planning Commission for a new Commercial Planned Development incorporating the MayDay Gun Range on Ringwood Road.

At our original concept review with Planning Commission the Commissioners and the Fire Chief expressed concern about a single point of entry to the development. Suggestions were made regarding purchase of additional property or providing an access point where the existing property connects with the right-of-way along College Corner Pike (US 27). Further discussion at the meeting and with Staff resulted in a preliminary opinion that if access were provided onto US 27, it would be limited to Right-In/Right-Out only. The proposed Site Plan was revised accordingly and submitted in March.

A second round of Staff reviews and meetings lead to a return to the internal loop originally presented but modified to provide the potential for emergency access through the adjacent Church parking lot to the North.

Additionally, it was brought to our attention that Oxford's Thoroughfare Plan anticipated a "Major Collector", connecting US 27 with Contreras Road in this general vicinity and that the 100' Right-of-Way it requires should be addressed in the planning of this development.

There is currently a privately owned, 60' access parcel along the southeast of the property at hand, between US27 and the railroad easement to the southwest. The proposed development plan sets aside a parallel 40' area to potentially be combined with the 60' access parcel to create the 100' Right-of-Way required for the future Major Collector Road

The attached proposal has been prepared for and with the help of the following:

Property Owners:
MayDay Handgun Training LLC
6711 Ringwood Road
Oxford, Ohio 45056

Real Estate & Marketing:
Coe Potter, ReMax/Alpha Real Estate
5959 Fairfield Road
Oxford, Ohio 45056

Architect:
Scott Webb, Architect
103 West Walnut Street
Oxford, Ohio 45056

Surveyor:
Bayer Becker Inc.
318 South College Avenue
Oxford, Ohio 45056

The following is the written, detailed description of the proposal as required on the Planning Application:

(5) Description of Use and Site 1145.05 (7)

A. Legal Description/Survey of the Property is included with this Preliminary Planned Development Application.

B. The 11.28 acre Site currently contains the MayDay Gun Range, previously approved as a Conditional Use.

C. The property is currently zoned LI.

D. Description of the Proposed Planned Development.

1. No housing units are proposed
2. The proposed Planned Development is intended to allow further development of this 11.28 acre site for various LI & Commercial Uses including self-storage, and a business incubator space in the first phase with additional future LI development areas.
3. The expectation is that these uses would operate as a typical LI uses, maintaining typical business hours.
4. The overall site infrastructure (utilities, etc.) would be completed in the first phase as shown on the development drawings. The proposed loop road would be completed in Phase 2 as the development sites are purchased or leased.

E. Narrative statement evaluating the compatibility of the proposed Planned Development with the general vicinity and adjacent properties.

1. The proposed use(s) are similar to the existing land uses in the area. (Schneider Electric, IMI Concrete, Capital Varsity, Gillman's, etc.)
2. The proposal contained herein is intended to incorporate the MayDay Gun Range into a larger development similar to the adjacent properties and uses.
3. The proposed and anticipated uses do not involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions.
4. Negative effects on adjacent land are not expected.

F. The Planned Development in this location serves the goals of the planned development purpose statement, as it intends to permit and encourage creative and flexible land development not permitted by right.

G. The Planned Development is necessary and desirable in this location as this represents one of the few undeveloped LI parcels in the City. The Planned Development process allows for the further development of this lot using the existing entrance as a shared drive.

H. All public utilities are available for the proposed development. Their extension through the development is shown on the drawings.

I. The expected traffic impact would be typical for LI development with minor potential peaks at the beginning and the end of a typical workday. The Self-Storage use provided in Phase 1 generates very little traffic.

J. Easements, covenants and restrictions on the land and future structures will be incorporated into the final development plan as required for shared access, storm water, open space, parking, etc.

K. Mailing addresses of adjacent property owners will follow with the Preliminary Planned Development Application.

L. Other pertinent information:

The existing parcel is a "panhandle" lot with a single point of access to Ringwood Road. To allow further development of the property without a Planned Development would result in additional landlocked lots, accessed through shared access easements. The Planned Development approach allows common/shared roads, parking & open space.

The location allows further development of a large parcel of land in a manner consistent with the goals of the Zoning district.

The Comprehensive Plan is also encouraging, representing over 11 of the 15 acres the Land Use Chapter identifies as "developable land" in the "light Industrial District". A Planned development would allow more than a single use on these 11.28 acres.

Further, the Comprehensive Plan recognizes that "Office and industrial areas are the highest revenue generators for the City", while currently identifying this as a "Weak Place".

The proposed design meets Objective 6, regarding the redevelopment of the US 27 North Corridor in a planned and coordinated manner. The project is conceived as a node for commercial activity, visually separated from the US 27 Corridor, internally focused, and surrounded by similar uses.

Thank you for your consideration of this proposal. If you have any questions or need any additional information, please let us know.

Respectfully,

Scott Webb, Architect

Day Planned Development

Existing Total Land Area: 491,357 s.f.
11.28 Acres

Lot Coverage	Development Area	Building Area	Private Street Street Parking	Off-Street Parking	Sidewalks	Service Loading Area	Totals
Existing Gun Range	**#2**	11,547 s.f.	19,974 s.f.		3,237 s.f.		34,758 s.f.
1/2 Shared Parking & Sidewalks				5,333 s.f.	1,073 s.f.		6,406 s.f.
Proposed Business Incubator	**#3**	8,400 s.f.			1,663 s.f.		10,063 s.f.
1/2 Shared Parking Area				5,333 s.f.	1,109 s.f.		6,442 s.f.
Proposed Self Storage	**#4**		13,048 s.f.				13,048 s.f.
Main Building		15,400 s.f.			846 s.f.	26,594 s.f.	42,840 s.f.
Unconditioned perimeter -SW		2,544 s.f.					2,544 s.f.
Unconditioned perimeter -SE		3,191 s.f.					3,191 s.f.
Phase 2 Loop Road			13,379 s.f.				13,379 s.f.
Future Development Site	**#1**	14,000 s.f.		11,739 s.f.	4,312 s.f.	3,613 s.f.	33,664 s.f.
Future Development Site	**#5**	5000 s.f.	1,183 s.f.		1,309 s.f.	3,028 s.f.	10,520 s.f.
Future Development Site	**#6**	8,000 s.f.	848 s.f.		512 s.f.		9,360 s.f.
						5,831 s.f.	5,831 s.f.
Future Development Site	**#7**	7,000 s.f.	1,067 s.f.		419 s.f.		8,486 s.f.
Future Development Site	**#8**	5,000 s.f.	(SW) 1,792 s.f.		1,170 s.f.	1,975 s.f.	9,937 s.f.
			(SE) 854 s.f.				854 s.f.
Planned Development Totals		**80,082 s.f.**	**52,145 s.f.**	**22,405 s.f.**	**15,650 s.f.**	**41,041 s.f.**	**211,323 s.f.** **43.01%**

Open Space

Area #1	33,176 s.f.
Area #2 -Retention-1	17,849 s.f.
Area #3 - Retention-2	13,131 s.f.
Area #4 - South Corner	6,537
	70,693 s.f.
	14.39%

VICINITY MAP
NO SCALE

GENERAL NOTES

1. SANITARY SEWER, STORM SEWER AND WATER MAIN SHALL BE CONNECTED TO EXISTING CITY OF OXFORD SYSTEMS AND CONSTRUCTED PER CITY OF OXFORD STANDARDS AND SPECIFICATIONS.
2. ELECTRIC TO BE SUPPLIED BY DUKE ENERGY.

OWNER

MAY DAY HANDGUN TRAINING LLC
5145 COLLEGE CORNER PIKE
OXFORD, OH 45056 1103

US 27 (COLLEGE CORNER PIKE)

RINGWOOD ROAD

PROPOSED DETENTION AREA

POTENTIAL EMERGENCY ACCESS CONNECTION

COMMON DETENTION AREA

FUTURE DEVELOPMENT AREA #1

FUTURE DEVELOPMENT AREA #2

FUTURE DEVELOPMENT AREA #3

FUTURE DEVELOPMENT AREA #4

FUTURE DEVELOPMENT AREA #5

FUTURE DEVELOPMENT AREA #6

FUTURE DEVELOPMENT AREA #7

EXISTING GUN RANGE AREA #2

BUSINESS INCUBATOR SMALL TENANT SHOP DEVELOPMENT AREA #3 8,500 s.f.

SELF STORAGE DEVELOPMENT AREA #4 21,000 s.f.

FUTURE ROAD CONNECTION

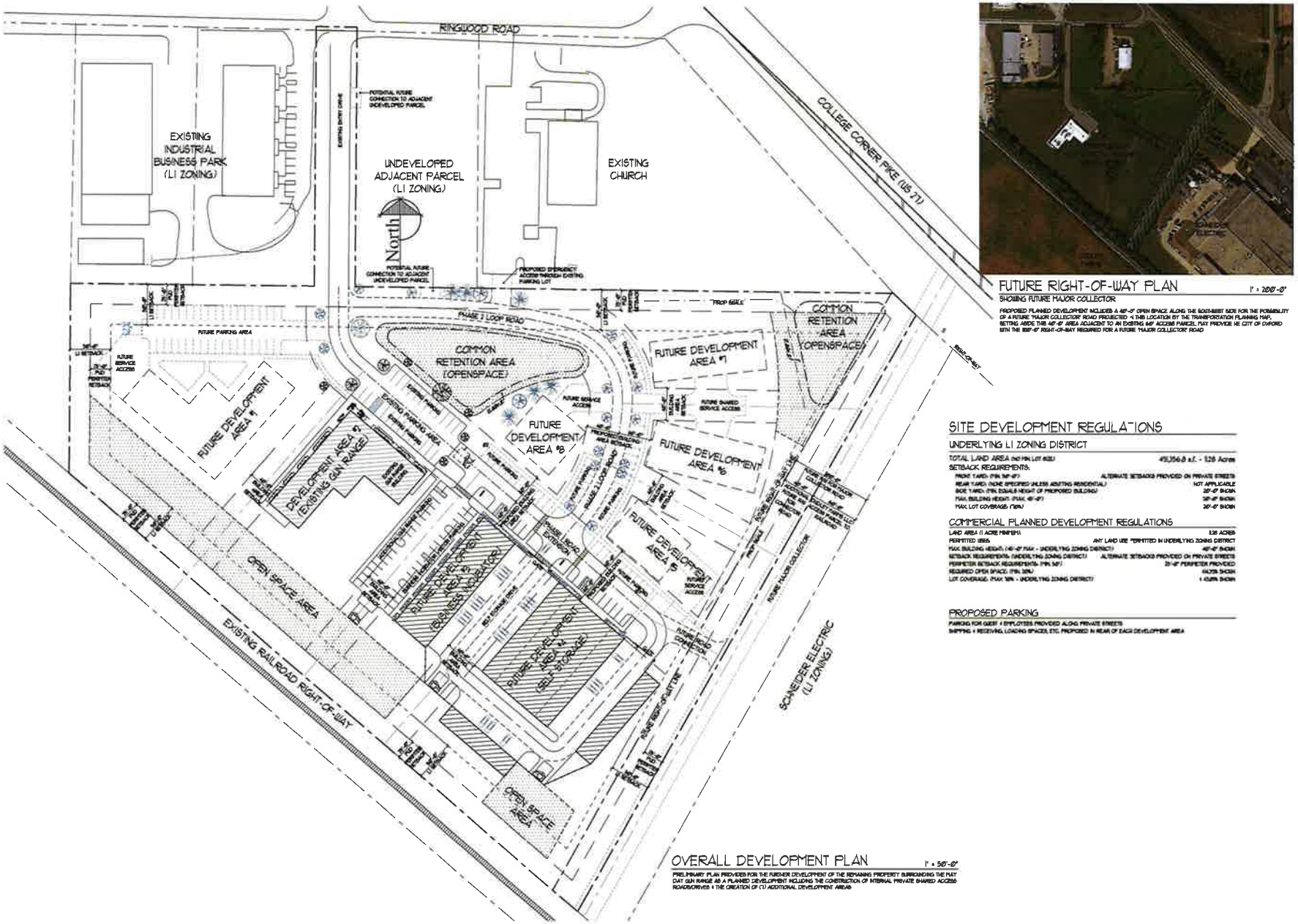
PRELIMINARY

MAY DAY SHOOTING RANGE
PLANNED UNIT DEVELOPMENT
SECTION 16, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO

PRELIMINARY DEVELOPMENT PLAN

bayer becker
www.bayerbecker.com
110 South Poplar Street, Suite 101
Oxford, OH 45056 • 513.523.4770

PRE



FUTURE RIGHT-OF-WAY PLAN

1" = 200'-0"

SHOWING FUTURE MAJOR COLLECTOR

PROPOSED PLANNED DEVELOPMENT INCLUDES A 60'-0" OPEN SPACE ALONG THE SOUTHWEST SIDE FOR THE POSSIBILITY OF A FUTURE "MAJOR COLLECTOR" ROAD PROJECTED "4 THIS LOCATION BY THE TRANSPORTATION PLANNING MAP. SETTING ASIDE THIS 60'-0" AREA ADJACENT TO AN EXISTING 66' ACCESS PARCEL, MAY PROVIDE ME CITY OF OXFORD WITH THE 120'-0" RIGHT-OF-WAY REQUIRED FOR A FUTURE "MAJOR COLLECTOR" ROAD

SITE DEVELOPMENT REGULATIONS

UNDERLYING LI ZONING DISTRICT

TOTAL LAND AREA (w/ MIN LOT SIZE)	453,346.8 s.f. - 12.8 Acres
SETBACK REQUIREMENTS:	
FRONT YARD: (MIN. 50'-0")	ALTERNATE SETBACKS PROVIDED ON PRIVATE STREETS
REAR YARD: (NONE SPECIFIED UNLESS ADJOINING RESIDENTIAL)	NOT APPLICABLE
SIDE YARD: (MIN. EQUALS HEIGHT OF PROPOSED BUILDING)	25'-0" SHOWN
MAX. BUILDING HEIGHT: (MAX. 45'-0")	35'-0" SHOWN
MAX. LOT COVERAGE: (70%)	30'-0" SHOWN

COMMERCIAL PLANNED DEVELOPMENT REGULATIONS

LAND AREA (1 ACRE MINIMUM)	12.8 ACRES
PERMITTED USES:	ANY LAND USE "PERMITTED IN UNDERLYING ZONING DISTRICT
MAX. BUILDING HEIGHT: (45'-0" MAX - UNDERLYING ZONING DISTRICT)	45'-0" SHOWN
SETBACK REQUIREMENTS: (UNDERLYING ZONING DISTRICT)	ALTERNATE SETBACKS PROVIDED ON PRIVATE STREETS
PERIMETER SETBACK REQUIREMENTS: (MIN. 50')	21'-6" PERIMETER PROVIDED
REQUIRED OPEN SPACE: (MIN. 30%)	44.1% SHOWN
LOT COVERAGE: (MAX. 70% - UNDERLYING ZONING DISTRICT)	± 43.8% SHOWN

PROPOSED PARKING

PARKING FOR GUEST & EMPLOYEES PROVIDED ALONG PRIVATE STREETS
SHIPPING & RECEIVING, LOADING SPACES, ETC. PROPOSED IN REAR OF EACH DEVELOPMENT AREA

OVERALL DEVELOPMENT PLAN

1" = 50'-0"

PRELIMINARY PLAN PROVIDED FOR THE FURTHER DEVELOPMENT OF THE REMAINING PROPERTY SURROUNDING THE MAY DAY GUN RANGE AS A PLANNED DEVELOPMENT INCLUDING THE CONSTRUCTION OF INTERNAL PRIVATE SHARED ACCESS ROADS/DRIVES & THE CREATION OF (7) ADDITIONAL DEVELOPMENT AREAS

L. SCOTT WEBB 11193 REGISTERED ARCHITECT

SCOTT WEBB
ARCHITECT
103 West Walnut Street
Oxford, Ohio 45056
(513) 523-0838
www.scottwebbarchitecture.com

REVISIONS

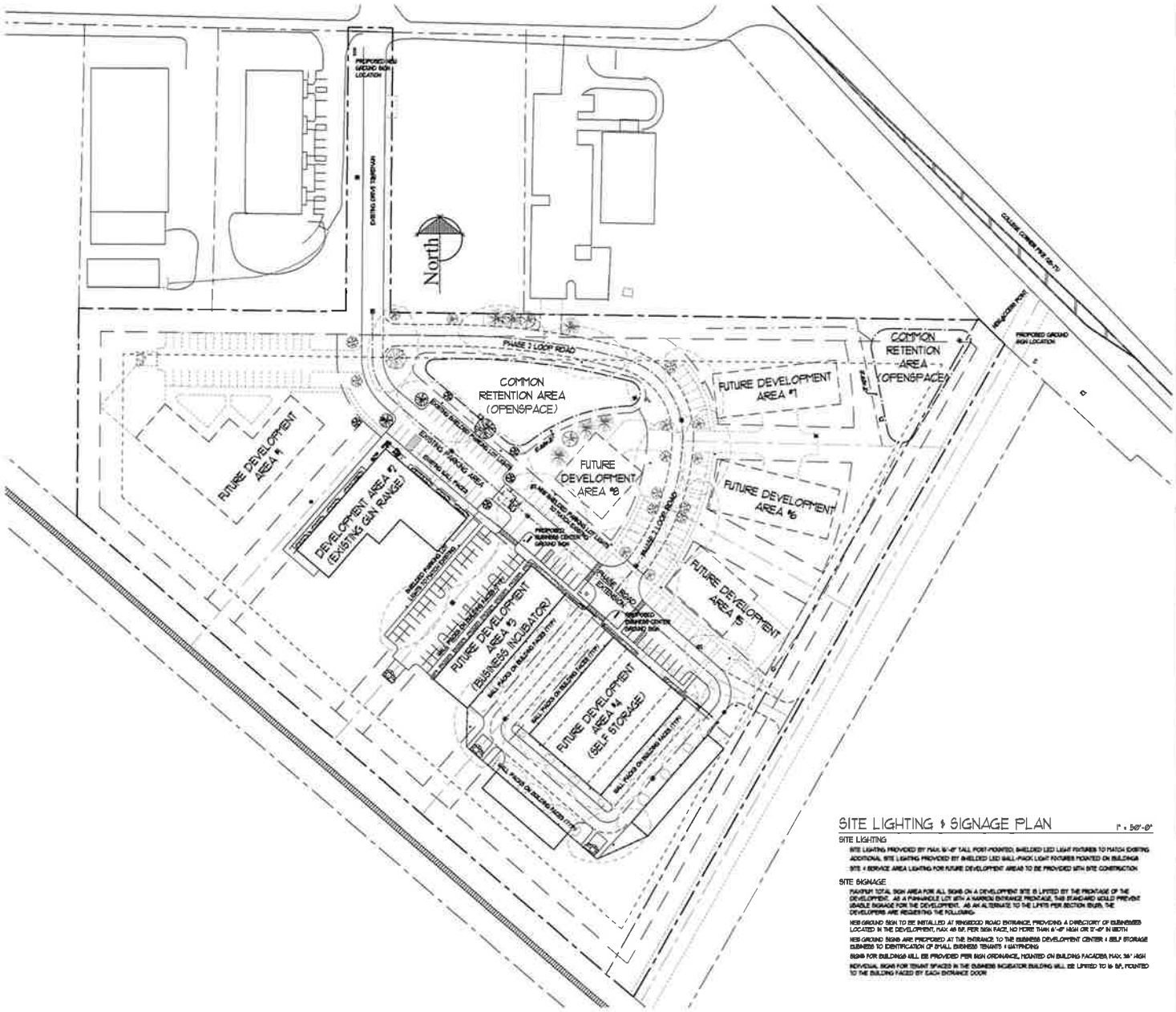
PROPOSED BUSINESS PLANNED DEVELOPMENT

MayDay Business Park

RINGWOOD ROAD
OXFORD, OHIO 45056

May 27, 2021

A-1



SITE LIGHTING & SIGNAGE PLAN

1" = 150'-0"

SITE LIGHTING

SITE LIGHTING PROVIDED BY MAX 16'-0" TALL POST-MOUNTED, SHIELDED LED LIGHT FIXTURES TO MATCH EXISTING. ADDITIONAL SITE LIGHTING PROVIDED BY SHIELDED LED WALL-PACK LIGHT FIXTURES MOUNTED ON BUILDINGS.

SITE + SIGNAGE AREA LIGHTING FOR FUTURE DEVELOPMENT AREAS TO BE PROVIDED WITH SITE CONSTRUCTION.

SITE SIGNAGE

PERMITTED TOTAL SIGN AREA FOR ALL SIGNS ON A DEVELOPMENT SITE IS LIMITED BY THE FRONTAGE OF THE DEVELOPMENT. AS A PANHANDLE LOT WITH A NARROW ENTRANCE FRONTAGE, THIS STANDARD WOULD PREVENT ADEQUATE SIGNAGE FOR THE DEVELOPMENT. AS AN ALTERNATE TO THE LIMITS PER SECTION 5.19.05, THE DEVELOPERS ARE REQUESTING THE FOLLOWING:

NEW GROUND SIGN TO BE INSTALLED AT RINGWOOD ROAD ENTRANCE, PROVIDING A DIRECTORY OF BUSINESSES LOCATED IN THE DEVELOPMENT, MAX 48 SF PER SIGN FACE, NO MORE THAN 6'-0" HIGH OR 12'-0" IN WIDTH

NEW GROUND SIGNS ARE PROPOSED AT THE ENTRANCE TO THE BUSINESS DEVELOPMENT CENTER + SELF STORAGE BUSINESS TO IDENTIFICATION OF SMALL BUSINESS TENANTS + WAYFINDING

SIGNS FOR BUILDINGS WILL BE PROVIDED PER SIGN ORDINANCE, MOUNTED ON BUILDING FACADES, MAX. 36" HIGH

INDIVIDUAL SIGNS FOR TENANT SPACES IN THE BUSINESS INCUBATOR BUILDING WILL BE LIMITED TO 16 SF, MOUNTED TO THE BUILDING FACED BY EACH ENTRANCE DOOR

L. SCOTT WEBB 11193

SCOTT WEBB
ARCHITECT
103 West Walnut Street
Oxford, Ohio 45056
(513) 573-3838
www.scottwebbarchitect.com

REVISIONS

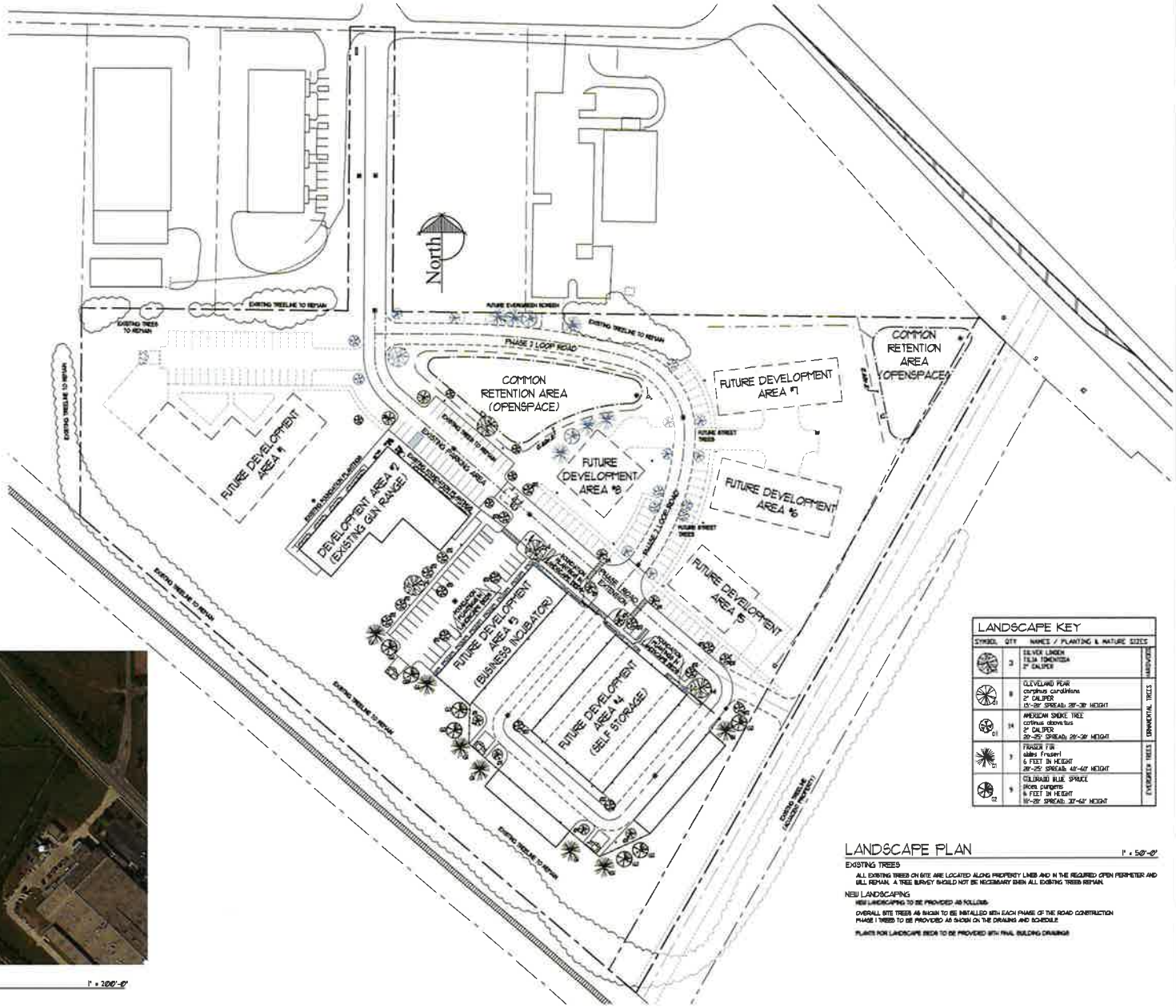
PROPOSED BUSINESS PLANNED DEVELOPMENT

MayDay Business Park

RINGWOOD ROAD
OXFORD, OHIO 45056

May 27, 2021

A-2



LANDSCAPE KEY

SYMBOL	QTY	NAMES / PLANTING & MATURE SIZES	
	12	SILVER LINDEN TILIA TOMENTOSA 3" CALIPER	SHADE TREES
O1	8	CLEVELAND PEAR cornus cordifolia 2" CALIPER 15'-25' SPREAD; 25'-30' HEIGHT	ORNAMENTAL TREES
O1	14	AMERICAN SMOKE TREE cotinus obovatus 2" CALIPER 20'-25' SPREAD; 25'-30' HEIGHT	
E1	7	FRASER FIR abies fraseri 6 FEET IN HEIGHT 20'-25' SPREAD; 45'-60' HEIGHT	EVERGREEN TREES
E2	9	COLORADO BLUE SPRUCE picea pungens 6 FEET IN HEIGHT 15'-25' SPREAD; 30'-60' HEIGHT	

LANDSCAPE PLAN

1" = 50'-0"

EXISTING TREES

ALL EXISTING TREES ON SITE ARE LOCATED ALONG PROPERTY LINES AND IN THE REQUIRED OPEN PERIMETER AND WILL REMAIN. A TREE SURVEY SHOULD NOT BE NECESSARY SINCE ALL EXISTING TREES REMAIN.

NEW LANDSCAPING

NEW LANDSCAPING TO BE PROVIDED AS FOLLOWS:

OVERALL SITE TREES AS SHOWN TO BE INSTALLED WITH EACH PHASE OF THE ROAD CONSTRUCTION
PHASE I TREES TO BE PROVIDED AS SHOWN ON THE DRAWING AND SCHEDULE

PLANTS FOR LANDSCAPE BEDS TO BE PROVIDED WITH FINAL BUILDING DRAWINGS

AERIAL VIEW

1" = 200'-0"

SHOWING EXISTING PERIMETER TREES TO REMAIN

L. SCOTT WEBB 11193

SCOTT WEBB
ARCHITECT
103 West Walnut Street
Oxford, Ohio 45056
(513) 870-3838
www.scottwebbarchitect.com

REVISIONS

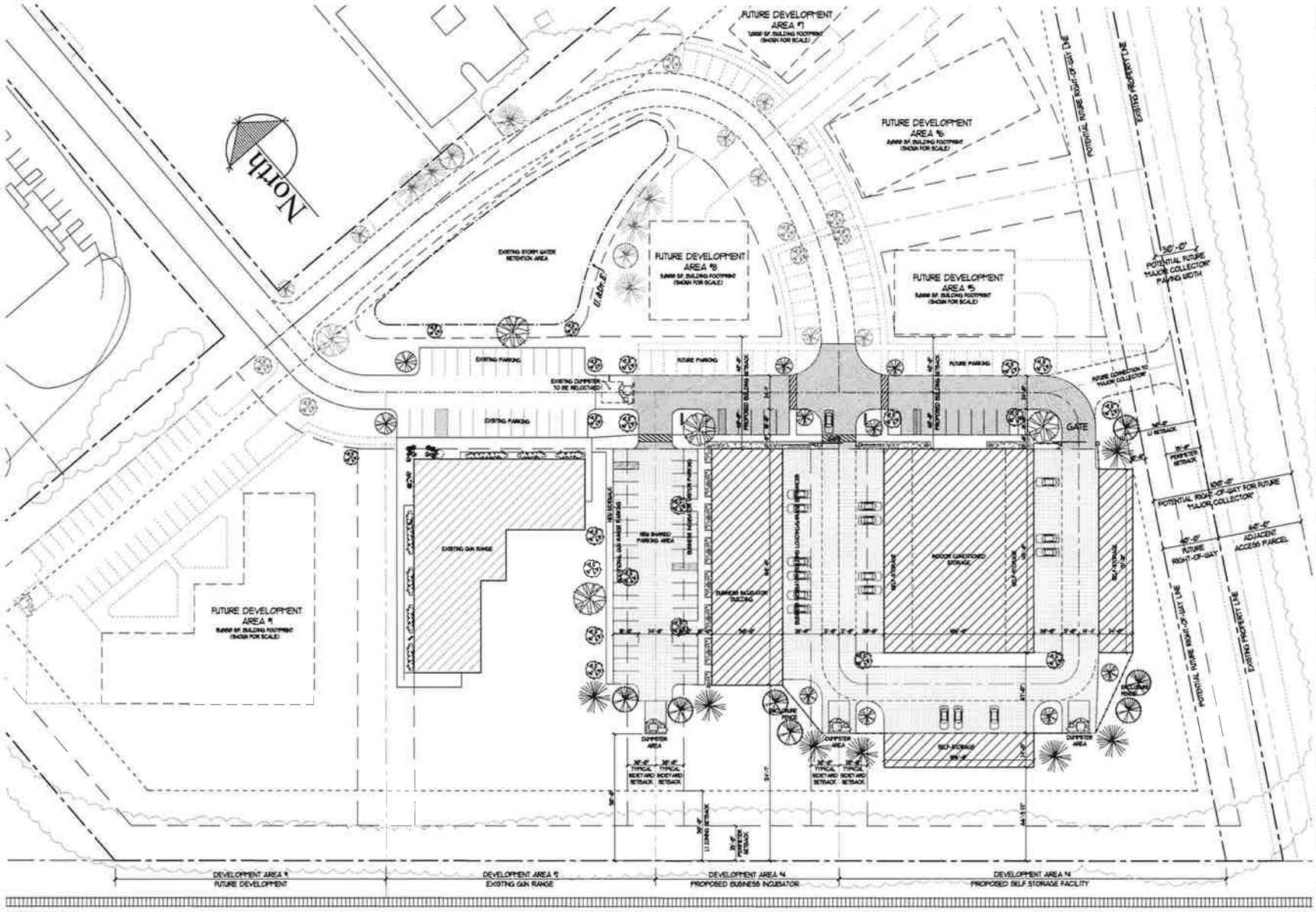
PROPOSED BUSINESS PLANNED DEVELOPMENT

MayDay Business Park

RINGWOOD ROAD
OXFORD, OHIO 45056

May 27, 2021

A-3



PHASE I SITE PLAN 1" = 30'-0"

ENLARGED PARTIAL PLAN SHOWING PROPOSED SETBACK & PARKING DETAILS

L. SCOTT WEBB 11193

SCOTT WEBB
ARCHITECT
163 West Walnut Street
Oxford, Ohio 45056
(513) 523 3838
www.scottwebbarchitect.com

REVISIONS

PROPOSED BUSINESS PLANNED DEVELOPMENT

MayDay Business Park

RINGWOOD ROAD
OXFORD, OHIO 45056

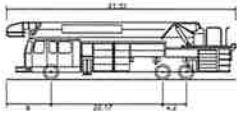
May 27, 2021

A-4

VICINITY MAP

NO SCALE

AUTOTURN VEHICLE



City of Oxford Firetruck	
Overall Length	41.330ft
Overall Width	8.000ft
Overall Body Height	10.432ft
Min Body Ground Clearance	0.862ft
Track Width	8.000ft
Lock-to-lock time	6.00s
Max Steering Angle (Virtual)	32.10°

US 27 (COLLEGE CORNER PIKE)

RINGWOOD ROAD

PROPOSED DETENTION AREA

POTENTIAL EMERGENCY ACCESS CONNECTION

COMMON DETENTION AREA

FUTURE DEVELOPMENT AREA #1

Leasing Area #1

EXISTING GUN RANGE AREA #2

Leasing Area #2

Leasing Area #3

BUSINESS INCUBATOR SMALL TENANT SHOP DEVELOPMENT AREA #3

SELF STORAGE DEVELOPMENT AREA #4

Leasing Area #4

FUTURE DEVELOPMENT AREA #5

Leasing Area #5

FUTURE DEVELOPMENT AREA #6

Leasing Area #6

FUTURE DEVELOPMENT AREA #7

Leasing Area #7

FUTURE DEVELOPMENT AREA #8

Leasing Area #8

FUTURE ROAD CONNECTION

S87°17'33"E 50.00'

S87°17'33"E 484.04'

S02°30'27"E 330.00'

N87°17'33"W 330.00'

N02°30'27"W 330.00'

N87°05'54"E 234.43'

S13°32'24"W 644.39'

S43°42'40"E 38.53'

N47°04'03"W 827.41'

50' BUILDING SETBACK

30' PUD PERIMETER SETBACK

PRELIMINARY

MAY DAY SHOOTING RANGE
PLANNED UNIT DEVELOPMENT
SECTION 16, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO

AUTOTURN EXHIBIT

bayer becker
engineers and surveyors
110 South College Ave. Suite 101
Oxford, OH 45056 - 513.523.4223

AT

File Name: J4106 2021 - 2 Plan
Drawing Name: J:\2016\16-4106\PLOWG\16-0100 PL 210511.dwg - Layout Tab: Autoturn

SCOTT
WEBB
ARCHITECT
103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3938
www.scottwebbarchitect.com

PROPOSED BUSINESS PLANNED DEVELOPMENT

MayDay Business Park

RINGWOOD ROAD
OXFORD, OHIO 45056

DATE	May 21, 2021
REVISIONS	

A-1

SITE FROM ABOVE

PHASE I BUSINESS CENTER (BUSINESS INCUBATOR)

STATE OF OHIO
SCOTT WEBB
11193
REGISTERED ARCHITECT

SCOTT
WEBB
ARCHITECT
103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3038
www.scottwebbarchitect.com

PROPOSED BUSINESS PLANNED DEVELOPMENT

MayDay Business Park

RINGWOOD ROAD
OXFORD, OHIO 45056

DATE
May 27, 2021
REVISIONS

A-2

PHASE I SELF STORAGE

SCOTT WEBB
ARCHITECT
103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3638
www.scottwebbarchitect.com

PROPOSED BUSINESS PLANNED DEVELOPMENT

MayDay Business Park

RINGWOOD ROAD
OXFORD, OHIO 45056

DATE
May 21, 2021
REVISIONS

A-3

The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Zachary Moore
DATE PREPARED:	July 26, 2021
COUNCIL MEETING DATE:	August 3, 2021
AGENDA TITLE:	**PC-2021-18, FINAL PLANNED DEVELOPMENT, Heron Pond,** 15 single-family condominium dwelling units, **HPCT Properties Inc.**, Applicant
CITY MANAGER/DEPT HEAD APPROVAL:	DRE 7-29-21

Proposal Summary:

Developer Shane Coffman (HPCT Properties Inc.) is requesting approval of a Final Planned Development application for the Heron Pond project. The Final stage offers a more detailed perspective on the development, serving as a final check for Planning Commission and Council to ensure that the plan substantially conforms to the vision and layout previously approved and that all relevant conditions pertinent to the original approval have been satisfied.

Like the Preliminary Plan, the Final Plan provides buildable areas for a total of 15 single-family homes along a new private street ("Heron Way") forming a connection between the existing private driveway serving Cobblestone Church and the intersection of Roberts Drive and Morgan Circle, which are public streets. The development will have a separate Homeowners Association (HOA) responsible for maintaining the new street, landscaping and open spaces, and providing other services such as snow removal.

Background:

A Preliminary Planned Development application for Heron Pond was approved by City Council on March 16, 2021 by Ordinance No. 3615, subject to 15 conditions. The Planning Commission staff report included analysis and/or updates on each of these conditions, taking into account the more finalized plans submitted by the applicant as part of the Final Planned Development application. Originally, the applicant had proposed Heron Pond as a single-site condominium style of development, with no actual subdivision taking place. Following a meeting between staff and the applicant on July 9, it was determined

The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

subdivision of lots is actually intended, thus a Final Subdivision application will need to be submitted and processed at a later date that actually shows the new lot lines to be created. In other words, the units contained within the development will be "landominiums" instead of condominiums, whereby each resident will own both their own structure and the land on which it sits.

Planning Commission Recommendation:

On July 13, the Oxford Planning Commission held an in-person public hearing and reviewed the case and the decision standards.

Mr. Don Smith, resident at 201 Morgan Circle, inquired about what effect the development would have on the drainage basin in his yard. Staff advised Mr. Smith to contact the City Engineer on this matter.

Ms. Sandy Cason, resident at 4211 Kehr Road, voiced concerns about having additional neighbors next to her and noted some issues experienced from other developments in the vicinity. Ms. Cason stated she was against the proposed development, and asked the Commission to consider an alternative to the proposed gazebo location due to proximity to her home.

Following discussion, the Commission voted 6-0-0 (with 1 member absent) to recommend approval of the application subject to the following 6 conditions:

1. 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, parking, utilities, and sidewalks shall be in place prior to approval of the first Building Permit associated with the development. An exception is made for sidewalks and lighting along Heron Way, which may be built incrementally with the construction of each dwelling unit.
2. Acceptable exterior building materials shall include Hardie Board, brick, stone, and shingle accents. Vinyl siding shall be prohibited. Building architecture shall generally conform to the bulk, scale and style depicted in the submitted sample house plans.
3. Landscaping shall be in place at an appropriate time per the timing of construction activity as determined by the Zoning Administrator.
4. On-street parking shall be prohibited on both sides of Heron Way.
5. The following shall be approved, signed and/or recorded as necessary prior to approval of the project's first Building Permit: (1) Final PD Plan; (2) Construction Drawings; (3) Financial Security

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

for public and private improvements; (4) Right-of-Way Dedication Plat, Easement Plat, and/or Record Plat as appropriate; and (5) HOA Declaration/Agreement.

6. Notwithstanding the Final PD conditions listed above, all other Preliminary PD conditions per Ord No. 3615 shall remain valid to the development as may be applicable.

Following the vote, Chairman Watt clarified that the Commission as part of their motion authorized staff to explore relocating the gazebo to help satisfy Ms. Cason's concern.

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION AND APPROVING THE FINAL PLANNED DEVELOPMENT APPLICATION FOR HERON POND LOCATED ALONG KEHR ROAD IN THE CITY OF OXFORD WITH CONDITIONS.

WHEREAS, Council hereby finds the Planning Commission held a public hearing on July 13, 2021 in accordance with Chapter 1145 of the Codified Ordinances of the City of Oxford, on the application of HPCT Properties, Inc. for a Final Planned Development for Heron Pond located along Kehr Road consisting of 4.49 acres with 15 single-family residential homes; and

WHEREAS, the Planning Commission, after due deliberation found the application satisfied the basic code requirements in Chapter 1145 of the Codified Ordinances of the City of Oxford, and recommended approval of the Final Planned Development application for Heron Pond located along Kehr Road in the City of Oxford 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 Heron Pond located along Kehr Road in the City of Oxford with the following conditions:

1. Final Plan approval shall 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, parking, utilities, and sidewalks shall be in place prior to approval of the first Building Permit associated with the development. An Exception is made for sidewalks and lighting along Heron Way, which may be built incrementally with the construction of each dwelling unit.
2. Acceptable exterior building materials shall include Hardie Board, brick, stone, and shingle accents. Vinyl siding shall be prohibited. Building architecture shall generally conform to the bulk, scale and style depicted in the submitted sample house plans.
3. Landscaping shall be in place at an appropriate time per the timing of construction activity as determined by the Zoning Administrator.
4. On-street parking shall be prohibited on both sides of Heron Way.
5. The following shall be approved, signed and/or recorded as necessary prior to approval of the project's first Building Permit: (1) Final Planned Development Plan; (2) Construction Drawings; (3) Financial Security for the public and private improvements; (4) Right-of-Way Dedication Plat, Easement Plat, and/or Record Plat as appropriate; and (5) HOA Declaration/Agreement.
6. Notwithstanding the Final Planned Development conditions listed above, all other Preliminary Planned Development conditions per Ordinance No. 3615 shall remain valid to the development as may be applicable.

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/JASON BRACKEN

PREPARED BY: LAW (STAFF)

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

MEMORANDUM

Community Development Department
513-524-5204

TO: Oxford Planning Commission

FROM: Zachary Moore, AICP
Planner

DATE: July 9, 2021

RE: PC-2021-18 | Heron Pond

Recommendation Update

Following transmission of the original Planning Commission agenda/packet for the July 13 meeting, additional correspondence took place between the applicant and staff in negotiating the recommended approval conditions. The applicant wished to clarify Condition #1 pertaining to the construction of sidewalk infrastructure. The original condition was worded to require complete sidewalk installation prior to approval of the first Building Permit associated with the development. The applicant requested this be alleviated by allowing sidewalk construction along Heron Way to take place incrementally with the construction of each dwelling unit, as is more typical to a single-family residential subdivision. The applicant further expressed that public sidewalks along Kehr Road and Roberts Drive, on the other hand, could be constructed prior to approval of the first Building Permit.

Staff is supportive of the applicant's proposed timing of sidewalk construction, and thus presents a more finalized list of recommended approval conditions as follows (changes in ***bold***):

1. *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, parking, utilities, and sidewalks shall be in place prior to approval of the first Building Permit associated with the development.* ***An exception is made for sidewalks and lighting along Heron Way, which may be built incrementally with the construction of each dwelling unit.***

2. *Acceptable exterior building materials shall include Hardie Board, brick, stone, and shingle accents. Vinyl siding shall be prohibited. Building architecture shall generally conform to the bulk, scale and style depicted in the submitted sample house plans.*

3. *Landscaping shall be in place at an appropriate time per the timing of construction activity as determined by the Zoning Administrator.*

4. *On-street parking shall be prohibited on both sides of Heron Way.*

5. *The following shall be approved, signed and/or recorded as necessary prior to approval of the project's first Building Permit: (1) Final PD Plan; (2) Construction Drawings; (3) Financial Security for public and private improvements; (4) Right-of-Way Dedication Plat, Easement Plat, and/or Record Plat as appropriate; and (5) HOA Declaration/Agreement.*

6. *Notwithstanding the Final PD conditions listed above, all other Preliminary PD conditions per Ord No. 3615 shall remain valid to the development as may be applicable.*

Engineering Comments

Please also note that additional comments were received from the Engineering Division on 7/9 and are enclosed for your review.

Future Step for Final Plat

Staff met with the applicant on July 9 and determined it was likely land would actually need to be divided in order to create the building pads for the individual units. Previous to this, staff was under the impression that the proposal would constitute a "single site" development and thus wouldn't require any divisions of land, only right-of-way dedication and establishment of easements by way of an Easement Plat. Normally the division of land constitutes a subdivision, requiring both a Preliminary Subdivision review and a Final Subdivision review prior to recordation of a Final Plat.

In cases involving a subdivision that is also a Planned Development, such applications have been processed concurrently in the past and follow the exact same approval procedure entailing a recommendation from Planning Commission and a decision by City Council. Because the proposed development is also a Planned Development and has had infrastructure aspects extensively reviewed during the initial Preliminary Planned Development process, staff believes the Final Planned Development application can be considered as presented but then eventually followed by a Final Subdivision application which would depict the actual subdivision of land taking place to create fee simple lots for individual owners.

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Memo

Service Department
Engineering Division
513/524-5208

TO: Community Development Department

FROM: Scott Otto, P.E.
City Engineer

RE: Application #PPC-2021-18
4147 Kehr Rd. Heron Pond – Final Planned Development

DATE: July 9, 2021

The Engineering Division offers the following comments:

- Further review of detailed construction plans may require revisions to proposed water and sanitary sewer main locations.
- The proposed design of storm water draining to the middle of the roadway has potential to cause freeze/thaw damage and standing water in the middle of the roadway.
- HOA declarations or covenants should include identification of the responsible party and funding, maintenance, and inspection plans for the storm water facilities within the development including the water quality basin.
- On-street parking rules should be considered to allow for emergency services and solid waste collection.
- Development of an Easement Plat for this PUD will need to stipulate maintenance responsibility for water and sanitary sewer utilities within the proposed Utility and Access Easements.
- Construction on the streets/utilities/etc. should not begin until a surety bond or other form of financial security is accepted by the City. Financial security will not be accepted until a version of the drawings adhering to the approved Final Planned Development is submitted and approved by the City.
- Per City of Oxford Ordinance #3597, an ordinance adopting fees and charges for the fiscal year 2021, fifty percent of required Capacity Benefit Charges are due for all lots platted at time of recording.
- After approval of the plans by the Engineering Division, the proposed water and sanitary sewer work requires approval by the OEPA.

Case No:
PC-2021-18

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Meeting Date:
July 13, 2021

STAFF REPORT

Community Development | Planning Commission

APPLICATION DETAILS

Applicant	HPCT Properties Inc. c/o Shane Coffman
Location	4147 Kehr Road – Parcel IDs H4100137000039 & H4100137000040
Owners	Cobblestone Community Church Inc., c/o Ken Litteken; South Farm Owners Assoc. Inc., c/o Mike Rudolph
Engineer	Bayer Becker, c/o Etta Reed, PE
Action Request	Final Planned Development (PD)
Development Name	Heron Pond
Current Use	Vacant Land
Current Zoning	R-1B Single-Family Medium Density Residential District
Total Site Area	4.49 acres
Surrounding Land Uses	Single-Family Residential, Church, Agricultural
Staff Recommendation	**Approval**, subject to recommended conditions

PROPOSAL SUMMARY

Developer Shane Coffman (HPCT Properties Inc.) is requesting approval of a Final Planned Development application for the Heron Pond condominimum project. The Final stage offers a more detailed perspective on the development, serving as a final check for Planning Commission and Council to ensure that the plan substantially conforms to the vision and layout previously approved and that all relevant conditions pertinent to the original approval have been satisfied.

Like the Preliminary Plan, the Final Plan provides buildable areas for a total of 15 single-family homes along a new private street ("Heron Way") forming a connection between the existing private driveway serving Cobblestone Church and the intersection of Roberts Drive and Morgan Circle, which are public streets. The development will have a separate Homeowners Association (HOA) responsible for maintaining the new street, landscaping and open spaces, and providing other services such as snow removal. The submitted application includes the actual proposed Final PD plan as a single sheet (to be eventually signed and recorded), as well as draft construction drawings which are currently under administrative review by City staff.

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.

DEPARTMENT COMMENTS

Below are comments from City departments:

Department	Respondent	Response
Economic Development	Seth Cropenbaker, Assistant to the City Manager	Returned with Comments
The R1B Zoning designation of single family medium-density development represents a housing need for the Oxford community. *The proposed development at this location is intended to maintain the character of the existing homes in the South Farm development, comparable in size and materials used.* *The proposed Home Owner's Association, in which management and maintenance of exterior spaces is provided further supports a need for affordable housing, and housing for advanced-aged populations in Oxford.* *The Economic Development staff do not have any reservations regarding this proposal at this time.*		
Engineering	Scott Otto, City Engineer	Not Returned
Fire	John Detherage, Fire Chief	Returned without Comments
Police	John Jones, Police Chief	Not Returned

SITE HISTORY

The site has been involved in numerous past applications and approvals by the City of Oxford following annexation from Oxford Township in the early 1990s. A summary of relevant case history is provided below:

- **8 Aug 1991, Preliminary Subdivision & Preliminary PUD Approval**: City Council by Ord. No. 2181 approves a preliminary subdivision plan comprising 186 single-family lots and 220 multi-family units on 94.385 acres west of Kehr Road. The applicant for this submittal was COGO Co. A condominium owners association was to be established for the common areas within the development. The subject 4 ½ acres was part of the planned multi-family area.

- **17 March 1992, Final Plat & Final PUD for South Farm Section 1**: City Council by Ord. No. 2221 approves the first section of the approved development comprising a total of 11 lots on Morgan Circle. These 11 lots were the only ones ever fully realized as part of the larger 1991 plan. The final

plat was recorded with the County Recorder on January 1, 1993. This plat included a large lot north of Roberts Drive, fronting on Kehr Road (Lot 2897).

- **2 November 1993, Lot Split:** A lot split of Lot 2897 is approved by the Oxford Planning Commission and recorded with the Butler County Recorder, effectively splitting Lot 2897 into two pieces, with a piece closest to the pond renamed Lot 3046. Another split had occurred to the west, creating Lot 3045. The newly created lots (3045 & 3046) were then combined to form Lot 3047 centered on the pond area.

- **22 June 2004, Lot Split and Consolidation:** New Lot 3556 (the present day boundaries of the subject property), totaling 4.572 acres, is approved by the Oxford Planning Commission and created by consolidating Part of Old Lot 2897 with portions of Old Lot 3047. Additionally, the lot containing the pond was re-shaped out of older lots and re-formed as Lot 3555. This Plat of Survey noted a 30-foot distance from centerline to the right-of-way edge along Kehr Road.

- **16 August 2005, Conditional Use for a Place of Worship**: City Council by Ord. No. 2858 approves a conditional use permit to allow for development of Cobblestone Community Church. The site plan approved at the time reserved 39 acres for the church site and pond, and 19 acres for a reduced number of single-family lots (11 developed lots on Morgan Circle, and 34 undeveloped lots of which 13 were already platted as part of South Farm Section 2). The ordinance also established phasing requirements, with the final phase of necessary construction permits submitted by 2014 and substantially operational within 2 years. Therefore, the conditional use approval is now considered expired.

- **8 May 2007, Conditional Use Minor Amendment**: Planning Commission approves a minor amendment to the Cobblestone Church Plan, to allow for a larger building and modified parking layout.

- **16 March 2021, Heron Pond Preliminary Planned Development**: City Council by Ord. No. 3615 approves a Preliminary Planned Development application consisting of 15 detached single-family dwelling units along a new private street, subject to 15 conditions.

REVIEW OF PRELIMINARY PD CONDITIONS

The table below lists the 15 conditions that went with the Heron Pond Preliminary PD approval (Ordinance No. 3615). An update and/or analysis is provided for each based on the application contents submitted for the Final PD. Each condition is rated as either: **On Track**, meaning the Final PD has been appropriately revised or proper steps are currently underway or being taken by the applicant to fulfill the condition; or **Deserves Attention**, meaning there may be a lack of detail, or a judgment call to make regarding the fulfillment of the condition that the Planning Commission should consider.

Number	Condition	Status
1	*Appropriate lighting shall be provided along the proposed private street. Lighting details shall be reviewed and approved as part of the Final Planned Development.*	On Track
	Two light pole locations are shown along Heron Way, near visitor parking areas. A light pole at Morgan & Roberts, as well as light poles along the Cobblestone driveway, are to be retained. Details on the style and height of new lighting have not yet been provided by the applicant, but can be requested through administrative review of the construction drawings. The maximum height for new light poles per the Zoning Code is 16 feet.	

2	*Additional right-of-way shall be dedicated along Roberts Drive on both the Church parcel and the South Farm HOA parcel, to fully capture the OATS trail segment to be built. Additional right-of-way shall also be dedicated along Kehr Road consistent with the Oxford Thoroughfare Plan. A ten-foot wide public utility easement shall flank the outside of all public right-of-way on Kehr Road and on Roberts Drive.*	On Track
	The latest plans depict expanded right-of-way and a 10-foot utility easement along Kehr and Roberts as originally requested. These will eventually need to be recorded via a Dedication Plat and/or Easement Plat.	
3	*Sidewalks shall be provided along both sides of the private street, as well as along the Kehr Road site frontage, forming a loop for pedestrians.*	On Track
	The submitted plans show 4-foot wide sidewalks on both sides of Heron Way, as well as along the south side of the Cobblestone driveway. Due to a shortage of space, there is no tree lawn in these areas; the sidewalk area immediately abuts rolled face curb adjacent to Heron Way. A five-foot wide sidewalk is also shown to be constructed along the Kehr Road frontage, and includes a crossing over the Cobblestone driveway.	
4	*Trees complying with the City's specifications shall be planted in the tree lawn along Roberts Drive, on both the Church parcel and the South Farm HOA parcel. This may be reevaluated at the Final Planned Development stage.*	**Deserves Attention**
	The submitted landscaping plans do not propose any street trees along Roberts Drive. There are currently no trees in the tree lawn along the south side of Roberts abutting the existing South Farm subdivision, though trees are planned for the future South Farm Section IV development nearby. Many of the existing trees along this stretch of road are tucked further away on private lots, making for a wider street envelope. Several existing trees are planned to be remain on the subject site, and planned to be supplemented with new arborvitae. Staff believes the amount of existing/planned landscaping, coupled with abundant open spaces, will result in enough of a greening effect that street trees are not absolutely necessary along this stretch.	
5	*Pavement shall be widened at the intersection of Heron Way and the Cobblestone driveway in order to accommodate the turning radius of larger vehicles.*	On Track
	Pavement in this area is shown to be wider than was depicted at the Preliminary stage, and is in accordance with the turning template previously provided.	
6	*Access easements shall be dedicated for the Cobblestone driveway and for the segment of Heron Way located on the South Farm Owners Association parcel.*	On Track
	Access easements are shown on the latest set of plans in both of these areas. The proposed standard width for the Heron Way access easement is 67.5 feet, to encompass a 27.5-foot wide street, sidewalks, and front yards. Such easements will need to be recorded on a future Easement Plat or Record Plat as appropriate.	

7	*The proposed street profile, consisting of centered catch basins with storm sewers leading out to the quality basin and pond, shall be allowed on the condition that a suitable curb (e.g. rollback) is provided and the applicant can demonstrate to City staff's satisfaction that provisions will be put in place to ensure adequate maintenance of these private improvements in the future.*	On Track
	The Service Department is currently reviewing the construction drawings and is aware that the centered catch basins have been retained, even though 3 City departments had previously objected to conveying stormwater in this manner. The plans do show rollback curbing along the entire stretch of the new private street (Heron Way).	
8	*Adequate vehicular and pedestrian accessibility shall be provided for any USPS cluster mailboxes installed for the Planned Development, to the discretion of City staff.*	On Track
	One cluster mailbox is proposed to be situated near the northernmost visitor parking area (5 parking spaces) off Heron Way. The parking area "flipped" to the other side of the street as compared to the Preliminary. Staff believes this location is acceptable for accessibility.	
9	*All utilities, including but not limited to electric and telephone, shall be located underground.*	On Track
	Staff does not have reason to believe that the applicant will not comply with this condition. Such details are not typically depicted on construction drawings submitted to the City.	
10	*Documentation related to storm water management and private buffers/landscaping, including but not limited to easements, covenants and/or deed restrictions to ensure the funding of future maintenance/upkeep, shall be reviewed and approved by the Service Department and the Law Director prior to be recorded on or with the Easement Plat. Enforcement of said easements, covenants or restrictions shall not be the responsibility of the City.*	On Track
	The draft HOA Declaration is currently under review by the Law Director. Provisions for assessing fees to future residents are incorporated into the draft Declaration. An Easement Plat with accompanying restrictions will eventually need to be submitted to the City for review and approval.	
11	*Building architecture shall generally conform to the bulk, scale and style depicted in the submitted sample house plans. Architectural aspects may be further considered and refined as part of the Final Planned Development, including a design for the proposed gazebo.*	**Deserves Attention**
	No design plans have been submitted for the gazebo feature. Sample renderings/elevations have been provided with the application. It is specified that all 15 homes will be built in a Craftsman style with exterior materials primarily consisting of Hardie Board along with brick, stone, or shingle accents. It is further specified that vinyl siding will be prohibited. A variety of earth tone color schemes are proposed, including charcoal gray, chocolate brown, beige, and varying shades of green.	
12	*The Planning Commission may review utility details (such as those for electric, gas, mail delivery, garbage collection, etc.) as part of the Final Planned Development, including proposed accommodations, accessibility, screening, or other characteristics as may be applicable.*	**Deserves Attention**

	There is a chance utility boxes may be installed in areas where adequate screening or landscaping is not already provided to soften the aesthetic. The draft HOA Declaration does not clarify whether parking is to be prohibited on private streets; if not prohibited or restricted to one side, this may impede the ability for garbage trucks to access and service the development.	
13	*Financial security/bonding of improvements shall be determined during or after the Final Planned Development review. The Final Planned Development shall be reviewed and approved prior to approval of construction drawings, bonds, or the signing of an Easement Plat.*	On Track
	The applicant has submitted construction drawings early with the understanding that it is to get the ball rolling in terms of receiving comments from City departments in anticipation of a Final Planned Development approval. The Community Development Department will not approve the construction drawings until a Final PD is approved by Council and the referendum period has passed.	
14	*A waiver is hereby granted to Oxford Codified Ordinance Section 1145.12(e)(2) to reduce the required front yard setback from 30 feet to distances as shown on the submitted Preliminary Plan.*	On Track
	The latest plan shows the same setback distances (20 feet between homes and the edge of pavement) as were shown at the Preliminary stage. No further discussion or action is needed regarding this condition.	
15	*A waiver is hereby granted to Oxford Codified Ordinance Section 1145.12(e)(3) to allow for a reduction in the required 25-foot perimeter setback in the locations as shown on the submitted Preliminary Plan.*	On Track
	This waiver is already reflected in the design of the development, which is substantially consistent with the previously approved Preliminary PD. No further discussion or action is needed regarding this condition.	

DECISION CRITERIA

All Planned Developments shall satisfy the General Decision Standards provided in ***Section 1145.06(b)***. The standards found within this section are below with updated staff analysis provided for each. It should be noted that the main decision standards (#s 1-13) have already been considered and acknowledged as part of the Preliminary PD, so the Commission should now primarily focus its attention on the Additional Final Plan Decision Standards (#1-3) listed at the end of this section.

General Decision Standards

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

   The underlying R-1B zoning district allows single-family residential use by-right. However, when undergoing a Planned Development process, any residential land use is potentially permissible so long as the resulting density is at or below what would be allowed under the straight zone. This proposal is technically multi-family residential, given that multiple principal buildings will be constructed on a single site, even though each building will have an appearance and function akin to a single-family unit. The proposed development satisfies this criterion, due to the planned density of 3.54 du/ac being lower than the district density of 5.81 du/ac.

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.**
This criterion does not apply to the subject application, since this is the first detailed Planned Development proposed for this site and the Final PD is a continuation of the approval process. The prior application for multi-family residential circa-1991 has long since expired.

3. **The uses and site plan will satisfy the general intent of this Zoning Code.**
The purpose of the R-1B zoning district is to "provide and preserve single family residential development of a moderately low density character within and adjacent to areas of similar development." By providing a condominimum housing development embodying the character of a single-family neighborhood, staff believes the general intent of the Zoning Code is satisfied.

4. **The uses and site plan will be compatible with the general intent of the Comprehensive Plan.**
Map 3.6 (Conservation and Development Map) in the Oxford Comprehensive Plan establishes preferred land uses for undeveloped sites within the City limits. This Map designates the site for "Traditional Neighborhood Development" (TND) which calls for residential development to have a distinct center and edge, open spaces, well designed streets and public spaces, and multiple housing options.

5. **The size and shape of the site are sufficient for the proposed planned development.**
Given the smaller site size (around 4 acres), staff believes the applicant's design is sensible to its surroundings and sufficient for the proposed number of units.

6. **The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.**
Staff believes the development proposed will be complementary to the existing South Farm neighborhood and other surrounding residential uses. The South Farm Owners Association and Cobblestone Community Church have both voiced their support for the project in the past.

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.**
This criterion is generally not applicable to a residential proposal, as these external effects mostly pertain to activities or processes associated with commercial or industrial businesses.

8. **Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.**
The draft HOA Declaration intends to restrict the usage of Common Areas surrounding the dwelling units; for example, bikes and grills are the only forms of outdoor storage allowed and construction of a fence requires approval from the HOA board.

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.**
Many of the concerns originally expressed by the Fire, Police, and Service Departments have been addressed or are currently in the process of being addressed. Further clarity may be needed on the plan for accommodating trash pickup and assurance of proper ongoing maintenance of stormwater infrastructure by the future HOA.

10. **Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.**
The City's water and sewer services are readily available to the site, and the developer will be responsible for the cost of tapping in to these. A Traffic Impact Study has not been required for the

additional units, and new pedestrian/bicycle infrastructure is to be constructed at the developer's cost.

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.**
Staff believes this criterion can be addressed by conditioning building architecture to have a substantially similar appearance to the examples submitted. The applicant's proposed architectural qualities, including exterior surface materials, are recommended as a Final PD condition. Staff believes the unit layout as designed will be harmonious with the general character of the surrounding area.

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 provision of a public sidewalk along Kehr Road should help to better separate the modes of traffic and reduce adverse impacts. The provision of a new OATS segment will also help separate vehicular and bicycle modes of travel. Internal pedestrian connectivity has been improved since the Preliminary submittal.

13. **Proposed construction will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.**
The site is mostly field, with a few scattered trees along the outside perimeter including some mature evergreens which are to be preserved as part of the project. Staff believes the project as designed is sensible to existing tree specimens, and will further enhance the area by including additional plantings along the perimeter as well as along the new private street.

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.**
A small portion of vegetation, which currently contains a lot of honeysuckle, is to be removed to make way for two dwelling units (7 & 8). Staff believes the subject application suitably fulfills the spirit of this criterion.

<u>Additional Final Plan Decision Standards</u>

1. **The final planned development shall substantially conform to the preliminary plan.**
Staff finds that the submitted plans substantially conform to those previously approved as part of the Preliminary PD. The street layout and arrangement of units and other site features nearly matches what was previously considered. It should be noted that the Preliminary PD submittal had included a letter from the developer indicating intent to establish a Neighborhood Conservation Overlay District for Heron Pond, though this request would have to be processed following the completion of all steps as outlined in recommended Condition #4.

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.**
The applicant has made adjustments to the Final plans following approval of the Preliminary PD earlier this year. Additional right-of-way and easements are to be dedicated as requested, in addition to improved pedestrian infrastructure as required by Council. All other changes not stemming directly from a prior approval condition are minor in nature and generally improve the overall plan.

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.**
This Final PD submittal is for one single phase, therefore this criterion generally does not apply. It will be expected that the new private street and all other associated infrastructure is to be completed all at once, not in phases. It is understood that the individual dwelling units will likely be constructed incrementally over time.

STAFF RECOMMENDATION

Based upon a review of the Decision Standards, staff recommends **approval** of the Final Planned Development subject to the following conditions:

1. 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, parking, utilities, and sidewalks shall be in place prior to approval of the first Building Permit associated with the development.

2. Acceptable exterior building materials shall include Hardie Board, brick, stone, and shingle accents. Vinyl siding shall be prohibited. Building architecture shall generally conform to the bulk, scale and style depicted in the submitted sample house plans.

3. Landscaping shall be in place at an appropriate time per the timing of construction activity as determined by the Zoning Administrator.

4. On-street parking shall be prohibited on both sides of Heron Way.

5. The following shall be approved, signed and/or recorded as necessary prior to approval of the project's first Building Permit: (1) Final PD Plan; (2) Construction Drawings; (3) Financial Security for public and private improvements; (4) Right-of-Way Dedication Plat, Easement Plat, and/or Record Plat as appropriate; and (5) HOA Declaration/Agreement.

6. Notwithstanding the Final PD conditions listed above, all other Preliminary PD conditions per Ord No. 3615 shall remain valid to the development as may be applicable.

SUBMITTED BY: Zachary W. Moore

Zachary Moore, AICP
Planner

DATE: July 7, 2021

EXHIBIT A
RELEVANT ZONING CODE PROVISIONS

Within the Oxford Zoning Code, ***Section 1143.02*** provides the base zoning standards for the R-1B district and ***Chapter 1145*** governs Planned Development applications.

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
C. Minimum lot frontage 65 feet (not applicable to cul-de-sac lots)
(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 – 15 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.

(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.

(c) Additional Final Plan Decision Standards.

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

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

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

1145.07 Action by Planning Commission

(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.

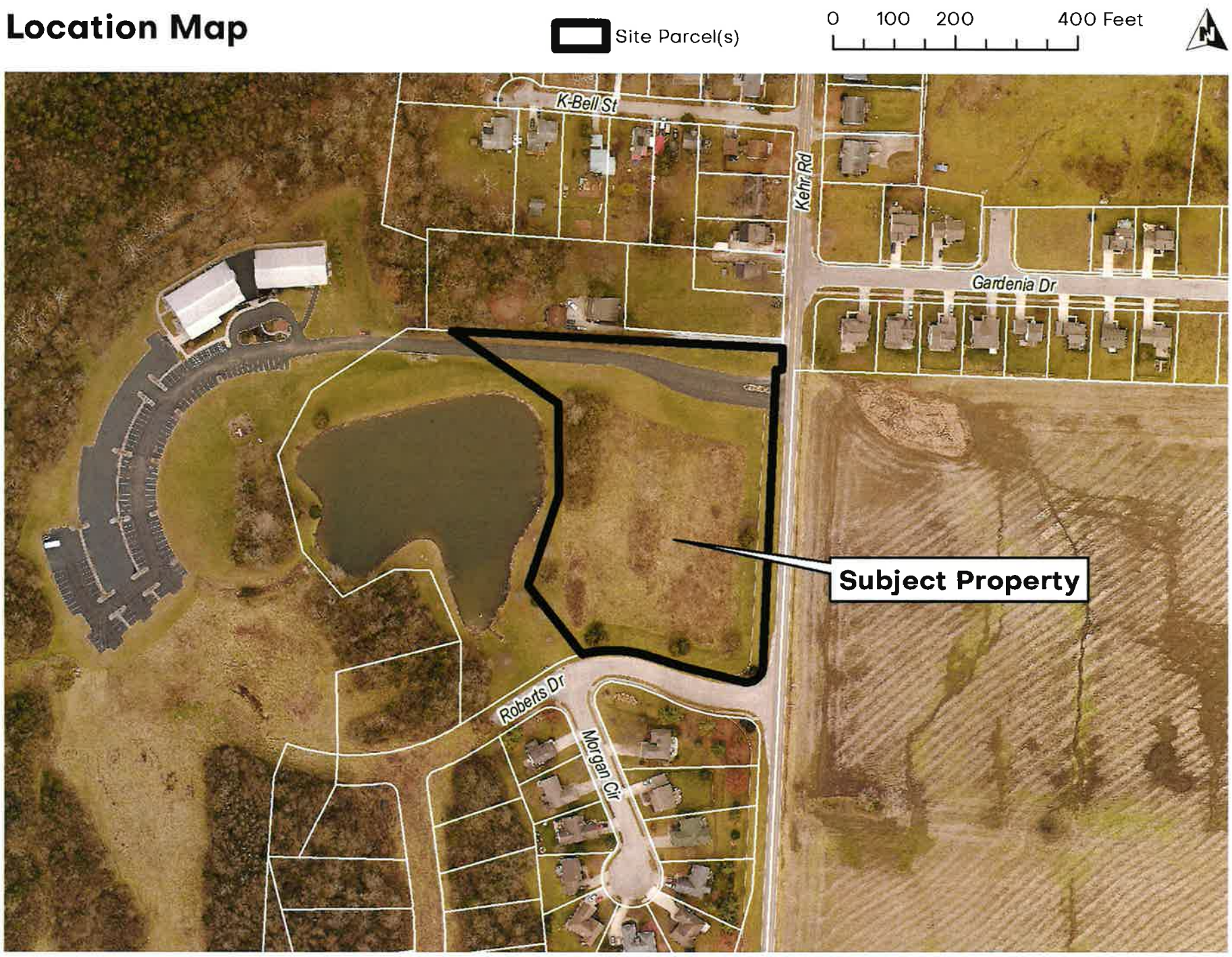
(i) Access and Mobility.
(1) At residential densities greater than would be permitted in the R-1A District, have direct and principal access from a collector or arterial road.
(2) Bicycle rack spaces shall be provided at all planned developments that overlay a commercial zoning district at a rate of 3 per acre.

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

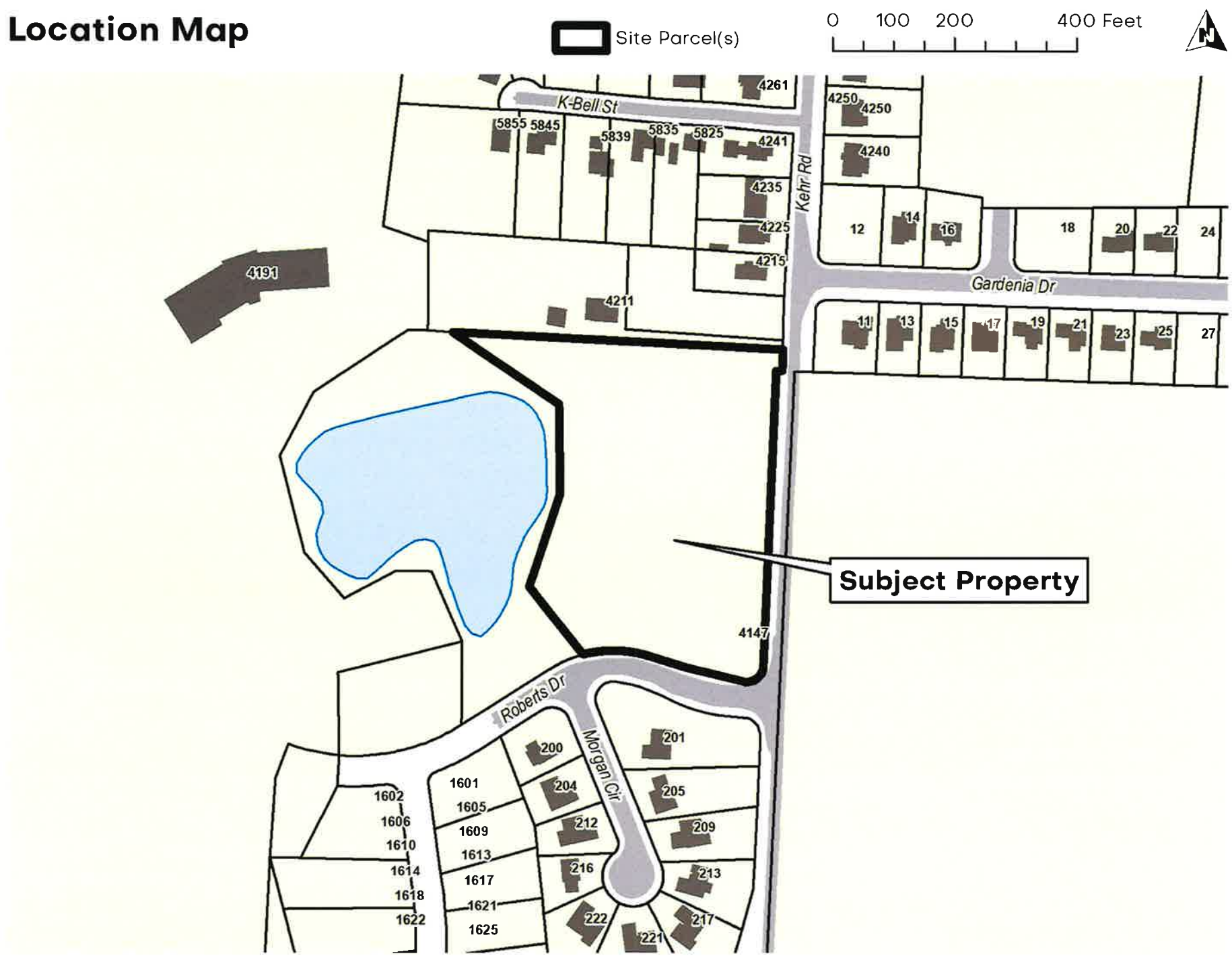
(j) Utilities and Infrastructure.
Electric and telephone facilities, street light wiring, and other wiring conduits and similar facilities shall be located underground.

(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.

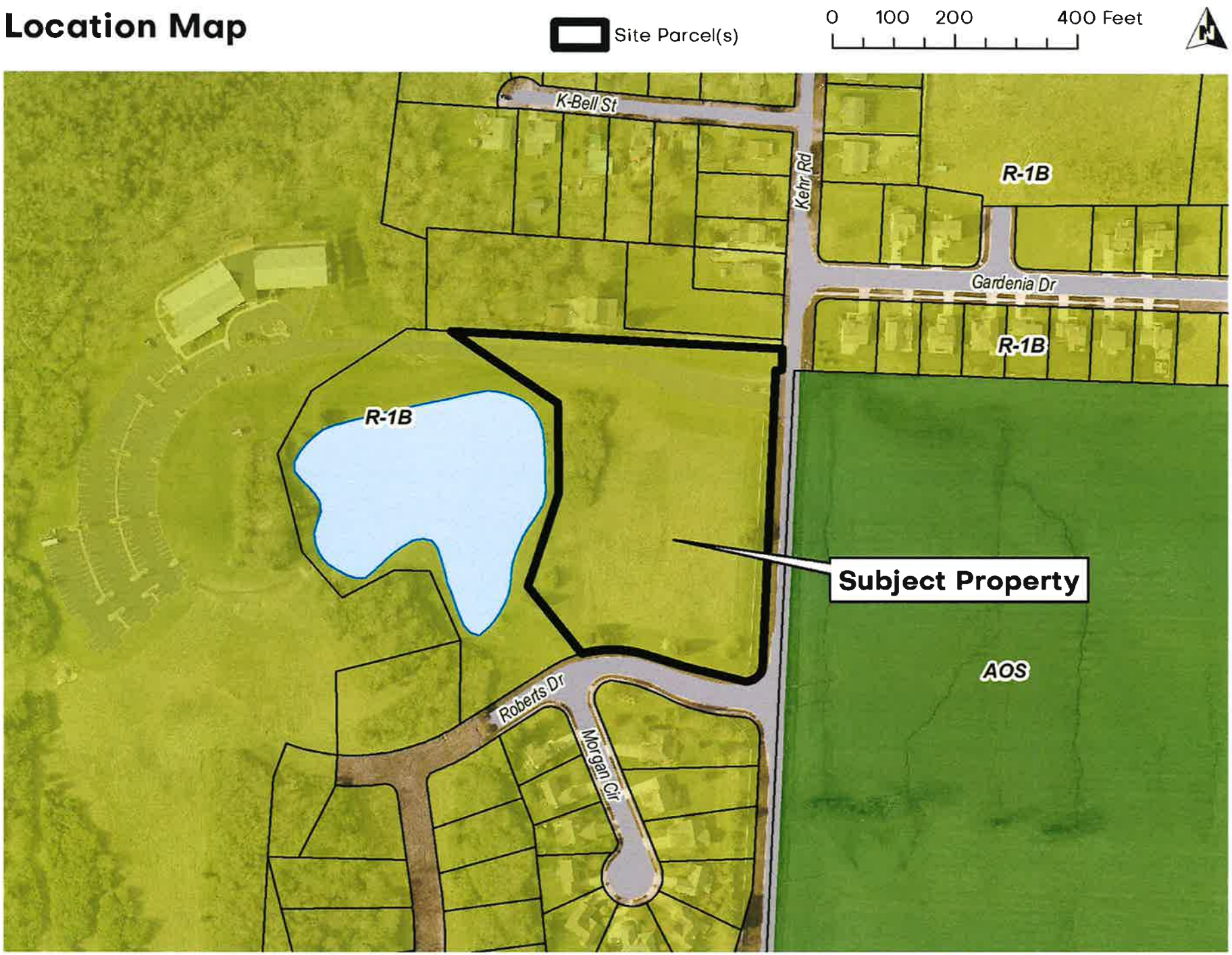
Location Map



Location Map



Location Map



City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

PC-2021-18

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

N

1 inch = 200 feet

Prepared on Tuesday, June 08, 2021

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

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Internal Use Only:
Case No. PC-2021-18
Date Filed 5/28/2021

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 * HPCT Properties Inc.

Mailing Address 5282 Booth Road

City, State & Zip Code Liberty, IN 47353

Telephone Number 765-580-0378 Email Address shanebcoffman@aol.com

Owner Information

Name *	Cobblestone Community Church Inc.	South Farm Owners Association Inc.
Mailing Address	4191 Kehr Road	221 Morgan Circle
City, State & Zip Code	Oxford, Ohio 45056	Oxford, Ohio 45056
Telephone Number	513-315-7008 Ken Litteken 513-523-1309 Mike Rudolph	Email Address

Engineer/Surveyor Information

Name * Bayer Becker

Mailing Address 110 South College Avenue

City, State & Zip Code Oxford, Ohio 45056

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

Location and Lot Information

Name of Subdivision * Heron Pond

Location of Property 4147 Kehr Road - West side of Kehr Road north of Roberts Drive

Legal Description H4100-00-137-000-039 and 040

Zoning District R-1B Total Area 4.49 Acres

Submission Requirements and Documentation

The application requirements (Section 1145.05[1]) 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

the type of materials included. **The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement.**

(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 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.

(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 Search[2] is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number.

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 1145.06[1].

Fees & Receipt

The fees for a Preliminary, Final, or combined Preliminary and Final Planned Development application are $400.00 plus $100.00 per acre, plus $10.00 postage charge.

Sign and Date

Applicant Signature *

Date 5/26/21

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: https://www.cityofoxford.org/fees-ordinances-and-charter

[2] Butler County Auditor Real Estate Search: _____.org/

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Bayer Becker have permission to represent our interest with the City of Oxford and act on our behalf for all public hearings associated with the Final PUD Application for Heron Pond at our property located at 4147 Kehr Road, Oxford Ohio, 45056.

Thank-you,

Signed: _____ Date: 5/26/21

Shane Coffman
HPCT Properties Inc.

May 27, 2021

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

Re: Parcel H4100-137-00-039
Cobblestone Community Church Inc.

Dear Mr. Moore,

Please be advised that HPCT Properties Inc. has our permission to submit applications for the approval of a Final Planned Development on parcel H4100-137-000-039 located adjacent to Roberts Drive and Kehr Road.

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

Sincerely,

Don Littlar - Trustee
Dan Zumin - Trustee
Cobblestone Community Church, Inc.

May 27, 2021

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

Re: Parcel H4100-137-00-039
Cobblestone Community Church Inc.

Dear Mr. Moore,

Please be advised that HPCT Properties Inc. has our permission to submit applications for the approval of a Final Planned Development on parcel H4100-137-000-039 located adjacent to Roberts Drive and Kehr Road.

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

Sincerely,

Michael Rudolph

South Farm Owners Association Inc.

Michael A. Rudolph, President

bayer becker

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

May 28, 2020

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

Re: 4147 Kehr Road
Heron Pond
Final PUD Submittal

Dear Mr. Moore:

Enclosed please find the following items in support of HPCT Properties Inc.'s Application for Final Planned Development approval for Heron Pond to be located on the northwest corner of the intersection of Roberts Drive and Kehr Road:

1) It is understood that fee payment shall be made separately through BSA Online
2) Digital copies of each of the following:
    a. Executed Planned Development Application
    b. A Letter of Agency expressing that Bayer Becker has permission to represent the Applicant
    c. An Affidavit from Cobblestone Community Church Inc. granting HPCT Properties Inc. permission to submit applications for the approval of a Final Planned Development
    d. An Affidavit from South Farm Owners Association Inc. granting HPCT Properties Inc. permission to submit applications for the approval of a Final Planned Development
    e. List of property owners within 200 feet of the site
    f. Construction Drawings including Planting Plan
    g. Final Development Plan
    h. Typical Building Floor Plans and Elevations
    i. Photos of the subject site and surrounding area were included with the Preliminary Planned Development Application
    j. Draft HOA Covenants and Restrictions
    k. Legal description of the property

    Formal application, along with supporting documentation, has been made online.
3) Applicant:
    HPCT Properties Inc.
    5282 Booth Road
    Liberty, IN 47353
    765-580-0378

    Owners:
    Cobblestone Community Church Inc.
    4191 Kehr Road
    Oxford, Ohio 45056
    513-315-7008

South Farm Owners Association Inc.
221 Morgan Circle
Oxford, Ohio 45056
513-523-1309

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 subject property is - Entire Lot 3556 as platted in the City of Oxford.
   b. The property is currently vacant.
   c. The property is zoned R-1B Planned Development.
   d. A description of the proposed planned development:
      i. The number of housing units by size and type proposed within each phase.

      Heron Pond is a single family residential development wherein the homeowner purchases the home only and the surrounding land is owned and maintained by the Homeowners Association (HOA).

      The development shall consist of 15 single family homes located along a private street. Each building pad shall consist of approximately 2,400 SF and be located a minimum of 20 feet from the access drive and a minimum 10 feet from an adjacent building pad.

      Ranch style homes consisting of a minimum 1,500 SF will be constructed within the development. Some of the home plans may provide the owner with an option to provide a second story bonus room. All homes will contain attached 2 car garages.

      A separate Homeowners Association (HOA) will be established for Heron Pond. The HOA will be responsible for the maintenance of the private street, snow removal for all the residences, and maintenance of the open space and all the lawns and landscaping around the homes. Residents will also be a member of the current South Farm HOA, for the maintenance of the retention basin.

      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 and contain similar building materials as the existing single family homes located to the south on Morgan Circle and proposed homes within the future South Farm Section Four.

As part of the development, a segment of the Oxford Area Trail System (OATS) will be constructed along the north side of Roberts Drive from Kehr Road west to the trail segment to be constructed with South Farm Section Four.

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

The proposed homes to be constructed within Heron Pond will be comparable in size and contain similar building materials as the existing homes in South Farm Section One and the proposed homes to be constructed within the future South Farm Section Four.

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.

Heron Pond will not have a negative effect on adjacent land. The properties to the south and north contain single family residences, the property to the west contains Cobblestone Community Church and the property to the east is vacant. HPCT Properties Inc. intends to supplement the existing mounding and tree buffer along the east and south property lines of the development to provide buffering for the proposed residents.

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

The subject property is an ideal location for Heron Pond 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) *The proposed density of the development is 3.28 units/acre is significantly lower than the allowable density of the R-1B district, 5.81 units per acre*
4) *Heron Pond will contain a Neighborhood Conservation Overlay District.*
5) *The infrastructure is currently in place to support a residential development of this nature.*
6) *Provides a type of residential housing that is in demand in Oxford.*
7) *The development will contain over 20% open space and maintain the existing vegetation along both the east and south 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 homes within the City of Oxford for individuals to empty nesters. Heron Pond will fulfill this need. With the maintenance

free exteriors, and ranch style homes this development will be attractive to empty nesters.

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

Heron Pond will provide the City of Oxford with a housing stock that is in short supply - maintenance free single family homes for empty nesters.

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 and will be extended into the property as needed to provide service. Stormwater retention has been provided in the existing retention pond to the west. An underground water quality treatment practice will be provided in the open space area to meet the requirements of the Ohio EPA National Pollutant Discharge Elimination System (NPDES) Permit.

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

The proposed 15 single family homes will generate 11 trips (3 entering and 8 exiting) in the AM Peak and 15 trips (9 entering and 6 exiting) in the PM Peak hour. Additionally, a portion of the OATS trail will be constructed along the north side of Roberts Drive from Kehr Road west to the trail segment to be constructed as part of South Farm Section Four.

Vehicular access to the single family homes will be provided via a private drive which connects the existing Cobblestone Church drive to the north, to Roberts Drive opposite Morgan Circle to the south. An access easement will be granted by HPCT Properties Inc. to the church in order to allow them to utilize their existing drive. Similarly, HPCT Properties Inc. will obtain an access easement from South Farms Owners Association for their access to Roberts Drive opposite Morgan Circle.

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

Enclosed please find a draft of Restrictions which will be incorporated into the HOA documents and recorded for Heron Pond.

The enclosed Final Planned Development confirms to all conditions of City of Oxford Ordinance 3615 pertaining to the Preliminary Planned Development submittal for Heron Pond. Please place this item on the July 13th Planning Commission Meeting agenda.

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

Sincerely,

Etta M. Reed, PE

Enclosures

Cc: HPCT Properties Inc., Shane Coffman

Property Owners within 200 feet:

H4100132000014
COBBLESTONE COMMUNITY CHURCH INC
4191 KEHR RD
OXFORD OH 45056 9292

H4100137000040
SOUTH FARM OWNERS ASSOC INC
221 MORGAN CIR
OXFORD OH 45056 9404

H4100132000017
SOUTH FARM DEVELOPMENT LLC
3225 INDIAN CREEK RD
OXFORD OH 45056 9244

H4100117000043
WILLIAM D & MARY L WARREN
5855 K BELL ST
OXFORD OH 45056

H4100117000067
H4100117000066
MICHAEL S & SANDRA L CASON
4211 KEHR RD
OXFORD OH 45056 9293

H4000117000055
JIMMY R MARCUM
5845 K BELL ST
OXFORD OH 45056 9261

H4100117000054
JEFFREY THOMAS KRUTH
5839 K BELL ST
OXFORD OH 45056

H4100117000053
MARY N BURNS
1155 TOBE LEWIS RD
LYNX OH 45650

H4100117000052
ROBERT & FIONA CURRAN
5825 K BELL ST
OXFORD OH 45056 9261

H4000117000049
TIMARA WILBURN
4225 KEHR RD
OXFORD OH 45056 9293

H4100117000072
KELLY A AND DANIEL FLACK
4215 KEHR RD
OXFORD OH 45056 9293

H4000116000054
DANIEL B AND NANCY L CURTISS
14 GARDENIA DR
OXFORD OH 45056

H4100116000032
DEBRA A RAMSEY
11 GARDENIA DR
OXFORD OH 45056 2583

H4100116000033
TROY AND DEBRA ALLBRIGHT
13 GARDENIA DR
OXFORD OH 45056 2583

H4000132000015
ABRAHAM A AND EULIN M KURANGA
5797 BOOTH RD
OXFORD OH 45056 9042

H4100137000001
DONALD W AND KIMBERLEE K SMITH
201 MORGAN CIR
OXFORD OH 45056

H4100137000002
JOSEPH & WILLIAM EVEN
205 MORGAN CIR
OXFORD OH 45056 9404

H4100137000010
JENNIFER BEARDSLEE
204 MORGAN CIR
OXFORD OH 45056 9403

H4100137000011
PATRICIA L & MICHAEL A RUDOLPH
200 MORGAN CIR
OXFORD OH 45056 9403

H4100137000049
JOHN BOYLE ETAL
3225 INDIAN CREEK RD
OXFORD OH 45056 9244

Date: May 27, 2021

Description: Lot #3556
Cobblestone Community Church

Location: City of Oxford
Butler County, Ohio

Situated in the State of Ohio, Congress Lands West of Miami River, Section 34, Town 5, Range 1, City of Oxford, Butler County and being all of Lot #3556 of the City of Oxford and being the lands of Cobblestone Community Church as recorded in Official Record 7665, Page 632 of the Butler County, Ohio Recorder's Office and being further described as follows.

Commencing at the southwest corner of said Lot #3556 and being southeast corner of Lot #3555 of the City of Oxford and being the lands of South Farm Owners Association (4.204 Ac.) as recorded in Official Record 7389, Page 1791 of the Butler County, Ohio Recorder's Office and being on the northerly right of way of Roberts Drive and being the **True Point of Beginning;**

thence, leaving the northerly boundary of said Roberts Drive and with the easterly boundary of said Lot #3555 and with the westerly boundary of said Lot #3556 for the following five courses:

1.) North 39° 08' 43" West, 134.42 feet;

2.) North 18° 32' 17" East, 170.28 feet;

3.) North 00° 49' 13" West, 147.22 feet;

4.) North 56° 32' 43" West, 100.36 feet;

5.) North 64° 25' 13" West, 166.87 feet to the southerly boundary of Lot #2667 of the lands of Sandra Lynn Cason as recorded in Official Record 9620, Page 907 of the Butler County, Ohio Recorder's Office;

thence, leaving the southerly boundary of said Lot #3555 and with the southerly boundary of said Lot #2667 and with the northerly boundary of said Lot #3556, South 86° 11' 00" East, 594.99 feet to the westerly right of way of Kehr Road and being the southeast corner of said Lot #2667 and being the northeast corner of said Lot #3556;

thence, leaving said Lot #2667 and with the westerly right of way of said Kehr Road, South 02° 46' 47" West, 512.02 feet to the northerly right of way of said Roberts Drive;

thence, leaving the westerly right of way of said Kehr Road and with the northerly right of way of said Roberts Drive and with the southerly boundary of said Lot #3556 for the following four courses:

1.) with a curve to the right, having a central angle of 90° 00' 54", a radius of 30.00 feet, an arc length of 47.13 feet and a chord bearing and distance of South 47° 46' 21" West, 42.43 feet;

2.) with a curve to the right, having a central angle of 21° 34' 47", a radius of 261.54 feet, an arc length of 98.51 feet and a chord bearing and distance of North 78° 14' 10" West, 97.92 feet;

3.) North 73° 51' 10" West, 43.29 feet;

4.) with a curve to the left having a central angle of 39° 18' 06", a radius of 197.89 feet, an arc length of 135.74 feet and a chord bearing and distance of North 86° 52' 16" West, 133.10 feet to the **True Point of Beginning** containing 199,153 square feet or 4.5719 acres of land, more or less and being subject to all easements, legal highways, restrictions and agreements of record.

Heron Pond

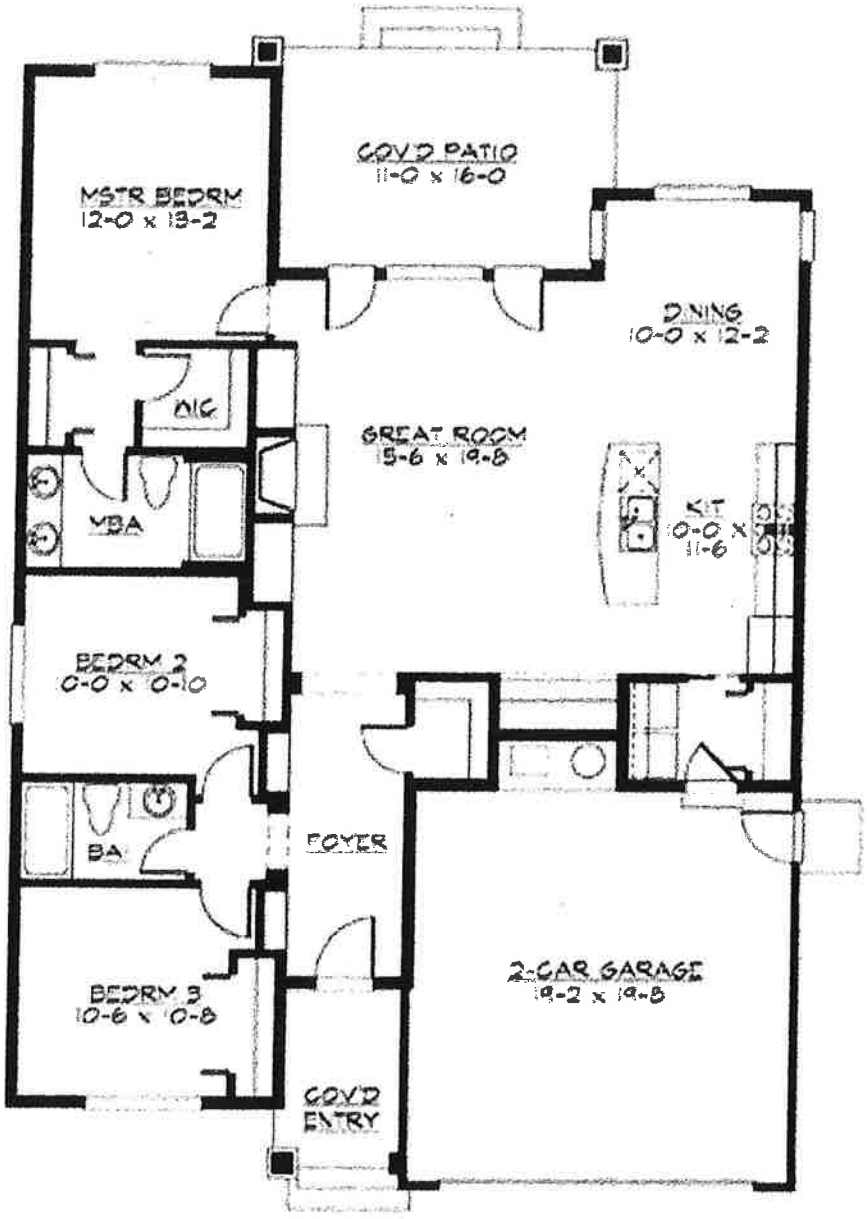
Included are the 3 preliminary home elevations and styles that will be built in the Heron Pond development along with two preliminary open floor plans. Each home will have three bedrooms, two baths and two car garages.

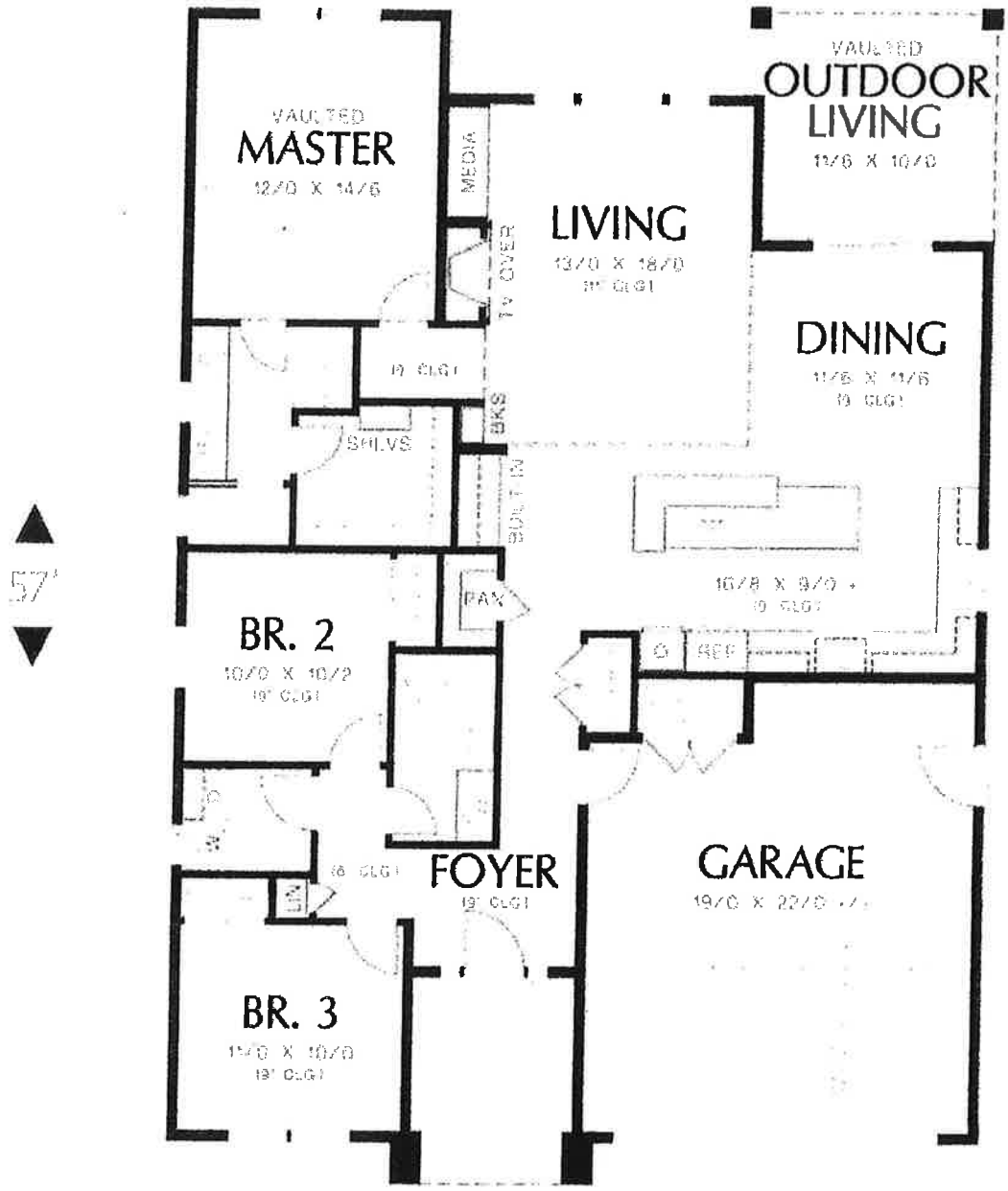
The style of all 15 of the homes is considered Craftsman and every home in the develpment will be of built of that style.

Materials used will be up to 100 percent HardiePlank. With brick, stone or shingle accents. *There will be no vinyl siding.

The color scheme will consist of earth tones: charcoal grey, chocolate brown (see example), beige, shades of green i.e. sage, forest or dusty teal. Consistent and complementary shingles will be used for the roof.

Thank you


COV'D PATIO
11-0 x 16-0
MSTR BEDRM
12-0 x 13-2
DINING
10-0 x 12-2
WIC
GREAT ROOM
15-6 x 19-8
MBA
KIT
10-0 x 11-6
BEDRM 2
10-0 x 10-10
BA
FOYER
2-CAR GARAGE
19-2 x 19-8
BEDRM 3
10-6 x 10-8
COV'D ENTRY


VAULTED
MASTER
12'0 X 14'6
MEDIA
TV COVER
LIVING
13'0 X 18'0
VAULTED
OUTDOOR
LIVING
11'6 X 10'0
DINING
11'6 X 11'6
SHELVS
BKS
BUILT IN
10'8 X 9'0
PAN
BR. 2
10'0 X 10'2
REF
FOYER
GARAGE
19'0 X 22'0
BR. 3
15'0 X 10'0
57'
40'

HERON POND

SECTION 34, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO

IN WITNESS WHEREOF, WE HAVE UNTO SET OUR HAND ON THIS ____ DAY OF _____ A.D. 2021

OWNER
HPCT DEVELOPMENT INC

STATE OF _____ S.S.
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, A.D. 2021 BY _____ OF _____, AN _____ ON ITS BEHALF.

NOTARY PUBLIC, STATE OF ____

MY COMMISSION EXPIRES

CITY OF OXFORD

CLERK OF COUNCIL _____ DATE _____

COMMUNITY DEVELOPMENT DIRECTOR _____ DATE _____

SERVICE DIRECTOR/CITY ENGINEER _____ DATE _____

FILE FOR RECORD _____ AT _____

RECORDED _____ A.D. 20____

OFFICIAL RECORD _____ PAGES _____

BY _____

RECORDER, BUTLER COUNTY, OHIO _____ DEPUTY

FILE _____ FEE _____

OWNER/DEVELOPER
HPCT Properties Inc.
1282 Boddy Road
Lisbon, IN 47153
(765) 560-6378
shanulcuffnohr@aol.com

DEVELOPMENT SUMMARY
EXISTING ZONING: R-1B PLANNED DEVELOPMENT
TOTAL ACREAGE: 43.7 ACRES
PROPOSED NUMBER OF SINGLE FAMILY RESIDENTIAL UNITS: 71
PROPOSED DENSITY: 3.28 UNITS/ACRE
OPEN SPACE: 9.51 ACRES (NOT INCLUDING SETBACKS, BAY AREAS)
(0.75 ACRES MIN. REQUIRED)

SITE LAYOUT NOTES

1. ALL STREETS ARE PRIVATE.
2. ALL DWELLINGS ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.
3. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST EDITION OF THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) "CONSTRUCTION AND MATERIAL SPECIFICATIONS" AND PROJECT SPECIFICATIONS. IN THE EVENT OF A CONFLICT, THE MORE STRINGENT STANDARD APPLIES.
4. WHERE CONNECTING TO EXISTING ASPHALT PAVEMENT, THE CONTRACTOR SHALL SAW CUT THE EXISTING EDGE OF PAVEMENT TO A NEAT, STRAIGHT, & CLEAN EDGE. ITEM 407 TACK COAT SHALL BE APPLIED TO THE ENTIRE CUT FACE OF THE EXISTING PAVEMENT PRIOR TO THE PLACEMENT OF THE PROPOSED PAVEMENT.
5. WHERE CONNECTING TO EXISTING CONCRETE WALK, THE CONTRACTOR SHALL SAWCUT THE EXISTING WALK (AT AN EXISTING JOINT IF POSSIBLE) TO PROVIDE A SQUARE & CLEAN EDGE.
6. ADDITIONAL PAVEMENT/CURB WORK DUE TO EXTENTS OF DEMO OR REMOVAL SHOWN IN THE CONSTRUCTION DRAWING SHALL BE INCLUDED AS PART OF THE CONTRACTOR'S SCOPE OF WORK.
7. ALL PAVEMENT MARKINGS SHALL CONFORM TO ITEM 642 PAVEMENT MARKINGS AND THE OHIO MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES. PAVEMENT MARKING MATERIAL SHALL BE PER ITEM 642 TRAFFIC PAINT UNLESS OTHERWISE NOTED.
8. ALL TRAFFIC SIGNS AND POSTS SHALL CONFORM TO ITEM 630 TRAFFIC SIGNS AND SUPPORTS AND THE OHIO MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
9. FRONT YARD SETBACK AREAS OF ALL OUTLOTS SHALL BE MOWED AS LAWN & MAINTAINED FREE OF UNDERGROWTH.
10. HOME OWNERS ASSOCIATION TO BE RESPONSIBLE FOR THE MAINTENANCE OF THE OPEN SPACE LOTS AND WATER QUALITY SWP.
11. NO HOMES SHALL BE CONSTRUCTED IN OPEN SPACE AREAS

VICINITY MAP
NO SCALE

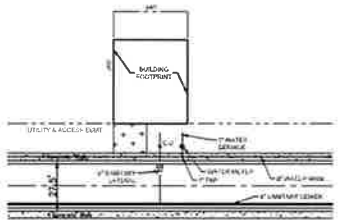
LEGEND

DEVELOPMENT BOUNDARY

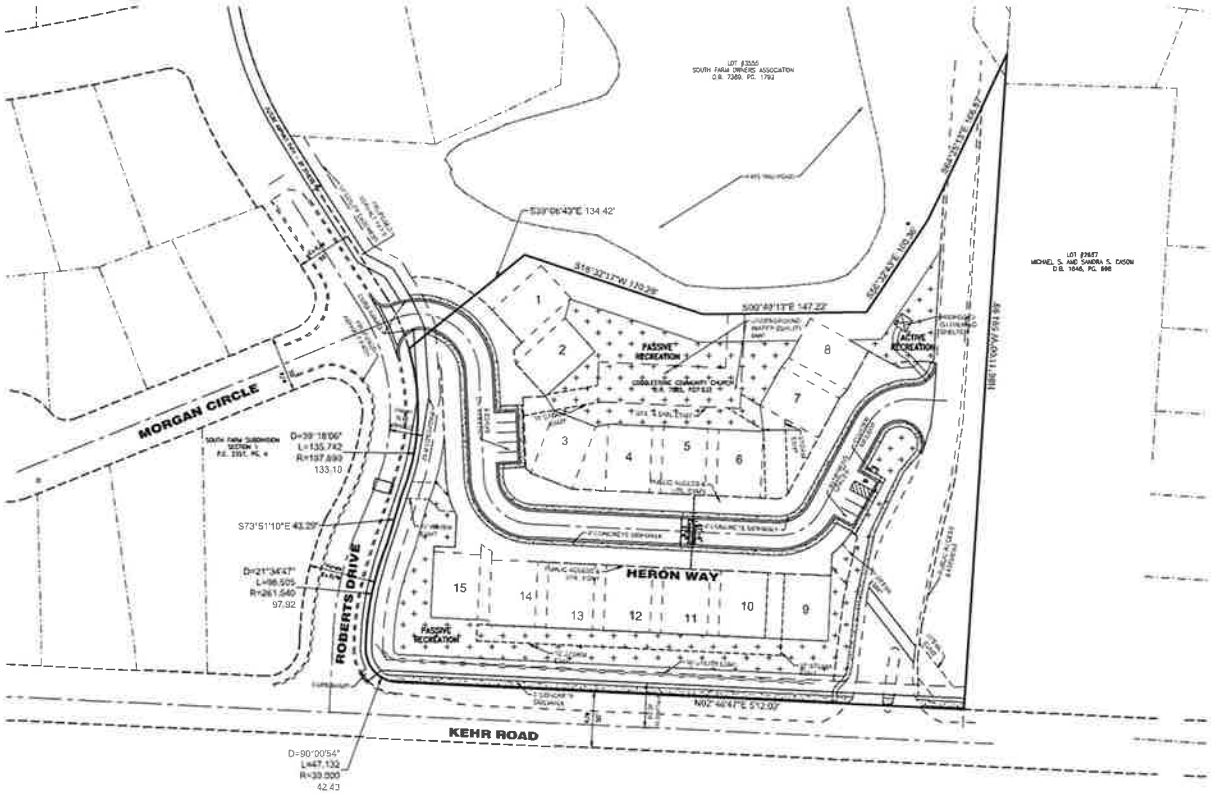
OPEN SPACE AREA

811 Know what's below. Call before you dig.

LOCATION OF ALL EXISTING UTILITIES TO BE DETERMINED IN THE FIELD PRIOR TO CONSTRUCTION



TYPICAL LOT PLAN
1"=30'



Drawing	20-0205.PDP
Drawn by	BTH
Checked By	JAB
Issue Date	05-28-21
Sheet	1 OF 1

HERON POND
SECTION 34, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO
FINAL PUD PLAN

bayer becker
www.bayerbecker.com
110 S. College Avenue, Suite 101
Oxford, OH 45056 513.523.6570

Plotting: May 28, 2021 - 10:28am
Drawing Name: T:\2020\0205\CIVIL\20-0205 FDP-Avg - Layout Tab - FDP

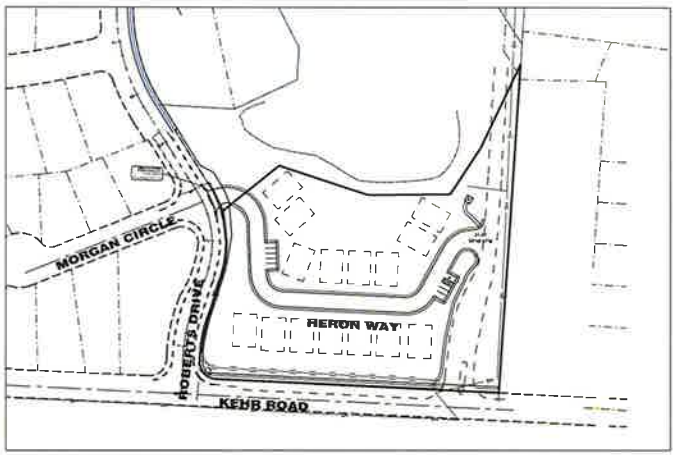
HERON POND

SECTION 34, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO

GENERAL NOTES

1. Item numbers refer to the Ohio Department of Transportation construction and material specifications, and all construction work shall be done according to said specifications of City of Oxford requirements and standards for subdivisions. When in conflict, the City of Oxford requirements shall prevail.
2. Items that pertain to underground utilities such as watermain pipe, sanitary sewer pipe, water valves and manhole frames and covers, etc., will remain under specifications of the utility serving the area. Storm sewers shall be designed and constructed in accordance with the requirements of the City of Oxford.
3. All trenches within the public access & utility easement shall be compacted and backfilled in accordance with Item 203 and 613 in the state specifications.
4. Surface course (Item 441) and tack coat (Item 407) are to be applied no sooner than nine (9) months after the leveling course, (Item 441), and fifty (50) percent of the homes are completed. If after two (2) years fifty (50) percent of the homes have not been completed, then the top course may be applied.
5. Developer shall be responsible for the installation of conduits for the full width of the public access & utility easement at a depth of 36" for use by the electric, telephone and cable services. The location of the lines shall be coordinated with utility companies by the developer.
6. All electrical transformers shall be located so that they do not interfere with the existing manholes or water main appurtenances.
7. Sump line conduits are to be SDR 35, Armco 2000, or equivalent.
8. WATER MAIN
   A. Water main materials, valves, fire hydrants, fittings and appurtenances and installation to be as per the City of Oxford specifications, using class 53 Ductile Iron 350 psi as per AWWA C-151 with minimum 4' cover.
   B. All water main valves to have a minimum depth of 2.5' and a maximum depth of 4' from proposed grade to the top of the Valve Operating Nut.
   C. Minimum 10' horizontal, 18" vertical separation between water main and sanitary and/or storm sewer.
   D. Water main shall be restrained for at least three full pipe lengths at all bends and ends of pipe. Thrust blocking or restrained joint gaskets may be used as determined by city staff.
   E. Service piping smaller than three (3) inches shall be seamless copper flexible water tubing, ASTM B 88, type K, pressure class 350 PSI.
   F. The contractor shall test and disinfect the water system per all city and state requirements and regulations.
   G. Additional corporation stops and 1 inch copper will be needed for water main testing. A plan for disinfection and hydrostatic testing will need to be coordinated between the contractor and the City of Oxford
   H. Owner, contractor, and City of Oxford shall coordinate regarding the requirements and procedures for connection to the existing water mains.
9. SANITARY SEWER
   A. Sanitary sewer materials and installation to be as per the City of Oxford specifications.
   B. Crossings Whenever a sanitary sewer and water main must cross, the sewer shall be at such an elevation that the crown of the sewer is at least 18 inches measured between the outside pipe walls, below the bottom of the water main. If it is absolutely impossible to maintain the 18 inch vertical separation, the water main shall be relocated or the sewer shall be constructed as follows:
      1. A sewer passing over or under the water main shall be encased or constructed of materials that are equivalent to water main standards of construction for a minimum distance of 10 feet on each side of the water main.
      2. The sewer crossing shall be constructed so that the sewer joints will be equidistant and as far as possible from the water main joints.
      3. Where a water main passes under a sewer, adequate structural support shall be provided for the sewer to prevent damage to the water main.
   C. Sanitary laterals shall be extended to at least the edge of the easement.
   D. Sanitary sewer laterals, which shall include all pipe and appurtenances from the building to the public sewer main, and the connection to the public sewer main shall be considered private and the responsibility of the property owner to maintain. The connection to the sewer would be any piping that extends out from the main barrel of the sewer main.
   E. The existing sanitary sewer invert shall be field verified prior to construction.
   F. The sanitary sewer laterals shall be PVC SDR-35 or schedule 40.
10. All trenches within the public access & 15' utility easement shall be compacted and backfilled in accordance with Item 203 in the state and City of Oxford specifications.
11. Storm & sanitary building sewers and taps shall be constructed in accordance with current building codes. All City of Oxford and state rules & regulations.
12. Provide granular class B pipe bedding throughout. Backfill all trenches under slab, walks, and paved areas with dense graded aggregate or crushed stone per the City of Oxford standards.
13. The City of Oxford does not accept any responsibility for the relocation, repair, or replacement of any other utility installed within five (5) feet of the center line of any sanitary sewer main or water main.
14. Private driveways, parking lots and other paved areas, earthen berms or structures should not be constructed over private water or sewer service lines within the public road right of way or within the easement areas for public utilities. Should this occur, the property owner shall be held responsible for the protection and repair and for providing access to any curb stops, meter pits, manholes, clean-outs, etc. installed in conjunction with these private service lines and for any damage or restoration of the paved surfaces or structures that may result from the future operation, maintenance, repair or replacement of said service lines and appurtenances.
15. STORM SEWER
   A. Storm sewer pipe shall be installed per ODOT Item 611 and City of Oxford Specifications. All joints shall be soil seal joints unless specifically noted on the plans.
   B. All catch basins and manholes with a depth greater than 4' shall be provided with steps. Steps shall meet the requirements of ODOT STD. 804.
16. Roof drains, foundation drains, and other clean water connections to the sanitary sewer system are prohibited.
17. Any stormwater basin on site should be constructed prior to the clearing of topsoil and grading of the site. All trees and vegetation shall be removed from all proposed stormwater basins regardless of maintenance responsibility.
18. SEDIMENTATION CONTROL
    The project has been designed to control erosion and prevent damage to other property. All stripping, earthwork, and regrading shall be performed to minimize erosion. Natural vegetation shall be retained wherever possible. The proposed plan will allow almost all erosed material to be retained on site.

    All areas disturbed by the construction of the roadways, ditches and sediment basins shall be seeded and strawed as soon as possible to limit the erosion and stabilize the soil. Payment will be by the number of square yards disturbed as per the grading plan. For additional sedimentation control details, see grading plan.
19. The City of Oxford will not be responsible for any pavement or storm sewer repairs resulting from water main and sanitary sewer repairs. The City of Oxford also will not be responsible for adjusting manholes, valves, fire hydrants, meter pits, etc. as a result of grade changes. The grantor shall be responsible for proper adjustment of manholes, valves, fire hydrants, meter pits, etc. to the satisfaction of the City of Oxford, due to grade changes, paving, repaving, etc. initiated by the grantor.
20. Any roadway settlement greater than one inch will be required to be repaired with Item 613 Low Strength Mortar Backfill (Type 1).
21. Provide the City of Oxford with a forty-eight (48) hour notice prior to the start of any construction, including sanitary installation. Phone 513-524-5208.
22. Contractors to accept all Quantities as correct prior to beginning construction.
23. Existing Zoning: R-1B Planned Development
24. Total Acreage: 4.00 Acres
25. Total # Single Family Lots: 15
26. All frames & grates located in the pavement shall be H-20 traffic bearing.



PROPERTY MAP
(1"=100 FT)

CONSTRUCTION APPROVAL - CITY OF OXFORD

COMMUNITY DEVELOPMENT DIRECTOR _____ DATE _____

CITY ENGINEER _____ DATE _____

CITY FIRE CHIEF _____ DATE _____

Know what's below. Call before you dig.

DEVELOPER

HDCT Properties Inc.
5282 Beech Road
Liberty, IN
Shanecollman@aol.com
765-969-0378

ENGINEER & SURVEYOR
LANDSCAPE ARCHITECT

Bayer Becker
110 S. College Avenue, Suite 101
Oxford, Ohio 45056
513-932-4270

UTILITY CONTACTS

SANITARY, WATER & STORM SEWER
CITY OF OXFORD
15 S. COLLEGE AVE
OXFORD, OHIO 45056
ATTN: SCOTT OTTO, PE
513-524-5208

GAS
GLENWOOD ENERGY
5151 COLLEGE CORNER PIKE
OXFORD, OHIO 45056
ATTN: KEITH SMITH
513-523-2555

ELECTRIC
DUKE ENERGY
1139 NILLES ROAD
FAIRFIELD, OHIO 45014
ATTN: ALAN EAST
513-311-9220

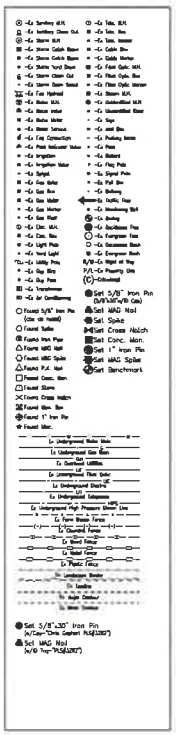
VICINITY MAP
NO SCALE

BENCHMARK
SET CROSS NOTCH
IN SOUTHERN CURB NORTH
OF INTERSECTION OF ROBERTS AND
MORGAN 4' FROM ELECTRIC POLE
AND 35' FROM THE SANITARY MANHOLE
IN THE INTERSECTION OF ROBERTS AND MORGAN
ELEVATION=910.36

INDEX TO SHEETS

Title Sheet	1
Typical Sections & Site Details	2
Site Layout Plan	3
Plan & Profile	4
Grading & Erosion Control Plan	5
Site & Utility Details	6
Erosion Control Details	7
Planting Plan	8
Planting Notes & Details	9

LEGEND



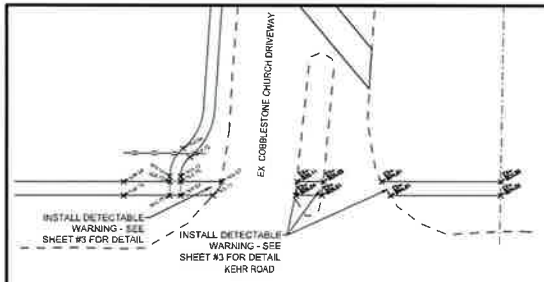
5-28-21

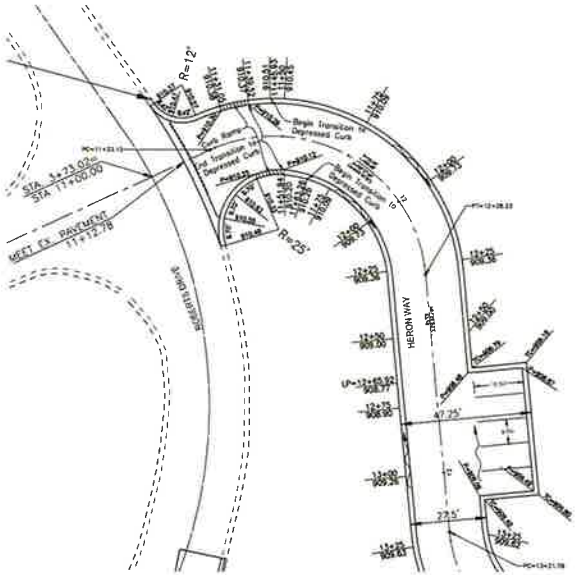
HERON POND
SECTION 34, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO
TITLE SHEET

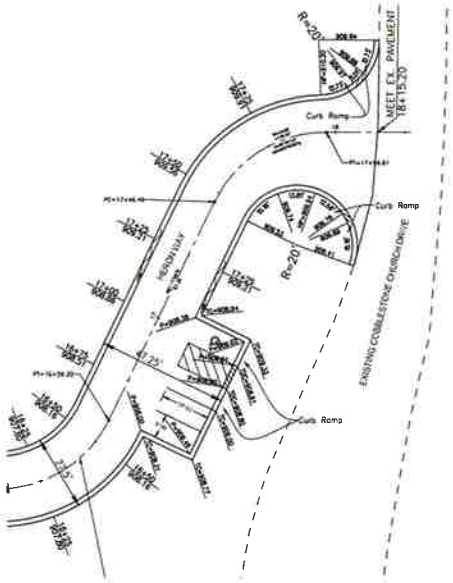
bayer becker
www.bayerbecker.com
110 N. College Avenue, Suite 101
Oxford, OH 45056 - 513.523.4270

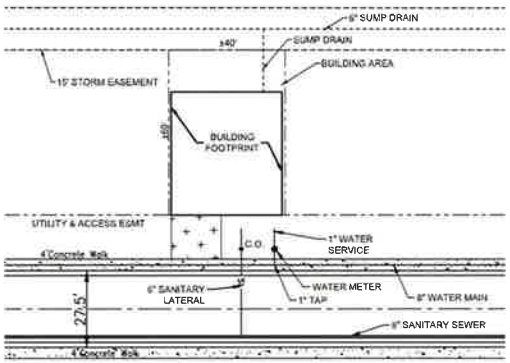
1/9

Plot Date: May 27, 2021 - 10:16am
Drawing Name: P:\2020\#2020CV\CIVIL\20-0281 CD Eng Layout Tab - T Title



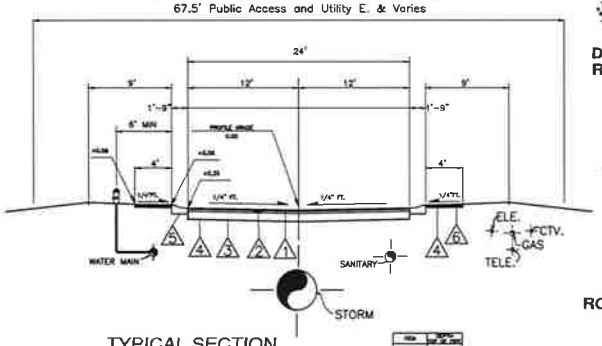






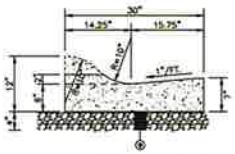
TYPICAL LOT DETAIL

67.5' Public Access and Utility E. & Varies



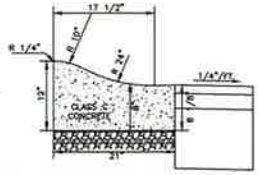
TYPICAL SECTION

1. 1-1/2" ASPHALT CONCRETE SURFACE COURSE – ITEM 441
2. 1-1/2" ASPHALT CONCRETE INTERMEDIATE LEVELING COURSE – ITEM 441
3. 10" BASE COURSE – ITEM 304 AGGREGATE BASE
4. COMPACTED SUBGRADE – ITEM 204
5. ROLLED FACE CURB & GUTTER – SEE DETAIL
6. FOUR INCH THICK CLASS "C" CONCRETE SIDEWALK, FOUR FEET WIDE ITEM 608 WALK TO BE 1/2" HIGHER THAN SOD.
7. SEEDING & MULCHING – ITEM 659 @ 1/2" PER FT. TYP
8. TACK COAT – ITEM 407 – TO BE APPLIED TO FRONT FACE OF CURB PRIOR TO INSTALLATION OF 301 BITUMINOUS AGGREGATE BASE. ALSO TO BE APPLIED TO CURB JOINT AFTER THE INSTALLATION OF 448 LEVELING COURSE.



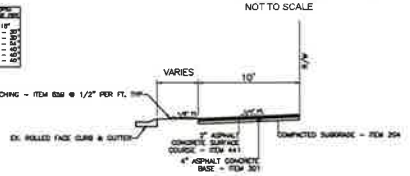
DEPRESSED CURB AND GUTTER ROBERTS DRIVE REPLACEMENT

NOT TO SCALE

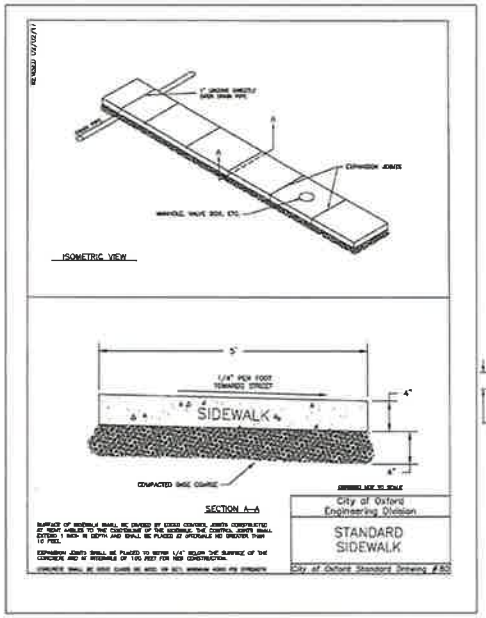


ROLLED FACE CURB & GUTTER (PRIVATE STREETS ONLY)

NOT TO SCALE

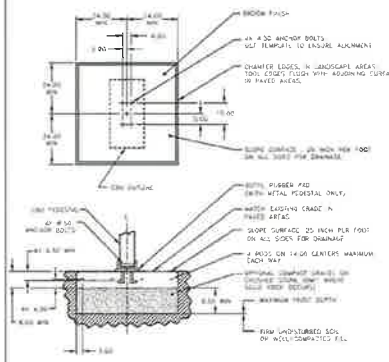


ASPHALT PATH TYPICAL SECTION



USPS APPROVED SPECIFICATIONS – CONCRETE PAD (SINGLE UNIT)

(All measurements are in inches)



NOTES:

1. CONCRETE SHALL HAVE A COMPRESSIVE STRENGTH OF 5000 PSI @ 28 DAYS, CONTAIN 6% MIN – 9% MAX AIR ENTRAINMENT AND BE PLACED WITH A 3.5G – 4.5G SLUMP IN ACCORDANCE WITH ACI 301.
2. REINFORCING STEEL MESH SHALL CONFORM TO ASTM A615, GRADE 60.
3. ANCHOR BOLTS SHALL CONFORM TO ASTM A193, GRADE B8M, TYPE 316 STAINLESS STEEL.

Plotted: May 28 2021, 10:13am
Drawing name: 2020\34\2020\CIVIL\CAD\2020 PLT's dwg, Layout Tab: PLT

Basis of Bearings: State Plane NAD83 (2011)

5-28-21

Rev.	Revision Description	Date	Drawn	CAD

HERON POND

SECTION 34, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO

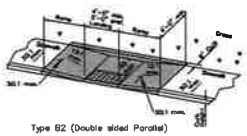
TYPICAL SECTION & SITE DETAILS

bayer becker
www.bayerbecker.com
130 S. College Avenue, Suite 100
Oxford, OH 45056 • (513) 523-0570

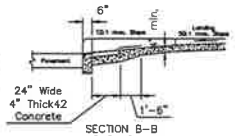
Drawing by:	JAMES BOYD
Submitted:	JMB
Checked By:	MMB
Issue Date:	05/28/21

Sheet

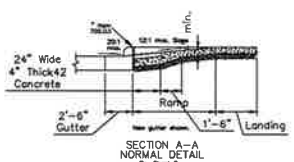
2/9



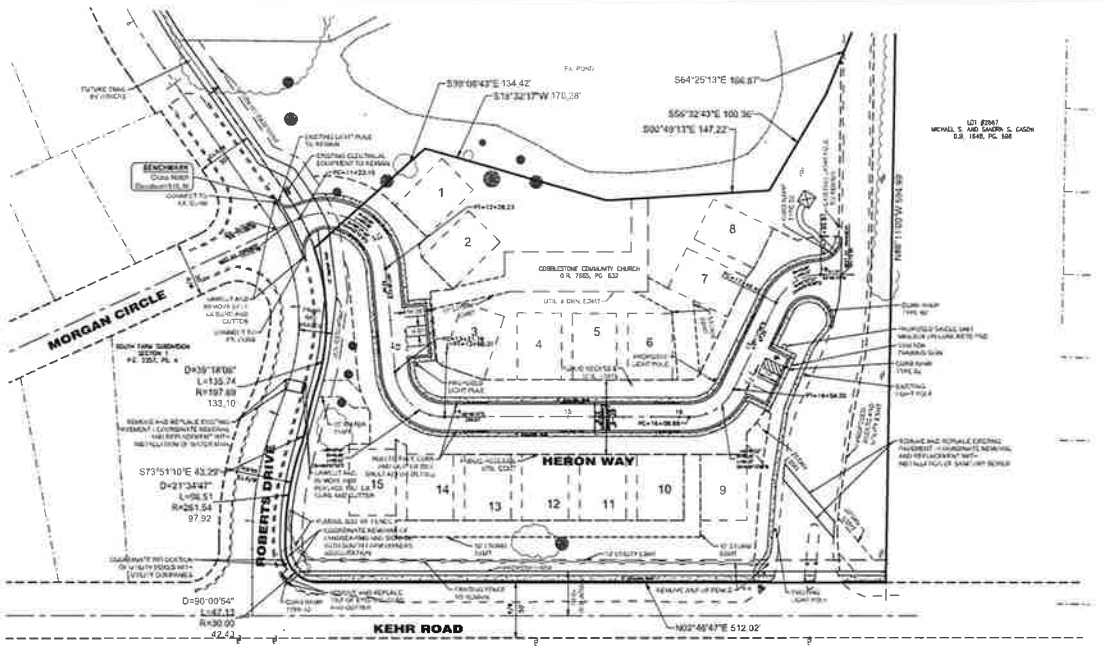
Type B2 (Double sided Parallel)



SECTION B–B
See Sheet 2.



SECTION A–A
NORMAL DETAIL
See Sheet 2.



NOTES

The running slope of the ramp is preferred to be 12:1 or flatter. In existing sidewalks, where the maximum ramp slope is not feasible due to site constraints (e.g. utility poles or vaults, right-of-way limits) it may be reduced as follows:

A) 10:1 for a max. rise of 6".
B) 8:1 for a max. rise of 3".
C) 6:1 over a max. run of 2'-0" for historic areas where a flatter slope is not feasible.

To prevent chasing the grade indefinately, the transition from existing sidewalk to the shaded curb ramp area is not required to exceed 15 feet in length.

While ramps may be skewed to the crosswalk, the entire lower landing area must fall within the cross walk that the ramp serves and cannot be located in the traveled lane of opposing traffic.

The counter slope of the gutter or street at the foot of a curb ramp, landing, or blended transitions shall be 20:1 or flatter.

The bottom edge of the ramp shall change planes perpendicular to the landing.

The edge of the curb shall be flush with the edge of the adjacent pavement and gutter and surface slopes that meet grade breaks shall also be flush.

Ramp landings shall be 4' min. x 4' min. with a 50:1 or flatter cross slope and running slope.

DETECTABLE WARNINGS: Install Detectable Warnings on each curb ramp with approved materials, as shown on Sheet 3. Install these proprietary products as per manufacturer's written instructions.

DRAINAGE: Contractor is to ensure the base of each constructed curb ramp allows for proper drainage, without exceeding allowable cross slope or ramp slopes. Vertical change in level exceeding ¼" between the 1) pavement and gutter, and 2) gutter and ramp, are not allowed.

SURFACE TEXTURE: Texture concrete surfaces by coarse broaming transverse to the ramp slopes to be rougher than the adjacent walk.

JOINTS: Provide expansion joints in the curb ramp as extensions of walk joints and consistent with Item 608.03 requirements for a new concrete walk. Provide a ½ Item 705.03 expansion joint filler around the edge of ramps built in existing concrete walks. Lines shown on this drawing indicate the ramp edges and slope changes, and do not necessarily indicate joint lines.

DETECTABLE WARNINGS NOTES

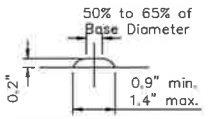
GENERAL: Detectable Warnings are a distinctive surface pattern of truncated domes which are detectable by cane or underfoot to alert people with vision impairments of their approach to streets and hazardous drop-offs.

PLACEMENT: Detectable warnings are to be installed at any location where pedestrians might cross paths with vehicular traffic lanes, such as the base of curb ramps or at blended curbs. A 24" strip of domes is to be installed for the full width of the ramp or walk. Typical street corner placement locations are shown on Sheet 1.

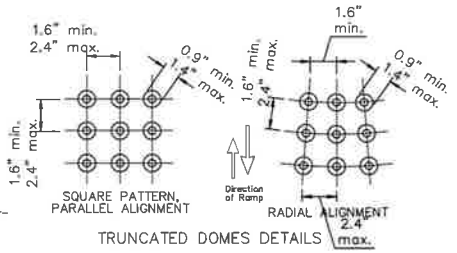
The depth of concrete underneath detectable warning products shall be a minimum of 4". See DETAIL A.

ALIGNMENT: Truncated domes should be aligned with the primary direction of the ramp as shown on the DETECTABLE WARNING ALIGNMENT Detail. Normally the detectable warnings should be flush with the back of the curb, but for skewed conditions see DETECTABLE WARNING ALIGNMENT Detail. For non-standard layouts, detectable warning materials may have to be mitered and placed segmentally.

PRODUCTS & COLORS: Color of the detectable warnings should contrast with surrounding concrete walk and ramp. Black is not an acceptable color. Approved products and guidance on color may be found on the Office of Roadway Engineering Service's Detectable Warnings Approved List. Install products as per manufacturer's printed instructions.



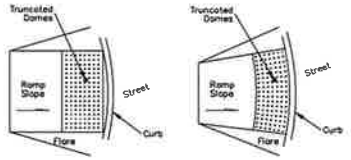
HEIGHT AND DIAMETER



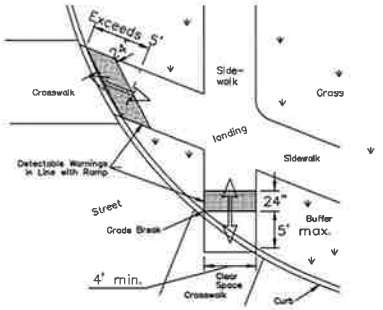
SQUARE PATTERN, PARALLEL ALIGNMENT

RADIAL ALIGNMENT

TRUNCATED DOMES DETAILS



DOME ALIGNMENT ON RADIUSED CURB



DETECTABLE WARNING ALIGNMENT

Basis of Survey
State Plane NAD83 (2011)

SCALE: 1" = 30'

5-28-21

Date	Description

HERON POND

SECTION 34, TOWN 6, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO

SITE LAYOUT PLAN

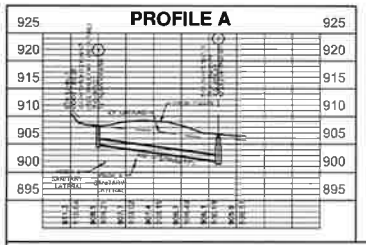
bayer becker
Bayer Becker
100 S. College Avenue, Suite 100
Oxford, OH 45056 • 513.523.4093

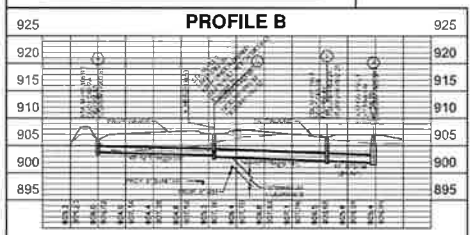
Project No.	20630.00
Drawn by	JAS
Checked by	MJS
Issue Date	5.28.21

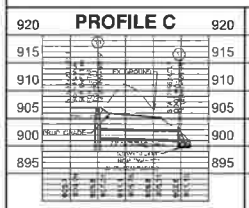
Plotted: May 28, 2021 - 10:17am
Drawing Name: J:\2020\20630\CIVIL\ENGINEERING\01 Eng. Layout Tab 3 LAYOUT

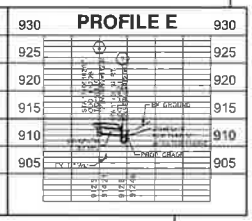
NOTES:

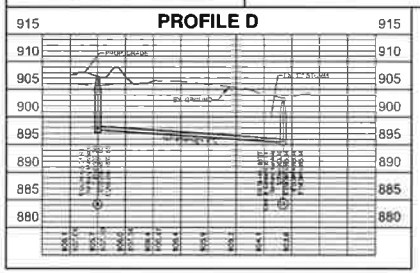
1. 48 hours notice to be given to affected residents before construction begins.
2. All manholes are 48" diameter unless otherwise noted.
3. All Catch Basin T/Grate Elevations located within the curb are set to the pavement Elevations
4. Lower 1" Water Services as needed to avoid conflicts with Storm with Min. 4' Cover.
5. Location of existing utilities to be determined in the field prior to work beginning.
6. All lots Sump to Sump Drain unless otherwise noted in plan.
7. Contractors to accept all quantities as correct prior to beginning construction.
8. Per City of Oxford, structural condition of existing sanitary sewer to be confirmed prior to connection and re-use. If unsuitable replace entire section.
9. All lots shall have access to Heron Way only.
10. Additional corporation stops and 1 inch copper will be needed for water main testing. A plan for disinfection and hydrostatic testing will need to be coordinated between the contractor and the City of Oxford.
11. Contractor to confirm size and location of existing water main under Roberts Drive prior to construction and notify engineer of any deviations from information shown on plan.

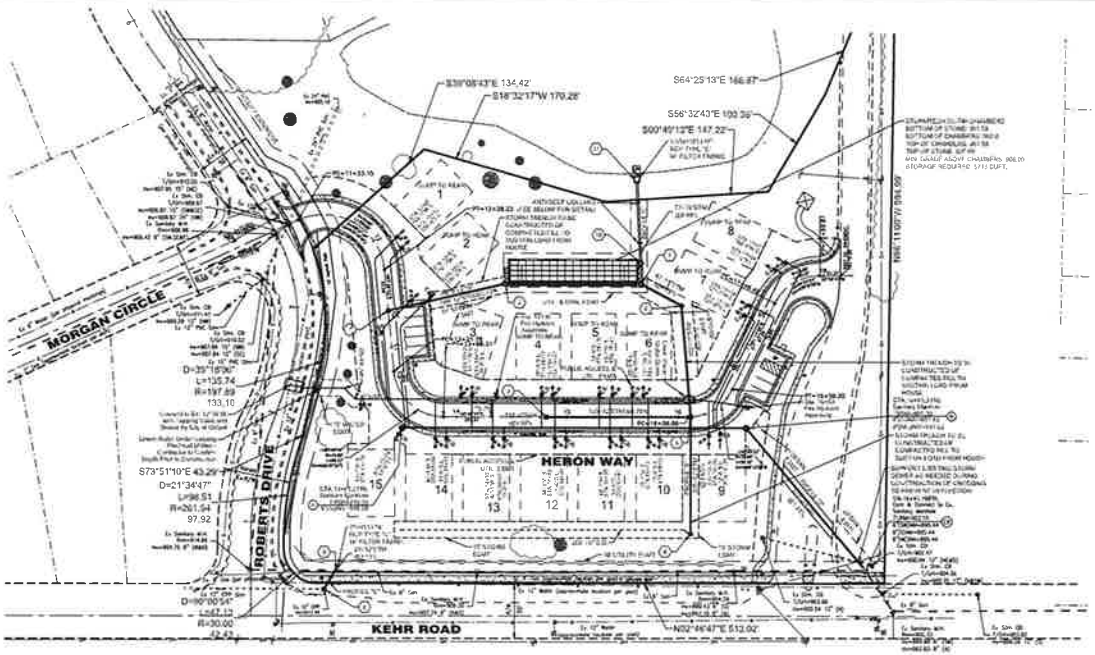












NOTE: CONTRACTOR TO COORDINATE AS-BUILT SURVEY DURING CONSTRUCTION OF UNDERGROUND WATER QUALITY SYSTEM IN COMPLIANCE WITH CITY OF OXFORD WATER AND SEWER STANDARDS.

AS-BUILT INFORMATION FOR THE UNDERGROUND DETENTION AREA INCLUDES BUT IS NOT LIMITED TO THE INVERT AT ALL CORNERS OF THE EXCAVATED AREA, TOP OF THE FIRST LAYER OF STONE AND THE TOP LAYER OF STONE, PROVIDE ASSOCIATED VOLUME VERIFICATION CALCULATIONS.

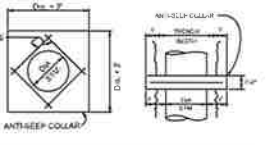
CONTRACTOR TO PROVIDE DOCUMENTATION FOR STONE SOURCE USED IN THE UNDERGROUND WATER QUALITY SYSTEM.

COORDINATE CONSTRUCTION OF UNDERGROUND WATER QUALITY WITH ADS. ADS TO PROVIDE ON-SITE INSPECTION AND PROVIDE A WRITTEN STATEMENT THAT THE SYSTEM WAS INSTALLED PER THEIR DESIGN CRITERIA

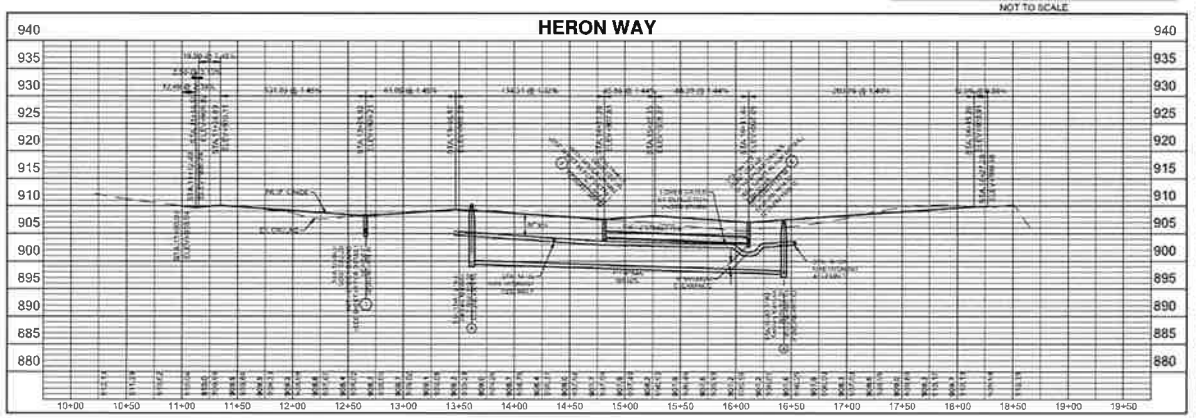
NOTE:
At Crossings, the water main shall have a minimum vertical distance of eighteen (18") inches from storm and sanitary sewers. Also, one full length of water main shall be located so the joints are as far from the storm and sanitary sewers as possible. Fittings, not joint deflection, must be used when water main is lowered at crossings.

WATER MAIN RESTRAINT JOINT LOCATION CHART

Water Main Dia.	Horizontal 45°Bends	Vertical 45°Bends Up (Lower Water Under...)	Vertical 45°Bends Down (Lower Water Under...)	Dead Ends (Permanent & Temporary)	Tees
6"	18' both sides	18' both sides	36' both sides	72' Rock	54'
8"	18' both sides	36' both sides	36' both sides	90' Rock	54' 72'
10"	36' both sides	54' both sides	54' both sides	117' Rock	54' 72' 90'
12"	36' both sides	54' both sides	72' both sides	180' Rock	36' 72' 90'
14"	54' both sides	54' both sides	90' both sides	198' Rock	36' 72' 90'
16"	54' both sides	54' both sides	90' both sides	216' Rock	36' 54' 90'



ANTI-SEEP/FLOAT COLLAR DETAIL
NOT TO SCALE



Date of Survey
State Plane NAD83 (2011)
0 25 50
SCALE: 1" = 50'

5-28-21

Date	Drawn	CHK
Revision Description		

HERON POND

SECTION 34, TOWN 6, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO

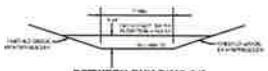
PLAN & PROFILE

bayer becker
www.bayerbecker.com
110 S. Calliper Avenue, Suite 101
Oxford, OH 45056 • 513.523.1073

Drawing No.	2545-01.DD
Drawn by	AAB
Date Submitted	4/19
Issue Date	5/28/21

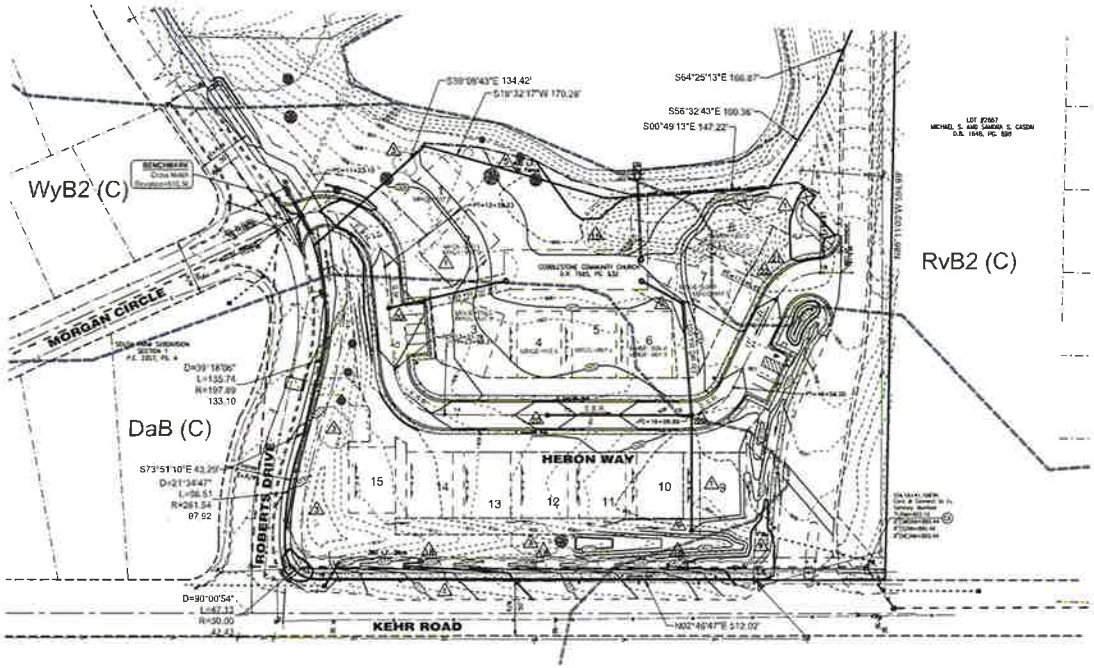
Sheet
4/9

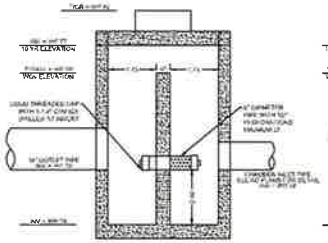
Plotted: May 28, 2021 - 10:12am
Drawing name: J:\2020\2545\DWG\Const Plt\2545 DD dwg Layout Tab: 4 P&P



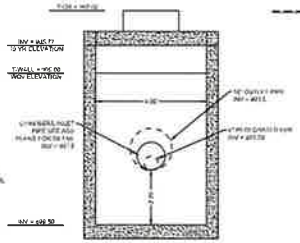
BETWEEN BUILDING 2/3
100YR DRAINAGE ROUTE
NOT TO SCALE

BETWEEN BUILDING 6/7
100YR DRAINAGE ROUTE
NOT TO SCALE

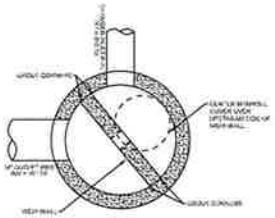




STRUCTURE 10 ODOT MH NO. 3
OUTLET STRUCTURE DETAIL
NOT TO SCALE



STRUCTURE 10 ODOT MH NO. 3
OUTLET STRUCTURE DETAIL
NOT TO SCALE

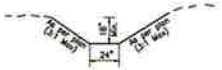


STORM MANHOLE 10 ODOT MH NO. 3
OUTLET STRUCTURE DETAIL
NOT TO SCALE

LEGEND

MFOE = Minimum Front Opening Elevation
MROE = Minimum Rear Opening Elevation
MSOE = Minimum Side Opening Elevation

Note: All ditches constructed by the Developer shall be sodded or hydro-seeded.



TYPICAL DITCH SECTION

NOTES:

1. Regular inspection and maintenance will be provided for all erosion and sediment control practices. Permanent records of maintenance and inspections must be kept throughout the construction period. Inspections must be made a minimum of once every seven (7) days and immediately after storm events greater than 0.5 inches of rain in a 24 hour period. Provided will be name of inspector, major observations, date of inspection and corrective measures taken.
2. All erosion and sediment control practices must conform to the specifications of Rainwater and Land Development, Ohio's standards for storm water management, land development and urban stream protection.
3. Perimeter Sedimentation control and basins/traps shall be implemented as the first step of grading and within seven (7) days of initial grubbing or grading and shall continue to function until upland areas are stabilized.
4. Disturbed areas which will remain unworked for a period of twenty-one (21) days or more, shall be stabilized with seeding and mulching or other approved means within seven (7) days. All disturbed areas within fifty (50) feet of an intermittent or solid blue line stream shall be stabilized within two (2) days. All areas of a site which are at final grade shall be stabilized with seeding and mulching or other approved means within seven (7) days.
5. Quantities for Erosion Control may vary between detailed plans and field conditions during construction. Plan quantities are a minimum; more erosion control may be necessary due to environmental conditions.
6. Sedimentation control and ditch swales are subject to change upon completion of entire set of construction drawings.
7. No solid or liquid waste shall be discharged into storm water runoff.
8. Home builders are responsible for erosion control on each individual lot.

EROSION CONTROL NOTES

- SEEDING AND MULCHING
- SODDING
- PRESERVE EXISTING VEGETATION
- STRAW BALE
- SILT FENCE OR MULCH BERM
- SOIL PILES
- TEMPORARY STREAM CROSSING
- GRAVEL CURB INLET SEDIMENT FILTER
- GEOTEXTILE INLET SEDIMENT FILTER
- GABIONS
- STRAW BALE DROP INLET SEDIMENT FILTER
- SOD DROP INLET SEDIMENT FILTER
- GRAVEL & WIRE MESH DROP INLET SEDIMENT FILTER
- BLOCK & GRAVEL CURB INLET SEDIMENT FILTER
- TEMPORARY SEDIMENT TRAPS & BASINS
- RIPRAP & SLOPE PROTECTION
- ROLLED GRAVEL CURB INLET SEDIMENT FILTER
- CHECK DAM
- TEMPORARY SEDIMENT SEDIMENT FILTER/BARRIER
- DAIRY DAM/DIVERTER DIKE OR SWALE
- CONSTRUCTION ENTRANCE
- CONCRETE WASHOUT AREA

SEE SOIL EROSION & SEDIMENTATION CONTROL DETAIL SHEET (Page 17)

NOTE:
Quantities for Erosion Control may vary between detailed plans and field conditions during construction. Plan quantities are a minimum; more erosion control may be necessary due to environmental conditions.

NOTE:
Contractors to accept all quantities as correct prior to beginning construction.

TEMPORARY SEDIMENT TRAP SUMMARY

DRAINAGE AREA = 2.78 ACRES

SEDIMENT TRAP

SEDIMENT STORAGE REQUIRED =	n/a	AC-FT
SEDIMENT STORAGE PROVIDED =	n/a	AC-FT
DEWATERING VOLUME REQUIRED =	0.11	AC-FT
DEWATERING VOLUME PROVIDED =	0.11	AC-FT
ORIFICE DIA. =	1.375	IN
DRAWDOWN TIME =	48	HR

48HR MIN

PROJECT DATA	
Total Area	6.00 Ac.
Disturbed Tributary Area	2.78 Ac.
Required Sediment Storage	0.00 ac-ft
Drainage Area	2.78 Ac.
Required Dewatering Storage	0.11 ac-ft.
Pre-Developed Runoff Curve Number	74.0
Post-Developed Runoff Curve Number	87.1
Estimated Proposed Impervious Area	1.53 Ac.(3.83%)
Immediate Receiving Waters	Existing Detention Pond
Subsequent Receiving Waters	Collins Creek

SOIL TYPES
Obtained from NRCS Web Soil Survey

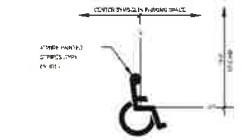
Symbol	Name	Type
DaB	Dana silt loam, 2 to 5 percent slopes	C
RvB2	Russell-Miamian silt loams, 2 to 5 percent slopes moderately eroded	C
WyB2	Wynn silt loam, 2 to 5 percent slopes moderately eroded	C

bayer becker
www.bayerbecker.com
216 N. College Avenue, Suite 101
Oxford, OH 45056 • 513.523.1515

HERON POND
SECTION 24, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO
GRADING & EROSION CONTROL PLAN

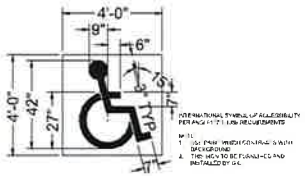
5/9

Plotted: May 28, 2021 - 10:14am
Drawing name: J:\2020s\2020\DWGS\20-035 C3 Eng Layout Tab 5.CR



ACCESSIBLE SYMBOL DETAIL

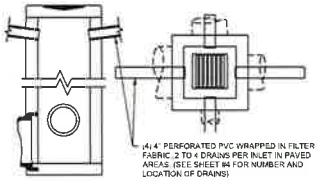
NOT TO SCALE



PAINTED HANDICAP PARKING SYMBOL

NOT TO SCALE

TYPICAL HANDICAP SIGNAGE

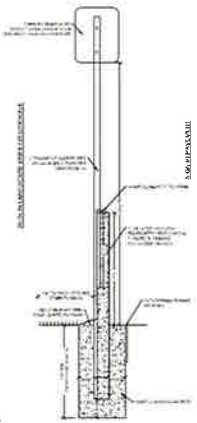


(4) 4" PERFORATED PVC WRAPPED IN FILTER FABRIC 2 TO 4 DRAINS PER INLET IN PAVED AREAS. (SEE SHEET #4 FOR NUMBER AND LOCATION OF DRAINS)

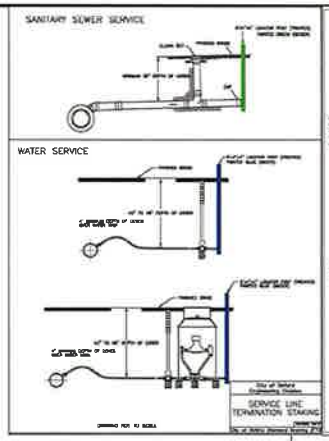
CONTRACTOR TO CONSTRUCT 4" INCH PERFORATED PVC SPIDER DRAINS BENEATH NEW PAVEMENT. CONTRACTOR SHALL CORE-DRILL A SMOOTH HOLE IN THE WALL OF THE CATCH BASIN & GROUT THE 4" PERFORATED PVC PIPE INTO THE WALL (TYPICAL). THE PIPE SHALL ENTER THE CATCH BASIN AS HIGH AN ELEVATION AS POSSIBLE (MAINTAINING 2' MINIMUM COVER, TO REDUCE POSSIBLE SURCHARGING (TYPICAL).

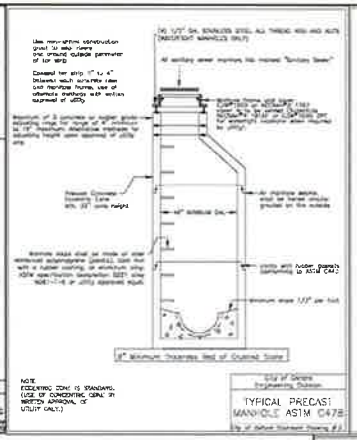
TYPICAL CATCH BASIN WITH SPIDER DRAINS

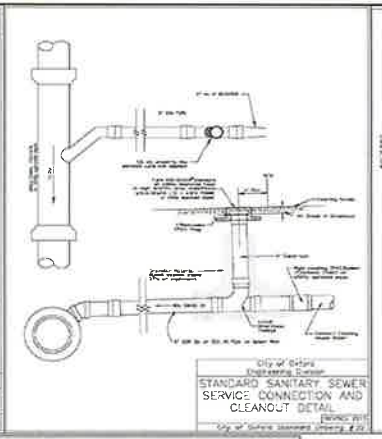
NOT TO SCALE

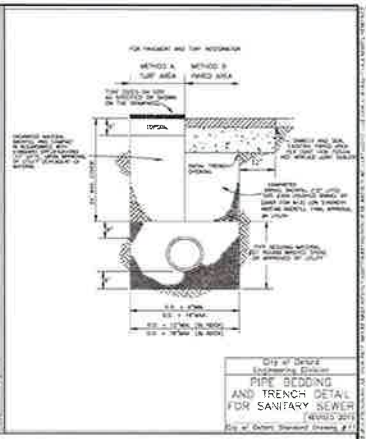


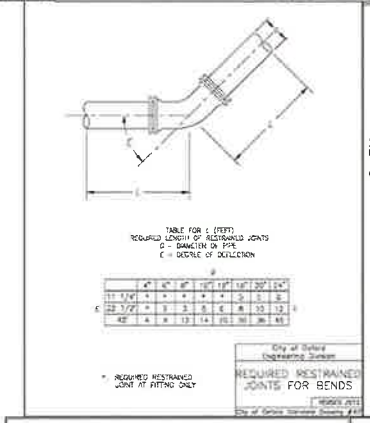
TYPICAL SIGNAGE

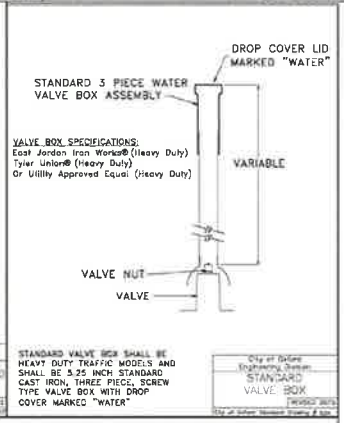


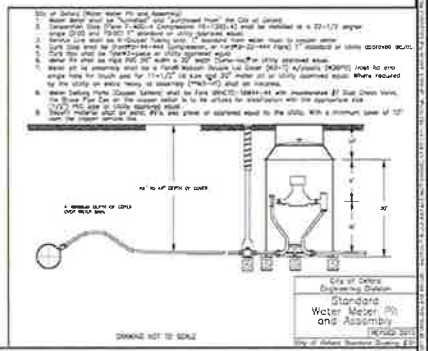


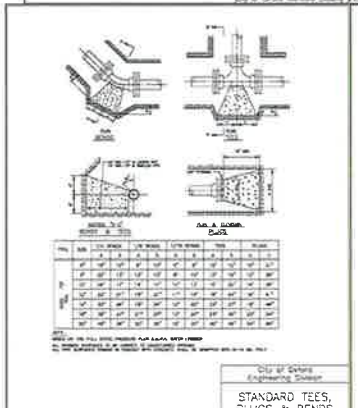


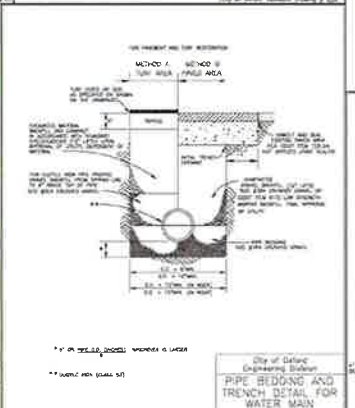


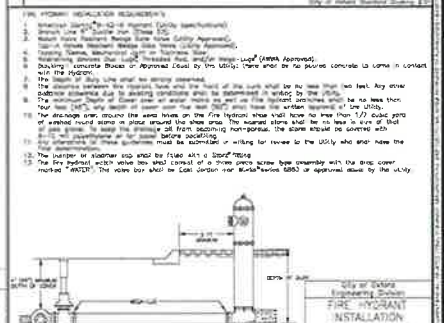












HERON POND

SECTION 34, TOWN 6, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO

SITE & UTILITY DETAILS

bayer becker
www.bayerbecker.com
Cincinnati, OH 45246 | 513.552.0099

SITE/UTIL DETAILS
AMB
AMB
5/28/21

6/9

GENERAL NOTES

EROSION AND SEDIMENT CONTROLS

Vegetative practices
Such practices may include: temporary seeding, permanent seeding, mulching, matting, sod stabilization, vegetative buffer strips, phasing and protection of trees. The contractor shall initiate appropriate vegetative practices on all disturbed areas within seven (7) days if they are to remain dormant (undisturbed) for more than fourteen (14) days. Permanent or temporary soil stabilization shall be applied to disturbed areas within seven (7) days after final grade is reached on any portion of the site.

Structural Practices
Structural practices shall be used to control erosion and trap sediment from all sites remaining disturbed for more than fourteen (14) days.

Timing
Sediment control structures shall be functional throughout earth disturbing activity. Sediment ponds and perimeter sediment barriers shall be implemented as the first step of grading and within seven days from the start of grubbing. They shall continue to function until the upslope development area is restabilized.

Sediment Barriers
Sheet flow runoff from denuded areas shall be intercepted by sediment barriers. Sediment barriers, such as sediment fences or diversions direction runoff to settling facilities, shall protect adjacent properties and water resources from sediment transported by sheet flow.
Erosion and sediment control practices used to satisfy the conditions of this plan shall meet the standards and specifications in the current edition of Water Management and Sediment Control in Urbanized Areas (Soil Conservation Service.)

Waste Disposal
No solid or liquid waste, including building materials, shall be discharged in storm water runoff. Off-site vehicle tracking of sediments shall be minimized. The plan shall ensure and demonstrate compliance and applicable State of local wastedisposal, sanitary sewer or septic system regulations.

Maintenance
All temporary and permanent control practices shall be maintained and repaired as needed to assure continued performance of their intended function.

Dormant Seeding
1. Seeding shall not be planted from October 1 through November 30. During this period the seeds are likely to germinate but probably will not be able to survive the winter.

2. The following methods may be used for "Dormant Seeding":

From October 1 through November 30, prepare the seedbed, add the required amounts of lime and fertilizer, then mulch and anchor. After November 30 and before March 15, broadcast the selected seed mixture. Increase the seeding rates by 50% for this type of seeding.

From November 30 through March 15, when soil conditions permit, prepare the seedbed, lime and fertilize, apply the selected seed mixture, mulch and anchor. Increase the seeding rates by 50% for this type of seeding.

Apply seed uniformly with a cyclone seeder, drill, cultipacker seeder, or hydro-seeder (slurry may include seed and fertilizer) on a firm, moist seedbed.

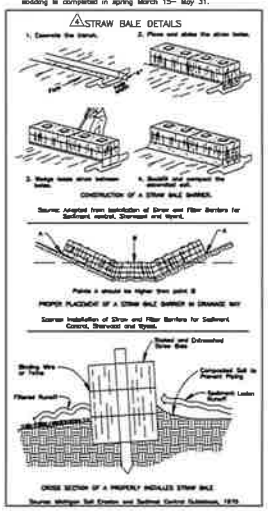
Where feasible, except when a cultipacker type seeder is used, the seedbed should be firmed following seeding operations with a cultipacker, roller, or light drag. On sloping land, seeding operations should be on the contour where feasible.

⚠1 REVEGETATION
Seed, sod or mulch bare soil as soon as possible

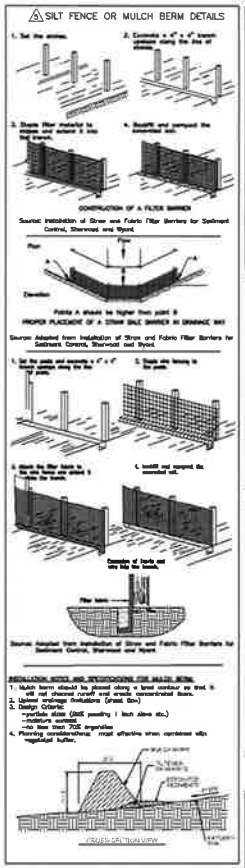
SEEDING AND MULCHING
Spread 4 to 8 inches of topsoil. Fertilize according to soil test (or apply 10 lb./1000 sq. ft. of 20-10-10 or 10-10-10 fertilizer.) Seed with an appropriate mix for the site (see table.) Rake lightly to cover seed with 1/4" of soil. Roll lightly. Mulch with straw (70-90 lb. or one bale per 1000 sq. ft.) Anchor mulch by punching 2 inches into the soil with a dull, weighted disk, or by pegging netting or other manufactured or sheet stapling, or windy areas. Water gently every day or two to keep soil moist. Uses watering is needed once grass is 2 inches tall.

SODDING
Spread 4 to 8 inches of topsoil. Fertilize according to soil test (or apply 10lb./1000 sq. ft. of 20-10-10 or 10-10-10 fertilizer.) Lightly water the soil. Lay sod, damp or not lightly. On slopes, lay sod starting at the bottom and work toward the top. Peg each piece down in several places. Install watering should sod if installed steep (or until water stands 1 inch deep in a straight-sided container.) Then water lightly every day or two for 2 weeks. If construction is completed after October 31, seeding or sodding may be delayed. Applying mulch or temporary seed (such as rye or winter wheat) is recommended if weather permits. Straw bale or silt fences must be maintained until final seeding or sodding is completed in spring March 15– May 31.

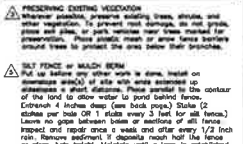
⚠STRAW BALE DETAILS



⚠SILT FENCE OR MULCH BERM DETAILS



INSTALLATION NOTES AND SPECIFICATIONS FOR MULCH BERM:
1. Mulch berm should be placed along a level contour so that it will not channel runoff and will not impound flows.
2. Upland erosion limitations (shed flow)
3. Design Criteria:
   —particle size (2MM passing 1 inch sieve etc.)
   —moisture content
   —no less than 70% vegetative
4. Planning considerations: most effective when combined with vegetated buffer.



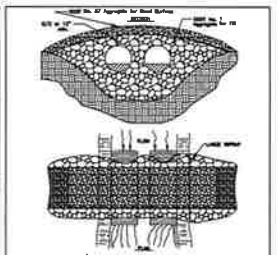
⚠ PRESERVING EXISTING VEGETATION
Where possible, preserve existing trees, shrubs, and other vegetation. To prevent root damage, do not grade, place soil piles, or park vehicles near trees marked for preservation. Place plastic mesh or snow fence barriers around trees to protect the area below their branches.

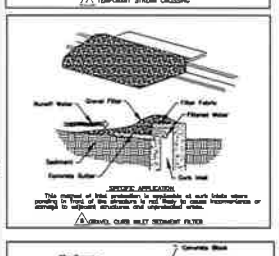
⚠ SILT FENCE or MULCH BERM
Put up before any other work is done. Install on downslope side(s) of site with ends extended up adjacent at short distances. Place parallel to the contour of the land to allow water to pond behind fence.
Entrench 4 inches deep (see back page.) Stake (2 inches per bale OR 1 stake every 3 feet for silt fence.) Leave no gaps between bales or sections of silt fence. Inspect and repair once a week and after every 1/2 inch rain. Remove sediment if deposits reach half the fence or straw bale height. Maintain until a lawn is established.

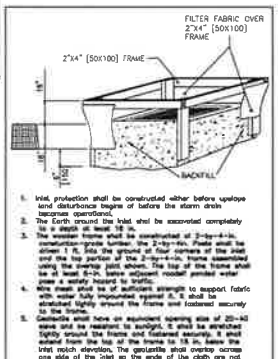
⚠ SOIL PILES
Located away from any downslope street, driveway, stream, lake, wetland, ditch or storm sewer. Temporary seed such as annual rye is recommended for topsoil piles. Surround with silt fence or bale barrier.

GRAVEL DRIVE
Install a single access drive using 3 to 5 inch aggregate over a geotextile material. Lay gravel 8 inches deep and 10 feet wide from the foundation to the street. Use to prevent tracking dirt onto the road by all vehicles. Maintain throughout construction until driveway is paved. Park all construction vehicles on the street and off of the site.

SEDIMENT CLEANUP
By the end of each work day, sweep or scrape up soil tracked onto the road. By the end of the next work day after a storm, clean up soil washed off-site, and check straw bales and silt fence for damage or sediment buildup. DOWNSPOUT EXTENDERS
Not required, but highly recommended. Install as soon as gutters and downspouts are completed. Route water to a grassed or paved area. Maintain until a lawn is established.

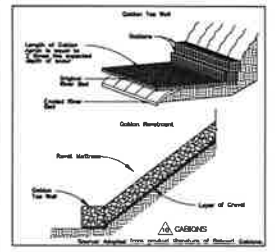


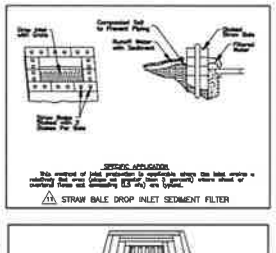


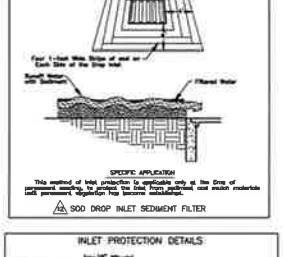


1. Inlet protection shall be constructed either before upslope land disturbance begins or before the storm drain becomes operational.
2. The Earth around the inlet shall be excavated completely to a depth at least 18 in.
3. The wooden frame shall be constructed of 2-by-4-in. construction-grade lumber. The 2-by-4-in. Posts shall be driven 1 ft. into the ground at four corners of the inlet and the top portion of the 2-by-4-in. frame assembled using the overlap joint shown. The top of the frame shall be at least 6-in. below adjacent roadbed grades to prevent a safety hazard to traffic.
4. Wire mesh shall be of sufficient strength to support fabric with water fully impounded against it. It shall be stretched tightly around the frame and fastened securely to the frame.
5. Geotextile shall have an equivalent opening size of 20–40 sieve and be resistant to sunlight. It shall be stretched tightly around the frame and fastened securely. It shall extend from the top of the frame to 18 in. below the inlet notch elevation. The geotextile shall overlap across one side of the inlet so the ends of the cloth are not fastened to the same post.
6. Backfill shall be placed around the inlet in compacted 6-in. layers until the earth is even with notch elevation on ends and top elevation on sides.
7. A composite earth dike or a check dam shall be constructed in the ditch line below the inlet if the inlet is not in a depression and if runoff bypassing the inlet will not flow to a settling pond. The top of earth dikes shall be at least 6 in. higher than the top of the frame.

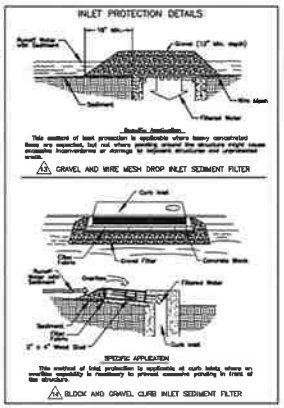
⚠ GEOTEXTILE INLET PROTECTION IN SWALES, DITCH LINES OR YARD INLETS



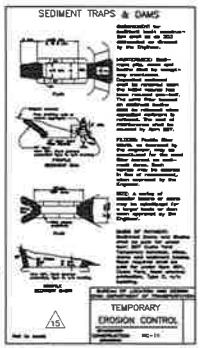


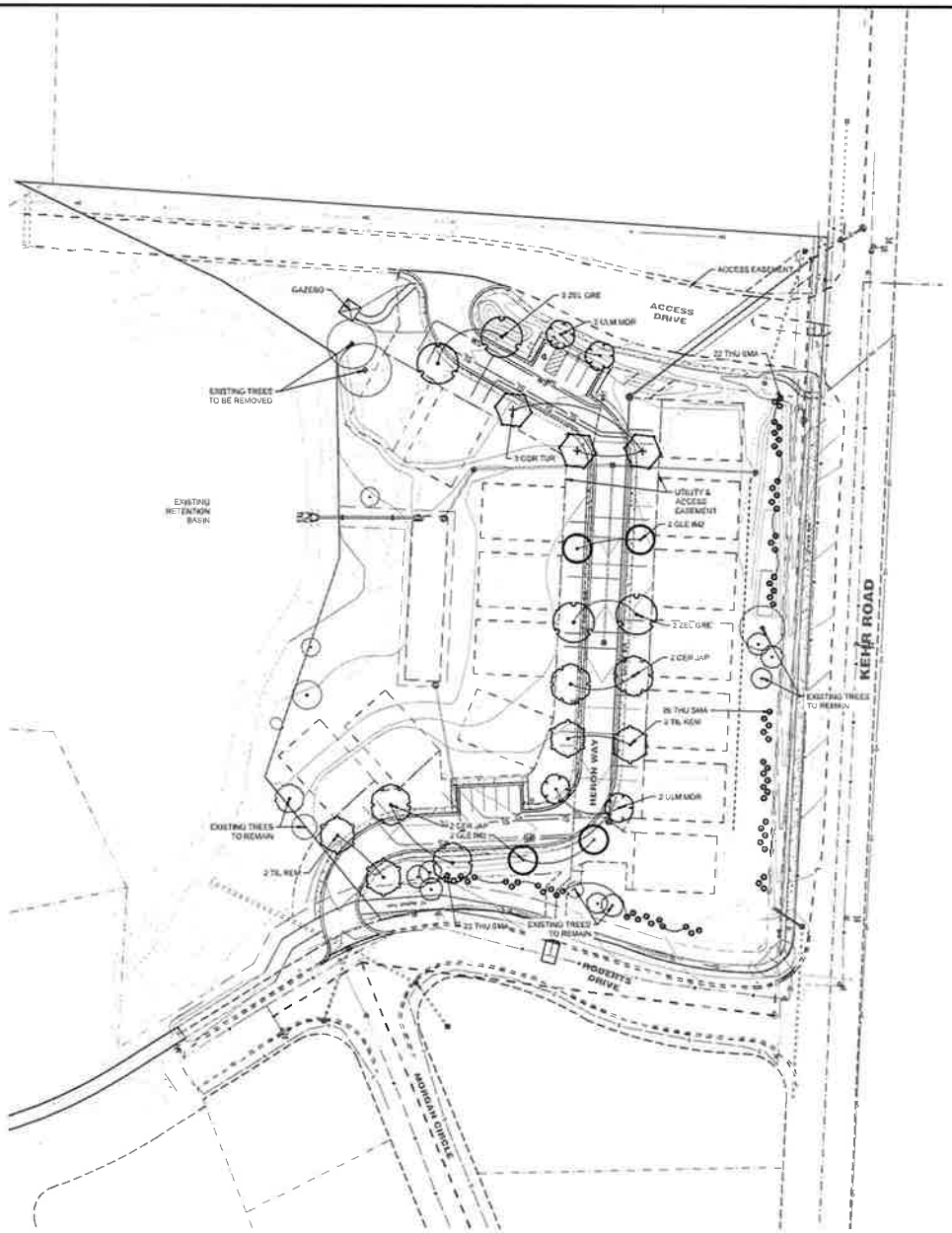


INLET PROTECTION DETAILS



SEDIMENT TRAPS & DAMS


Dam
Spillway
Sediment Storage
Riser
Outlet
Anti-Seep Collar
Trash Rack
Dewatering Orifice
Emergency Spillway
Sediment Storage
Dam



CITY OF OXFORD ZONING REQUIREMENTS

SECTION 1148.03 STREET TREE REQUIREMENTS:

TREES SHALL BE PLANTED IN THE TREE LAWN OR OTHER APPROPRIATE AREAS IN THE STREET RIGHTS-OF-WAY AS REQUIRED IN CHAPTER 935.

CHAPTER 935.05 STREET TREE SPECIES TO BE PLANTED

- THE TREE PLAN CONTAINS A LIST OF OFFICIAL STREET TREE SPECIES FOR THE CITY OF OXFORD
- PLANTED AT 3" DBH

CHAPTER 935.06 SPACING

- MIN. SPACING SMALL TREES: 30FT, MEDIUM TREES: 40FT, LARGE TREES: 50FT
- ALL NEWLY PLANTED STREET TREES SHALL BE PLANTED EQUAL DISTANCE BETWEEN THE SIDEWALK AND THE CURB.

SECTION 1148.04 TREE PLANTING REQUIREMENTS:

(b) (1) RESIDENTIAL SINGLE-, TWO- & THREE- FAMILY STANDARDS.

- ON SINGLE-FAMILY LOTS, A MINIMUM OF ONE (1) TREE FOR EACH UNIT SHALL BE PLANTED WITHIN THE CORRESPONDING REQUIRED FRONT YARD AREA.

(d) EACH REQUIRED TREE SHALL BE INSTALLED AT A MINIMUM TWO (2) INCH CALIPER AND MUST BE A SPECIES THAT APPEARS ON THE CITY'S TREE LIST

SECTION 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 1" CALIPER FOR EVERY 2" CALIPER REMOVED, EXCEPT AS PROVIDED IN SUBSECTION (2) BELOW.

(2) FOLLOWING TREES SHALL BE EXEMPTED FROM REQUIRED PLANTING.

- TREES WITHIN FUTURE PUBLIC RIGHTS-OF-WAY OR PRIVATE ACCESS WAYS
- TREES WITHIN THE BUILDING FOOTPRINT OF PROPOSED STRUCTURES OR WITHIN 15 FEET FROM THE PERIMETER OF SUCH STRUCTURES
- TREES THAT ARE DAMAGED, DISEASED, OVER-MATURE, INTERFERE WITH UTILITY LINES, OR ARE AN INAPPROPRIATE OR UNDESIRABLE SPECIES FOR THAT SPECIFIC LOCATION.
- TREES REMOVED FOR A STORMWATER RETENTION POND OR DETENTION.
- TREES WITHIN FIVE (5) FEET OF A HARD-SURFACED PARKING AREAS, DRIVEWAYS OR WALKWAYS.
- TREES REMOVED FOR NECESSARY UTILITY INSTALLATIONS OR WITHIN UTILITY EASEMENTS
- FOR INDIVIDUAL SINGLE-FAMILY LOTS, ALL TREES WITHIN THE FRONT AND SIDE YARDS.

ALL EXISTING TREES TO BE REMOVED WILL BE EXEMPT FROM REPLACEMENT DUE TO BEING LOCATED WITHIN 15' OF PROPOSED BUILDINGS - 0 TREES NEEDED FOR REPLACEMENT

PLANT SCHEDULE

DECIDUOUS TREES	QTY	BOTANICAL NAME	COMMON NAME	TYPE	MIN. SIZE
CER JAP	4	Cercidiphyllum japonicum	Katsura Tree	B & B	2.5" Cal
TOR TUR	3	Cornus kousa	Turkish Filbert	B & B	2.5" Cal
GLE IND	4	Gleditsia triacanthos inermis 'Imperial' TM	Imperial Honey Locust	B & B	2.5" Cal
TIL KEW	8	Tilia americana x euchlora 'Redmond'	Redmond Linden	B & B	2.5" Cal
ULM MOR	3	Ulmus x d. 'Morton Accolade' TM	Elm	B & B	2.5" Cal
ZEL CAR	8	Zelkova serrata 'Green Vase'	Green Vase Sawleaf Zelkova	B & B	2.5" Cal
EVERGREEN TREES	QTY	BOTANICAL NAME	COMMON NAME	TYPE	MIN. SIZE
THU SMA	47	Thuja occidentalis 'Smaragd'	Emerald Green Arborvitae	B & B	6' Ht.

No.	Revision Description	Date	Proj. Mgr.	Drawn	Appr.

HERON POND
PLANNED DEVELOPMENT

4191 KEHR ROAD
OXFORD, OHIO 45056

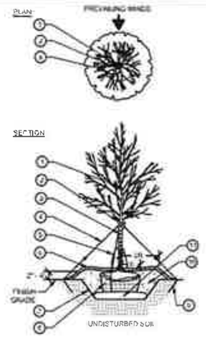
PLANTING PLAN

bayer becker
www.bayerbecker.com
1404 Race Street Suite 230
Cincinnati OH 45202 - 513.241.1151

Job No.	19-0016.1.A
Scale	1" = 40'
Drawn By	LES
Check By	ADH
Issue Date	10/06/21

Sheet No.
8/9

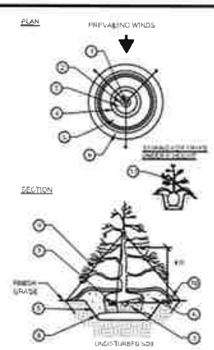
Plot Time: May 25, 2021 - 8:26am
Drawing name: J:\2021\19-0016\PLAN\2019-0016 PLAN.dwg - Layout Tab: Sheet 8 PP



1. CENTRAL LEADER
2. 1/2" RUBBER HOSE, REINFORCED, BLACK
3. TREE WRAP (STD. MANUFACTURER)
4. #10, GALVANIZED, TWISTED DOUBLE STRAND GUY WIRE
5. 20 GAL. GATOR BAG (SEE NOTES)
6. MULCH
7. ROOTBALL PIT
8. ROOTBALL
9. 36" LONG #4 REBAR STAKE; DRIVE BELOW GRADE
10. EARTHEN SAUCER OF AMENDED TOPSOIL
11. TAMPED SETTLING BED 3" MIN. DEPTH

NOTES:
A. [illegible]
B. [illegible]
C. [illegible]
D. [illegible]
E. [illegible]
F. [illegible]
G. [illegible]

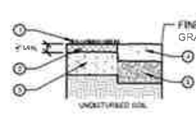
1 TREE PLANTING
NOT TO SCALE



1. CENTRAL LEADER
2. 1/2" RUBBER HOSE, REINFORCED, BLACK
3. ROOTBALL
4. [illegible]
5. ROOTBALL PIT
6. EARTHEN SAUCER OF AMENDED TOPSOIL
7. 36" LONG #4 REBAR STAKE (SEE NOTES)
8. TAMPED SETTING BED 3" MIN. DEPTH
9. #10, GALVANIZED, TWISTED DOUBLE STRAND GUY WIRE
10. MULCH (SEE NOTES)
11. 2" x 2" WOOD STAKE TIED TO TREE WITH [illegible]

NOTES:
A. [illegible]
B. [illegible]
C. [illegible]
D. [illegible]
E. [illegible]
F. [illegible]
G. [illegible]

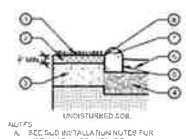
2 EVERGREEN TREE DETAIL
NOT TO SCALE



1. SOD AS SPECIFIED
2. SOD AND ROOT LAYER
3. 3" AMENDED TOPSOIL
4. PAVING SURFACE
5. PAVING BASE

NOTES:
A. SOD SURFACE TO BE INSTALLED FLUSH WITH ADJACENT PAVING SURFACE.
B. SEE SOD INSTALLATION NOTES FOR INSTALLATION PROCEDURE.

3 SIDEWALK/SOD INSTALLATION
NOT TO SCALE



1. SOD AS SPECIFIED
2. SOD & ROOT LAYER
3. AMENDED TOPSOIL
4. PAVING BASE - SEE DETAILS FOR ADDITIONAL INFORMATION
5. LABEL??
6. PAVING - SEE SITE DETAILS FOR ADDITIONAL INFORMATION
7. CURB
8. SOD SURFACE TO BE INSTALLED BETWEEN 1" TO FLUSH WITH ADJACENT PAVING SURFACE.

NOTES:
A. SEE SOD INSTALLATION NOTES FOR INSTALLATION PROCEDURE.

4 CURB/SOD INSTALLATION DETAIL
NOT TO SCALE

GENERAL LANDSCAPE NOTES

A. THE CONTRACTOR SHALL VISIT THE SITE AND COMPLETELY REVIEW THESE DOCUMENTS AND FULLY UNDERSTAND THE NATURE AND SCOPE OF WORK NEEDED TO ACHIEVE THE FINISHED PRODUCT INTENDED BY THE OWNER. IN ADDITION, THE CONTRACTOR SHALL AT ONCE REPORT TO THE LANDSCAPE ARCHITECT INACCURACIES OR INCONSISTENCIES DISCOVERED. FAILURE TO REASONABLY RECOGNIZE OR NOTIFY THE LANDSCAPE ARCHITECT OF SUCH ITEMS SHALL RELEASE THE LANDSCAPE ARCHITECT AND OWNER OF ALL LIABILITY. ANY DEVIATIONS FROM THESE DOCUMENTS WITHOUT WRITTEN APPROVAL FROM THE LANDSCAPE ARCHITECT SHALL BE CORRECTED AT THE CONTRACTORS EXPENSE.

B. PROTECT ALL EXISTING VEGETATION TO REMAIN WITHIN 20' OF CONSTRUCTION DISTURBANCE AS PER PLANS AND SPECIFICATIONS. INSTALL MINIMUM 4' TALL FENCES OUTSIDE THE DRIP LINE OF TREES TO REMAIN. WATER TREES AND VEGETATION TO REMAIN WITH ONE INCH OF RAIN (RAIN GAUGE OR NOAA LOCAL WEATHER VERIFIED) PER WEEK FOR DURATION OF CONSTRUCTION PROJECT.

C. PRIOR TO CONSTRUCTION, THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL PERMITS NECESSARY TO COMPLETE THE WORK, LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING INSTALLATION. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ALL DAMAGE TO UTILITIES, STRUCTURES, SITE APPURTENANCES, ETC., WHICH MAY OCCUR AS A RESULT OF LANDSCAPE CONSTRUCTION.

D. CONTRACTOR MUST CERTIFY THAT ITS SAFETY PROGRAM MEETS REGULATORY REQUIREMENTS AT A MINIMUM. CONTRACTOR TO PROVIDE DOCUMENTATION OF THE OSHA RECORD KEEPING SUMMARY.

E. LANDSCAPE ARCHITECT MAY OBSERVE TREES AND SHRUBS EITHER AT PLACE OF GROWTH OR SITE BEFORE PLANTING FOR COMPLIANCE WITH REQUIREMENTS FOR GENUS, SPECIES, VARIETY, SIZE, AND QUALITY. LANDSCAPE ARCHITECT RETAINS RIGHT TO OBSERVE TREES AND SHRUBS FURTHER FOR SIZE AND CONDITION OF BALLS, ROOT SYSTEMS, INSECTS, INJURIES, AND LATENT DEFECTS AND TO REJECT UNSATISFACTORY OR DEFECTIVE MATERIAL AT ANY TIME DURING PROGRESS OF WORK. LANDSCAPE CONTRACTOR SHALL REMOVE REJECTED TREES OR SHRUBS IMMEDIATELY FROM PROJECT SITE.

F. IF EXISTING ECOLOGY CAUSES ADJUSTMENTS OF LANDSCAPE PLANS TO FIT THE SITE CONDITIONS, A STAKE OUT BY LANDSCAPE CONTRACTOR AND ADJUSTMENTS BY LANDSCAPE ARCHITECT SHALL BE REQUIRED PRIOR TO INSTALLATION.

G. ALL PLANTING AREAS SHOWN ON PLANS SHALL BE TO WITHIN 2" OF FINAL GRADE BEFORE LANDSCAPE CONTRACTOR COMMENCES INSTALLATION.

H. LANDSCAPE CONTRACT IS RESPONSIBLE FOR COORDINATING WITH OTHER CONTRACTORS AND/OR LOCATING PROPOSED SITE UTILITIES, STORM STRUCTURES, EASEMENTS, ETC.

I. ALL PLANT MATERIAL MUST BE INSTALLED ACCORDING TO THE APPROVED LANDSCAPING PLAN BY NO LATER THAN THE NEXT PLANTING SEASON OR WITHIN 6 MONTHS FROM THE COMPLETION OF ALL SITE CONSTRUCTION.

J. CONTRACTOR TO VERIFY ALL PLANT QUANTITIES. ANY DISCREPANCY BETWEEN THE PLANTING LIST AND THE PLAN SHALL BE VERIFIED BY THE LANDSCAPE ARCHITECT. ALL SUBSTITUTIONS AND/OR CHANGES SHALL BE REQUESTED IN WRITING TO THE OWNER OR OWNER'S REPRESENTATIVE AND BE APPROVED BY THE LANDSCAPE ARCHITECT AND THE LOCAL MUNICIPALITY IF REQUIRED PRIOR TO INSTALLATION.

K. THE CONTRACTOR SHALL PROVIDE QUALITY, SIZE, GENUS, SPECIES, AND VARIETY OF EXTERIOR PLANTS INDICATED, COMPLYING WITH APPLICABLE REQUIREMENTS IN ANSI Z60.1 "AMERICAN STANDARD FOR NURSERY STOCK."

L. THE CONTRACTOR SHALL FURNISH NURSERY-GROWN TREES AND SHRUBS COMPLYING WITH ANSI Z60.1 WITH HEALTHY ROOT SYSTEMS DEVELOPED BY TRANSPLANTING OR ROOT PRUNING. PROVIDE WELL SHAPED, FULLY BRANCHED, HEALTHY, VIGOROUS STOCK, FREE OF DISEASE, INSECTS, EGGS, LARVAE, AND DEFECTS SUCH AS KNOTS, SUN SCALD, INJURIES, ABRASIONS, AND DISFIGUREMENT.

M. TREES AND SHRUBS OF A LARGER SIZE MAY BE USED, IF ACCEPTABLE TO LANDSCAPE ARCHITECT, WITH A PROPORTIONATE INCREASE IN SIZE OF ROOTS OR BALLS.

N. IF FORMAL ARRANGEMENTS OR CONSECUTIVE ORDER OF TREES OR SHRUBS IS SHOWN, SELECT STOCK FOR UNIFORM HEIGHT AND SPREAD, AND NUMBER LABEL TO ASSURE SYMMETRY IN PLANTING.

O. THE CONTRACTOR SHALL LABEL ONE TREE AND ONE SHRUB OF EACH VARIETY AND CALIPER WITH A SECURELY ATTACHED, WATERPROOF TAG BEARING LEGIBLE DESIGNATION OF BOTH THE BOTANICAL AND COMMON NAME.

P. PLANT TAGS SHALL REMAIN ON INSTALLED PLANT MATERIAL UNTIL THE WORK HAS BEEN APPROVED BY LOCAL INSPECTOR AND/OR THE OWNER OR OWNER'S REPRESENTATIVE.

Q. LANDSCAPE CONTRACTOR SHALL ASSURE POSITIVE DRAINAGE FROM ALL PLANT BEDS WITHOUT ADVERSELY AFFECTING SITE DRAINAGE. GRADES BEHIND CURBS FOR AREAS TO RECEIVE MULCH SHALL BE HELD [illegible] INCHES BELOW TOP OF CURB AND [illegible] INCHES BELOW TOP OF CURB FOR SOD.

R. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR FULLY MAINTAINING, INCLUDING, BUT NOT LIMITED TO, WATERING, SPRAYING, MULCHING, FERTILIZING, ETC., ALL PLANTING AREAS AND LAWN UNTIL THE WORK IS ACCEPTED BY THE OWNER OR THE OWNER'S REPRESENTATIVE.

PLANT INSTALLATION

A. LOOSEN SUBGRADE OF PLANTING AREAS TO A DEPTH OF TWELVE (12) INCHES. REMOVE STONES LARGER THAN ONE (1) INCH IN ANY DIMENSION, STICKS, RUBBISH, AND OTHER EXTRANEOUS MATTER AND LEGALLY DISPOSE OF THEM OFF OF THE OWNER'S PROPERTY.

B. APPLY FERTILIZER DIRECTLY TO THE SUBGRADE BEFORE LOOSENING.

C. SPREAD TOPSOIL, APPLY SOIL AMENDMENTS AND FERTILIZER ON SURFACE, AND THOROUGHLY BLEND PLANTING SOIL. APPLY TURFMATRIX SOIL AMENDMENT AT THE FOLLOWING RATES:
- FOR 2" DEEP BEDS - 450 LBS / 1000 SF
- FOR 4" DEEP BEDS - 900 LBS / 1000 SF
- FOR 6" DEEP BEDS - 1,300 LBS / 1000 SF
- FOR 8" DEEP BEDS - 1,750 LBS / 1000 SF

D. DELAY MIXING FERTILIZER WITH PLANTING SOIL IF PLANTING WILL NOT PROCEED WITHIN A FEW DAYS.

E. MIX LIME WITH DRY SOIL PRIOR TO MIXING FERTILIZER.

F. SPREAD TOPSOIL TO A DEPTH OF 6" (SIX INCHES) FOR LAWN OR (12) TWELVE INCHES FOR BEDS BUT NOT LESS THAN REQUIRED TO MEET FINISH GRADES AFTER NATURAL SETTLING. DO NOT SPREAD IF PLANTING SOIL IF SUBGRADE IS FROZEN, MUDDY, OR EXCESSIVELY WET.

G. GRADE PLANTING AREAS TO A SMOOTH, UNIFORM SURFACE PLANE WITH LOOSE, UNIFORMLY FINE TEXTURE. ROLL AND RAKE, REMOVE RIDGES, AND FILL DEPRESSIONS TO MEET FINISH GRADES.

H. RESTORE PLANTING AREAS IF ERODED OR OTHERWISE DISTURBED AFTER FINISH GRADING.

I. FOR PLANTING PITS AND TRENCHES, EXCAVATE CIRCULAR PLANTING PITS WITH SIDES SLOPING INWARD AT A FORTY-FIVE (45) DEGREE ANGLE. EXCAVATIONS WITH VERTICAL SIDES ARE NOT ACCEPTABLE. TRIM PERIMETER OF BOTTOM LEAVING THE CENTER AREA OF THE BOTTOM RAISED 6" TO SUPPORT THE ROOT BALL AND ASSIST WITH DRAINAGE AWAY FROM THE CENTER. DO NOT FURTHER DISTURB THE BASE. ENSURE THAT THE ROOT BALL WILL SIT ON UNDISTURBED BASE SOIL TO PREVENT SETTLING. SCARIFY SIDES OF THE PLANTING PIT SMEARED OR SMOTHERED DURING EXCAVATION.
- EXCAVATE APPROXIMATELY TWO (2) TIMES THE DIAMETER OF THE ROOT BALL FOR BALLED AND BURLAPPED STOCK.
- FOR BARE ROOT STOCK, EXCAVATE AT LEAST TWELVE (12) INCHES WIDER THAN THE ROOT SPREAD AND DEEP ENOUGH TO ACCOMMODATE VERTICAL ROOTS.
- IF DRAIN TILE IS SHOWN ON DRAWINGS OR DETAILS, OR REQUIRED UNDER PLANTING AREAS, EXCAVATE TO TOP OF POROUS BACKFILL OVER TILE.

J. SUBSOIL AND TOPSOIL REMOVED FROM EXCAVATION MAY BE USED AS PLANTING SOIL PROVIDED IT IS FREE FROM ROCKS AND OTHER DELETERIOUS MATERIAL.

K. NOTIFY LANDSCAPE ARCHITECT IF UNEXPECTED ROCK OR OBSTRUCTIONS DETRIMENTAL TO TREES OR SHRUBS ARE ENCOUNTERED IN EXCAVATIONS.

L. NOTIFY LANDSCAPE ARCHITECT IF SUBSOIL CONDITIONS EVIDENCE UNEXPECTED WATER SEEPAGE OR RETENTION IN TREE OR SHRUB PLANTING PITS.

M. FILL EXCAVATIONS WITH WATER AND ALLOW TO PERCOLATE AWAY BEFORE POSITIONING TREES AND SHRUBS.

N. INSTALL PLANTS - REFER TO TYPICAL PLANTING DETAILS ON THIS SHEET FOR PLANT INSTALLATION.

O. IT IS THE CONTRACTOR'S OPTION WHETHER OR NOT TO STAKE A TREE UNDER 5" CALIPER, BUT IT IS ALSO THE CONTRACTOR'S RESPONSIBILITY TO ASSURE THAT PLANTS REMAIN IN AN UPRIGHT POSITION UNTIL THE END OF THE WARRANTY PERIOD, AT WHICH POINT ANY STAKES & WIRE ARE TO BE REMOVED BY THE CONTRACTOR.

P. ALL DECIDUOUS TREES SHALL BE WRAPPED WITH STANDARD MANUFACTURER'S TREE WRAP TO PREVENT WINTER DAMAGE. TREE WRAP TO BE REMOVED AFTER THE FIRST WINTER BY THE LANDSCAPE CONTRACTOR.

Q. LANDSCAPE CONTRACTOR SHALL INSTALL GATOR BAGS PER MANUFACTURER'S RECOMMENDATION FOR ALL TREES THAT ARE NOT OTHERWISE IRRIGATED.

R. PRIOR TO MULCHING, APPLY PRE-EMERGENT HERBICIDE (PREEN OR EQUIVALENT, PER MANUFACTURER'S RECOMMENDATION.

S. INSTALL WEED CONTROL BARRIERS BEFORE MULCHING ACCORDING TO MANUFACTURER'S WRITTEN INSTRUCTIONS. COMPLETELY COVER AREA TO BE MULCHED, OVERLAPPING EDGES A MINIMUM OF SIX (6) INCHES AND SECURE THE SEAMS WITH GALVANIZED PINS.

T. MULCH BACKFILLED SURFACES OF PLANTING AREAS AND OTHER AREAS AS INDICATED.

U. APPLY MULCH ACCORDING TO THE FOLLOWING:
- TREES AND SHRUBS IN TURF AREAS - APPLY ORGANIC MULCH RING OF FOUR (4) INCH AVERAGE THICKNESS, WITH THIRTY-SIX (36) INCH RADIUS AROUND TRUNKS OR STEMS. DO NOT PLACE MULCH WITHIN THREE INCHES OF THE TRUNKS OR STEMS.
- ORGANIC MULCH IN PLANTING AREAS - APPLY TWO (2) INCH AVERAGE THICKNESS OF ORGANIC MULCH EXTENDING TWELVE (12) INCHES BEYOND THE EDGES OF INDIVIDUAL PLANTING PIT OR TRENCH AND OVER THE WHOLE SURFACE OF THE PLANTING AREA, AND FINISH LEVEL WITH ADJACENT FINISH GRADES. DO NOT PLACE MULCH WITHIN THREE (3) INCHES OF TRUNKS OR STEMS.

V. THE LANDSCAPE CONTRACTOR SHALL INSTRUCT THE OWNER OR OWNER REPRESENTATIVE ON WATERING NEEDS OF INSTALLED PLANTINGS.

TOPSOIL, AMENDMENTS & MULCH

A. STRIP TOPSOIL TO ITS FULL DEPTH AT AREAS IMPACTED AND AT ALL AREAS TO BE RE-GRADED AND RESURFACED. STOP TOPSOIL STRIPPING OUTSIDE THE DRIP LINE OF TREES TO REMAIN. DO NOT STRIP AS TO IMPACT THE ROOD LINE OF TREES TO REMAIN.

B. COORDINATE WITH THE OWNER PRIOR TO ESTABLISHING TOPSOIL STORAGE AREAS. GRADE AND SLOPE STOCKPILES FOR PROPER DRAINAGE AND TO PREVENT EROSION. THE REUSE OF STOCKPILE TOPSOIL WITHIN THE PROJECT SITE MUST BE APPROVED FOR PLACEMENT BY THE LANDSCAPE ARCHITECT.

C. ALL TOPSOIL SHALL BE SHREDDED, CLEAN AND UNIFORM IN QUALITY FREE FROM HARD CLODS, STIFF CLAY, PARTIALLY DISINTEGRATED STONE, LIME, CEMENT, SLAG OR OTHER UNDESIRABLE MATERIAL. TOPSOIL SHALL CONFORM TO THE FOLLOWING:
- ORGANIC CONTENT - BETWEEN [illegible] ORGANIC MATTER.
- pH - SHALL RANGE BETWEEN [illegible]
- SOIL TEXTURE - TOPSOIL SHALL CONSIST OF THE FOLLOWING PERCENTAGES OF SAND, SILT, AND CLAY PASSING THROUGH A 2.0 MM (#10) SIEVE.
  a. SAND - [illegible]
  b. SILT - [illegible]
  c. CLAY - [illegible]

D. TOPSOIL MUST BE APPROVED PRIOR TO PLACEMENT. TOPSOIL TEST RESULTS SHALL SHOW RECOMMENDATION FOR SOIL ADDITIVES FOR FERTILIZERS TO CORRECT NUTRIENT DEFICIENCIES AS NECESSARY.

E. INORGANIC SOIL AMENDMENTS INCLUDE THE FOLLOWING:
- LIME - ASTM C 602, AGRICULTURAL LIMING MATERIAL CONTAINING A MINIMUM OF 80% CALCIUM CARBONATE EQUIVALENT AS FOLLOWS:
  a. PROVIDE LIME IN FORM OF GROUND DOLOMITIC LIMESTONE PER ASTM 605, CONTAINING NO LESS THAN 85% OF TOTAL CARBONATES AND SHALL BE GROUND TO SUCH A FINENESS THAT 50% WILL PASS THROUGH A 100 MESH SIEVE AND 90% WILL PASS THROUGH A MESH SIEVE. COARSER MATERIAL WILL BE ACCEPTABLE, PROVIDED THE SPECIFIED RATES OF APPLICATION ARE INCREASED PROPORTIONALLY ON THE BASIS OF QUANTITIES PASSING THE 100 MESH SIEVE.
- SULFUR - GRANULAR, BIODEGRADABLE, AND CONTAINING A MINIMUM OF 90% SULFUR WITH A MINIMUM OF 99% PASSING THROUGH NUMBER 6 SIEVE AND A MAXIMUM OF 10% PASSING THROUGH A NUMBER 40 SIEVE.
- AXIS CALCINED DIATOMACEOUS EARTH SOIL AMENDMENT - SEE PREPARATION AND PLANTING NOTES FOR APPLICATION RATES.

F. ORGANIC MULCH - FREE FROM DELETERIOUS MATERIALS AND SUITABLE AS A TOP DRESSING OF TREES AND SHRUBS. CONSISTING OF ONE DOUBLE SHREDDED HARDWOOD BARK.

WARRANTY

A. CONTRACTOR SHALL PROVIDE OWNER WITH A MINIMUM ONE YEAR WRITTEN WARRANTY FOR LABOR AND MATERIALS.

B. CONTRACTOR SHALL WARRANT EXTERIOR PLANTS AGAINST DEFECTS, INCLUDING DEATH AND UNSATISFACTORY GROWTH, EXCEPT FOR DEFECTS RESULTING FROM LACK OF ADEQUATE MAINTENANCE, NEGLECT OR ABUSE BY OWNER, OR INCIDENTS THAT ARE BEYOND CONTRACTOR'S CONTROL.

C. WARRANTY SHALL INCLUDE SPECIFIC WARRANTY PERIODS FROM DATE OF ACCEPTANCE FOR TREES AND SHRUBS, GROUND COVERS, AND OTHER EXTERIOR PLANTS.

D. WARRANTY SHALL BE LIMITED TO ONE REPLACEMENT OF EACH EXTERIOR PLANT, EXCEPT FOR LOSSES OR REPLACEMENTS DUE TO FAILURE OF CONTRACTOR TO COMPLY WITH REQUIREMENTS.

E. WARRANTY FOR IRRIGATION SERVICE, PLUMBING & DRAINAGE SHALL BE GUARANTEED FOR A PERIOD OF 1 YEAR AND WILL INCLUDE START-UP, WINTERIZATION AND SECOND SEASON START-UP. WARRANTY SHALL INCLUDE ALL LABOR, MATERIAL, TOOLS, AND EQUIPMENT AS NECESSARY TO PROVIDE A FUNCTIONING SYSTEM FREE FROM DEFECTS AND ADJUSTED PROPERLY FOR APPROPRIATE WATER DELIVERY TO ALL PLANT MATERIAL.

TRAFFIC & SAFETY

A. REFER TO ND DOCUMENTS AND COMPLY WITH ALL STATE & LOCAL REQUIREMENTS REGARDING APPROVED WORK TIMES, SCHEDULING OF INSTALLATION, AND ALL OTHER REQUIREMENTS.

PLANTING PREPARATION

A. EXAMINE AREAS TO RECEIVE PLANTS FOR COMPLIANCE WITH REQUIREMENTS AND CONDITIONS AFFECTING INSTALLATION AND PERFORMANCE. PROCEED WITH INSTALLATION ONLY AFTER UNSATISFACTORY CONDITIONS ARE CORRECTED.

B. PROTECT STRUCTURES, UTILITIES, SIDEWALKS, PAVEMENTS, AND OTHER FACILITIES AND TURF AREAS AND EXISTING PLANTS FROM DAMAGE CAUSED BY PLANTING OPERATIONS.

C. INSTALL EROSION-CONTROL MEASURES TO PREVENT EROSION OR DISPLACEMENT OF SOILS AND DISCHARGE OF SOIL-BEARING WATER RUNOFF OR AIRBORNE DUST TO ADJACENT PROPERTIES AND WALKWAYS.

D. APPLY ANTIDESICCANT TO TREES AND SHRUBS USING POWER SPRAY TO PROVIDE ADEQUATE FILM OVER TRUNKS (BEFORE WRAPPING), BRANCHES, STEMS, TWIGS, AND FOLIAGE TO PROTECT DURING HANDLING AND TRANSPORTATION. IF DECIDUOUS TREES OR SHRUBS ARE MOVED IN FULL LEAF, SPRAY ANTIDESICCANT AT NURSERY BEFORE MOVING AND AGAIN TWO (2) WEEKS AFTER PLANTING.

E. WRAP TREES AND SHRUBS WITH BURLAP FABRIC OVER TRUNKS, BRANCHES, STEMS, TWIGS, AND FOLIAGE TO PROTECT FROM WIND AND OTHER DAMAGE DURING DIGGING, HANDLING, AND TRANSPORTATION.

F. LAY OUT INDIVIDUAL TREE AND SHRUB LOCATIONS AND BED EDGES FOR ALL EXTERIOR PLANTINGS. STAKE LOCATIONS, OUTLINE AREAS, ADJUST LOCATIONS WHEN REQUESTED, AND OBTAIN LANDSCAPE ARCHITECT'S, OWNER'S, OR OWNER REPRESENTATIVE'S WRITTEN ACCEPTANCE OF LAYOUT PRIOR TO PLANTING. TREES SHALL BE SITED IN THE FIELD BY THE LANDSCAPE ARCHITECT WHERE NOTED ON THE PLAN. CONTACT THE LANDSCAPE ARCHITECT WITH ANY DISCREPANCIES OR ISSUES WITH PLACEMENT.

Rev.	Revision Description	Date	Drwn.	Chk.

HERON POND
PLANNED DEVELOPMENT
4191 KEHR ROAD
OXFORD, OHIO 45056

PLANTING NOTES & DETAILS

bayer becker

9/9

DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATION OF EASEMENTS, AND CODE OF REGULATIONS

FOR

HERON POND OWNERS' ASSOCIATION

This instrument prepared by:

Charles D. Maddox
BOLIN & TROY, LLC
29 N Beech Street
Oxford, Ohio 45056

DRAFT

DECLRATION

This is the Declaration of Heron Pond Owners' Association, made as of this _____ day of _____, 2019 pursuant to the provisions of Chapter 5312 of the Revised cod of Ohio and in accordance with the Declaration of South Farm Owners' Association and Amendments thereto originally recorded at Book 1787, Page 679, of the Butler County Recorder.

All provisions contained with the Declaration of South Farm Owners Association are by this reference incorporated herein. The Heron Pond Owner's Association shall exercise all rights and responsibilities associated with membership in the South Farm Owners Association.

_____, 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 Heron Pond, a subdivision of the City of Oxford pursuant to a plat recorded _____.

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

1.1 Additional Land. "Additional Land" means the property set forth in Exhibit "B" which may be subject to this Declaration.

1.2 Allocated Interests. "Allocated Interests" means the Common Expense Liability and votes in the association as set forth in Article III.

1.3 Assessments. "Assessments" means those charges upon the Lots established by Article III of this Declaration.

1.4 Association. "Association" means Heron Pond Owners' Association, an Ohio nonprofit Corporation, its successors and assigns. Except as the context otherwise requires "Association" shall mean the Board of Trustees action on behalf of the Association.

1.5 Board. "Board" shall mean the Board of Trustees of the Association.

1.6 Common Elements. "Common Elements" shall mean any real estate owned or leased by the Association other than a Lot, including easements in favor of the Association.

1.7 Common Expense Liability. "Common Expense Liability" means the liability for Common Expenses allocated to each Lot pursuant to Article III of this Declaration.

1.8 Common Expenses. "Common Expenses" means expenditures made by, or financial liabilities of, the Association, together with any allocations to reserves.

1.9 Declarant. "Declarant" means _____.

1.10 Declaration. "Declaration" means this Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Heron Pond Owners' Association, including any amendments hereto.

1.11 Development Period. "Development Period" means the period commencing on the date of recording of this Declaration and ending on the date seven (7) years thereafter within which the Declarant has the right to submit Additional Land to the terms of this Declaration.

1.12 Limited Common Elements. "Limited Common Elements" means those portions of the Common Elements allocated for the exclusive use and benefit of one or more but fewer than all of the Lots.

1.13 Living Unit. "Living Unit" means any portion of a building situated on the Properties designed and intended for use and occupancy as a single family residence.

1.14 Lot. "Lot" means Landominium, the physical portion of the Property designated for separate Owners'hip or occupancy, the boundaries of which are described pursuant to Article II.

1.15 Member. "Member" means any person or entity entitled to membership in the Association as provided herein.

1.16 Occupant. "Occupant" means any person in possession of a Lot or Living Unit whether or not such possession is lawful and shall include, but not be limited to, an Owner's family members, guests, invitees, tenants and lessees.

1.17 Owner. "Owner" means the Declarant or other person or entity who owns a Lot, but does not include a person or entity having an interest in a Lot solely as security for an obligation.

1.18 Property. "Property" or "Properties" means the real estate described in Exhibit "A" attached hereto and any other property which may be made subject to the terms of this Declaration, together with any improvements made thereon.

1.19 Record Plan. "Record Plan" means the recorded plat of Heron Pond recorded in Plat Envelope _____ of the Butler County, Ohio Recorder's Plat records and any additions or replats thereof.

ARTICLE II

Lots and Living Units

2.1 Description of Lot Boundaries. The boundaries of the Lots shall be those described on the plat of Heron Pond Home Owners' Association which has been recorded in the Butler County Recorder's Office.

2.2 In the event that the boundaries of a Lot extend beyond the physical edge of outer walls of a Living Unit built on a given Lot, the Lot area extending beyond the Living Unit footprint will be subject to an easement in favor of Heron Pond Owners' Association and will be treated as Common Element for the purpose of access, maintenance, and improvement.

ARTICLE III

Allocation of Allocated Interests

3.1 Common Expense Liability. The allocation of Allocated Interests for Common Expense Liability shall be determined in accordance with the allocation of the various assessments as set forth in Article VII, Section 7.8.

3.2 Votes in the Association. The allocation of Allocated Interests for voting purposes shall be one vote per Lot.

ARTICLE IV

Common Elements

4.1 Description. The Common Elements shall be all portions of the Property submitted to the terms of this Declaration or subsequently submitted pursuant to Section 17.1 hereof. The Common Elements shall include property owned in fee simple or by easement or leased to the Association. The Common Elements shall also include the private roadway designated as shown on the Record Plan.

4.2 Easements. The Common Elements shall be subject to certain easements in favor of the Lots. These easements shall be appurtenant to and pass with the title to the Lots.

4.2.1 *Access*. The Common Elements shall be subject to permanent nonexclusive easement for ingress and egress in favor of the Lots.

4.2.2 *Encroachment*. The Common Elements shall be subject to an easement for encroachment in favor of the Lots benefited by reason of any encroachment of any portion of a Living Unit or any fixture attached thereto if such encroachment was a result of the original construction of the Living Unit, or if subsequently approved by the Association pursuant to Article X.

4.2.3 *Drainage*. The Common Elements shall be subject to easements in favor of the Lots benefited for surface water drainage and for the maintenance of drainage lines from the

downspouts to the storm sewers. No Owner shall do anything within a Lot for Living Unit which shall unreasonably increase the flow of surface water.

4.2.4 *Utilities*. The Common Elements shall be subject to an easement in favor of the Lots for the installation and operation of all utilities.

4.2.5 *Development Rights*. The Common Elements shall be subject to certain easements and development rights in favor of the Additional Land and the Declarant as set forth in Article XVII.

4.3 Owner's Delegation Rights. Any Owner may delegate his or her easement rights and rights of enjoyment to the Common Elements to any Occupants, and any guests, invitees, tenants or lessees thereof. Any Owner who has leased his or her Lot shall be deemed to have delegated such rights. Any such delegation, however, shall be in accordance with and subject to reasonable rules, regulations and limitations as may be adopted by the Association in accordance with its Code of Regulations.

4.4 Limitation on Easements. All easements and rights granted herein are subject to:

4.4.1 Restrictions set forth in this Declaration;

4.4.2 Any rules and regulations adopted by the Association and the right to enforce such rules and regulations.

4.4.3 The right of the Association to levy assessments for the Common Expenses and other assessments as set forth herein;

4.4.4 All rights granted to the Association in this Declaration;

4.4.5 Development Rights and Special Declarant Rights as set forth in Articles XVII and XVIII.

ARTICLE V

Limited Common Elements

5.1 Description. The Limited Common Elements shall be those portions of the Common elements allocated for the exclusive use of one or more but fewer than all of the Lots. The Limited Common Elements shall include:

5.1.1 Mailboxes, air conditioner pads, gas vents, and dryer vents.

5.1.2 Sewer, gas, water and electric lines which serve more than one Lot or Living Unit. The portion serving only the Lot shall be allocated solely to that Lot, and any portion thereof serving more than one Lot or a portion of the Common Elements is a part of the Common Elements.

5.1.3 Other items shown on the Heron Pond Owners' Association Plat.

5.2 Title. The title to the Limited Common Elements shall be held by the Association in accordance with the conditions, limitations and rights set forth in this Article.

5.3 Allocation. Unless otherwise stated on the plats, the Limited Common Elements shall be allocated to the Lots to which they are adjacent and which they serve.

5.4 Use. Each Owner is hereby granted an exclusive and irrevocable license to use and occupy the Limited Common Elements allocated to such Owner's Lot.

5.5 Limitation. All use and occupation of the Limited Common Elements by Owners', Occupants and any persons to whom such rights have been delegated shall be in accordance with and subject to:

5.5.1 Restrictions set forth in this Declaration;

5.5.2 Any rules and regulations adopted by the Association and the right to enforce such rules and regulations;

5.5.3 The right of the Association to levy assessments for the Common Expenses and other assessments as set forth herein;

5.5.4 All rights granted to the Association in this Declaration;

5.5.5 Development rights and special Declarant rights as set forth in Article XVII and Article XVIII.

ARTICLE VI

Owner's Association

6.1 Formation. The Declarant will cause to be chartered in accordance with Chapter 1702 of the Ohio Revised Code, a nonprofit corporation named Heron Pond Owners' Association. The purposes for the Association are to provide for the administrative governance, maintenance, and upkeep of the Property and to promote the health, safety and welfare of the Owners' and Occupants of the Property.

6.2 Membership. The membership of the Association shall at all times consist exclusively of Owners. All Owners shall be Members. Membership shall be appurtenant to and may not be separated from such ownership.

6.3 Powers of the Association. Subject to Development Rights and Special Declarant Rights hereinafter set forth, the Association may:

6.3.1 adopt and amend a Code of Regulations for the government of the Association, the conduct of its affairs and the management of the Property. The initial Code of Regulations is attached as Exhibit "C";

6.3.2 adopt rules and regulations for the use and occupation of the Common Elements and Limited Common Elements and to enforce violation of the rules and regulation and the provisions and restrictions of the Declaration as against the Owners' and Occupants;

6.3.3 adopt and administer Architectural Standards and enforce violations thereof;

6.3.4 adopt and amend budgets for revenues, expenditures and reserves and levy and collect Assessments from Owners;

6.3.5 hire and discharge managing agents and other employees, agents, and independent contractors;

6.3.6 institute, defend or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more Owners on matters affecting the community;

6.3.7 make contracts and incur liabilities;

6.3.8 regulate the use, maintenance, repair, replacement and modification of the Common Elements and those portions of the Lots for which the Association has maintenance responsibility and other rights as set forth herein;

6.3.9 cause additional improvements to be made as part of the Common Elements;

6.3.10 acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but Common Elements may be conveyed or subjected to a security interest only pursuant to Article XI.

6.3.11 grant easements, liens, licenses and concessions through or over the Common Elements;

6.3.12 impose and receive any payments, fees or charges for the use, rental or operation of the Common Elements and for services provided to Owners;

6.3.13 impose charges for late payments of Assessments and levy reasonable fines for violations of the Declaration, Code of Regulations, Rules and Regulations of the Association;

6.3.14 impose reasonable charges for the preparation and recordation of amendments to the Declaration or for statements of unpaid Assessments;

6.3.15 provide for indemnification of its officers and board of trustees and maintain directors' and officers' liability insurance;

6.3.16 assign its right to future income, including the right to receive Common Expense Assessments, except that this power shall be limited to the purposes of repair of existing structures or improvements;

6.3.17 exercise any other powers conferred by the Declaration, Code of Regulations or Articles of Incorporation;

6.3.18 exercise all other powers that may be exercised in this state by nonprofit corporations;

6.3.19 exercise any other powers necessary and proper for the governance and operation of the Association.

6.4 Voting Rights. Members shall be entitled to vote on matters properly before them in accordance with this Article and the laws of the State of Ohio.

6.4.1 Number of Votes. Each Lot shall have one vote. If only one of several Owners for a Lot is present at a meeting of the Association, that Owner is entitled to cast the vote allocated to that Lot. If more than one of the Owners' is present, the vote allocated to that Lot may be cast only in accordance with the agreement of a majority in interest of the Owners. There is majority agreement if any one of the Owners' casts the vote allocated to that Lot without protest being made promptly to the person presiding over the meeting by any of the other Owners of the Lot. The Association may adopt rules regarding deadlocks. No votes allocated to any Lots owned by the Association may be cast.

6.4.2 Proxies. A vote allocated to a Lot may be cast pursuant to a proxy duly executed by an Owner. If a Lot is owned by more than one person, each Owner of the Lot may vote or register protest to the casting of votes by the Owners of a Lot through a duly executed proxy. An Owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the person presiding over a meeting of the Association. A proxy is void if it is not dated or purports to be revocable without notice. Except as hereinafter provided, a proxy shall terminate one year after its date, unless it specifies a shorter time. If a first mortgagee has been designated as a proxy under the terms of a first mortgage covering the Lot, its presentation to the Board of a copy of the mortgage shall be notice of the proxy designation, and if the mortgage so states, of the irrevocability of the designation. Written notice to the Board or notice in a meeting of a revocation of a proxy designation shall not affect any vote or act previously taken. Each proxy shall automatically cease upon conveyance of the Lot.

Unless expressly reserved and the Association is notified of such reservation, a land contract vendee as defined in Chapter 5313 of the Revised Code shall be deemed the proxy of a land contract vendor for purposes of this section.

6.5 Annual Meeting. A meeting of the Members of the Association must be held at least once a year.

6.6 Management Agent. The Board may employ for the Association a professional management agent or agents at a compensation established by the Board to perform such duties and services as the Board shall authorize. The Board may delegate to the managing agent or manager, subject to the Board's supervision, certain powers granted to the Board by this Declaration. The Declarant, or an affiliate of the Declarant, may be employed as a managing agent or manager. No management contract may have a term in excess of three (3) years and must permit termination by either party without cause and without termination fee on ninety (90) days or less written notice.

ARTICLE VII

Assessments

7.1 Establishment of Assessments. There are hereby established for the benefit of the Association, its successors and assigns, as a charge on each Lot, certain Assessments for Common expenses and other expenses. Each Owner subsequent to the Declarant _____, by acceptance of a deed, covenants and agrees to pay such Assessments. The Declarant, _____, shall be exempt from any and all Assessments due Heron Pond Owners Association. The Lots owned by the Declarant shall not be considered chargeable Lots for the purposes of determining assessments.

Any use of the Property, Common elements, or Limited Common Elements by a Unit Owner, his or her heirs, successors, assigns, family members, or tenants after such Unit Owner has filed a petition for relief pursuant to the United States Bankruptcy Code shall be deemed to be a new covenant and agreement to pay assessments.

7.2 Purpose of the Assessments. The Assessments are established for the benefit and use of the Association and shall be used in covering the costs of its Common Expenses and for other such purposes as hereinafter set forth.

7.3 Annual General Assessment. There is hereby established an Annual General Assessment for the purpose of the Common Expenses of the Association. The Common Expenses shall include but not be limited to (1) operation, maintenance, repair and replacement as required by this Declaration; (2) unless otherwise determined by the Board, the cost of any insurance required by this Declaration; (3) reasonable reserves for contingencies and replacement; (4) administrative, accounting, legal and management fees; (5) all other costs and liabilities incurred by the Association in the exercise of its powers and duties pursuant to this Declaration.

7.4 Insurance Assessment. If so determined by the Board, the Association may separately assess the cost of any insurance required by this Declaration or reasonably determined to be in the best interest of the Association. Such Assessment may be allocated and made payable on any reasonable basis. The Association may allocate the additional cost of insurance incurred as a result of improvements or upgrades made by any Owner to that Owner's Lot.

7.5 Individual Assessment. The Association after approval by two-thirds (2/3) vote of all members of the Board shall have the right to assess an individual Lot for any of the following:

7.5.1 any costs incurred by the Association in the performance of any maintenance in accordance with Article VIII Section 8.2.

7.5.2 any charges or fines imposed or levied in accordance with Article IX, Section 9.3.1.1.

7.5.3 any cost incurred for maintenance or repair caused through the willful negligent act of an Owner or Occupant or their family, tenants, guests or invitees, including attorney fees, court costs and other expenses incurred to obtain access to the subject Lot or Living Unit.

7.5.4 any costs associated with the enforcement of this Declaration or the Rules and Regulations of the Association, including, but not limited to attorneys' fees, witness fees and costs, and court costs.

7.6 Special Assessments. In addition to the other Assessments authorized herein, the Association may levy Special Assessments in any fiscal year. So long as the total amount of Special Assessments allocable to each chargeable Lot does not exceed Twenty Percent (20%) of the Annual General Assessment for that fiscal year, the Board may impose the Special Assessment. Any Special Assessments which would cause the amount of Special Assessments allocable to any chargeable Lot to exceed this limitation shall be effective only if approved by a majority vote of the Members present and voting at a meeting duly called for such purpose. Special Assessments shall be paid as determined by the Board, and the Board may permit Special Assessments to be paid in installments extending beyond the fiscal year in which the Special Assessment is imposed.

7.7 Computation and Payment of Annual General Assessment. The Annual General Assessment shall be computed and levied in accordance with the budget adopted by the Board pursuant to the Code of Regulations. This Assessment shall be effective as to each chargeable Lot on the first day of the Association's fiscal year. The initial Annual General Assessment as to each chargeable Lot shall commence on the first day of the month following the earlier of (i) its conveyance to an Owner other than Declarant or (ii) occupation of the Living Unit. The assessment shall be prorated to the end of the Association's fiscal year. So long as there has been no default in payment of the Assessment, it shall be payable in monthly installments due on the first day of each month. The Board shall have the power from time to time to adopt such billing, collection and payment procedures, charges and other payment time schedules as it deems appropriate.

7.8 Allocation of Assessments. The Common Expense Liability of each chargeable Lot shall be its portion of the Common Expense. The Common Expense Liability and the Annual General Assessment shall be allocated equally to each chargeable Lot. The other Assessments shall be allocated as applicable to the respective chargeable Lots and as determined by the Board.

7.9 Lien for Assessments. The Association shall have a lien for any Assessment levied against a Lot, for fines imposed against an Owner or Occupant, and for interest, costs and reasonable attorney fees.

7.9.1 Creation. The lien for Assessments is created by this Declaration and shall be a charge and a continuing lien on each Lot which shall run with the land. All persons or entities acquiring an interest in a Lot after the filing of this Declaration take such interest subject to the lien.

7.9.2 Effective Dates. The lien for the Common Expense Liability for each Lot as set forth in the Annual General Assessment shall be effective on the first day of the fiscal year of the Association. The lien for other Assessments shall be effective on the first day of the month following the notice of its levy on the Owners' affected.

7.9.3 Perfection. Recording of this Declaration constitutes notice and perfection of the Lien.

7.9.4 Notice of Lien. The Association may file a notice of lien with the Recorder of Butler County. Such notice shall not be required for the Association to enforce its lien.

7.9.5 Priority of the Lien. The lien created by this Section shall be prior to all liens and encumbrances recorded subsequent to this Declaration except the lien for real estate taxes and assessments and the lien of any first mortgage filed of record.

7.9.6 Subordination and Mortgagee Protection. Notwithstanding any of the provisions hereof to the contrary, the lien of any Assessment levied pursuant to this Declaration (and any late charges, interest, costs and attorney fees) shall be subordinate to, and shall in no way affect the rights of the holder of a first mortgage made in good faith for value received; provided, however, that such subordination shall apply only to Assessments, or installments thereof, which have become due and payable prior to the date of Sheriffs sale of such Lot pursuant to a foreclosure or the date of a deed in lieu of foreclosure. Such sale or transfer shall not relieve the mortgagee or the purchaser of a Lot at such sale from liability for any Assessments thereafter becoming due, nor from the lien of any such subsequent Assessment.

7.9.7 Extinguishment of the Lien. A lien for unpaid Assessments is extinguished unless proceedings to enforce it are instituted within five (5) years after the full amount of the Assessment becomes due. If an Owner of a Lot subject to a lien files a petition for relief under the United States Bankruptcy Code, then the period of time to enforce the Association's lien shall be tolled until thirty (30) days after the automatic stay under Section 362 of the Bankruptcy Code is lifted.

7.9.8 Estoppel Certificate. Upon request of any mortgagee or Owner and upon payment in full of all Assessments and other charges permitted by this Declaration that are due to the Association, the Association shall execute and deliver to such mortgagee or Owner an Estoppel Certificate. Such certificate shall be in recordable form and shall note the payment of the outstanding Assessments and charges and that the Association is estopped from the enforcement of its lien with respect to Assessment and charges becoming due and payable prior the preparation of such certificate.

7.10 Assessments of South Farm Owners Association, Inc. In addition to and separate from the assessments described above payable to Heron Pond Owner's Association, lot owners shall individually pay any and all Assessments due pursuant to the Declaration of the South Pond Owners Association.

7.11 Delinquency and Acceleration. Any installment of an Assessment provided for by this Declaration shall become delinquent if not paid on the due date as established by this Declaration or by the Board. With respect to each installment of an Assessment not paid within five (5) days of its due date, the Board may, at its election require the Owner to pay a reasonable late charge, costs of collection, reasonable attorney fees and interest at the rate provided in Section 1343.03 of the Ohio Revised Code (and as amended from time to time). Interest shall be calculated from the date of delinquency to the date full payment is received by the Association. If any installment of an Assessment is not paid within thirty (30) days of its due date, the Board may, at its election, declare all of the unpaid balance of the Assessment immediately due and payable without further notice or demand to the Owner. The Association may enforce the collection of the full Assessment and all charges thereon in any manner authorized by law or this Declaration. The filing of any petition for relief pursuant to the United States Bankruptcy Code by an Owner whose Assessment had been accelerated shall operate as a restoration of the Assessment to its prior status as if it has not been accelerated.

7.12 Remedies Cumulative. A suit to recover money judgment for unpaid Assessments and charges may be maintained without foreclosing or waiving the right to enforce the lien. A foreclosure may be maintained notwithstanding the pendency of any suit to recover a money judgment.

7.13 Personal Obligation. The Assessments, including fines, if any, payable by each owner, together with any penalty, interest, costs and reasonable attorney fees shall be a charge and lien on each Lot and shall also be the personal obligation of the Owner of each Lot.

7.14 Statement of Unpaid Assessments. The Association shall upon written request of the Owner, contract purchaser, or first mortgagee, furnish a statement setting forth the amount of unpaid Assessments against the Lot. This statement must be furnished within ten (10) business days after receipt of the request and is binding on the Association, the Board and every Owner. The Association may charge a reasonable amount for this statement.

7.15 No Waiver of Liability for Common Expenses. No Owner may exempt himself or herself from liability for payment of the Common Expenses by waiver of the use or enjoyment of the Common Elements or by abandonment of the Lot against which the Assessments are made.

ARTICLE VIII

Upkeep of the Property

8.1 Maintenance Responsibility. Notwithstanding the ownership of the various portions of the Common Elements, Limited Common Elements and Lots, the Properties shall be maintained and repaired by each Lot Owner and the Association in accordance with the provisions of this Section 8.1 and as set forth in Heron Pond Owners' Association Budget maintained by the Association Treasurer. Said budget shall not be a part of the Declaration and may be amended from time to time by the Association. All expenses associated with the maintenance, repair and replacement of the Property shall be assessed in accordance with said budget.

8.2 Association's Right to Maintain. In the event that an Owner shall fail to provide maintenance as required by this Declaration in a manner satisfactory to the Association, and such Owner has failed to comply for ten (10) days after being so notified of such failure and upon being provided an opportunity to be heard concerning such failure, then the Association shall have the right, through its agents and employees, to enter upon said Lot or Living Unit and repair, maintain and restore the Lot or Living Unit or any other improvement erected thereon. In the event that such failure poses a health, safety or security risk, then no notice or hearing need be given. The cost of such exterior maintenance and repair (including charges incurred by the Association for attorney's fees, court costs and other expenses incurred to obtain access to the subject Lot or Living Unit) shall be assessed against the subject Lot in accordance with Article VII, Section 7.5.

8.3 Access to Lots. For the purpose solely of performing the exterior maintenance required or authorized herein, the Association, through its duly authorized agents or employees, or subcontractors, shall have the right, after reasonable notice to the Owner, to enter upon any Lot or the exterior of any Living Unit at reasonable hours on any day. No notice is required for grass cutting or snow plowing.

ARTICLE IX

Restrictions

9.1 Use and Occupancy. The following are applicable to the use and occupancy of the property.

9.1.1 Living Units. All living units shall be for single family use only and comply with all occupancy requirements use restrictions set by the City of Oxford.

9.1.2 Minimum Size of Homes. All Living Units shall be a minimum of $1,500 square feet.

9.1.3 Noise. No person shall cause any unreasonably loud noise (except for security devices) anywhere on the Property, nor shall any person permit or engage in any activity, practice, or behavior for the purpose of causing annoyance, discomfort or disturbance to any person lawfully present on any portion of the Property.

9.1.4 Signage. No signs, billboards, or advertisements of any kind shall be displayed on or about any common area to public view except for signs advertising the property for sale. During the construction and sales period, signs used by the developer, builder and realtor to advertise

the property shall be uniform in style and color and must be approved by the developer. Political signs will be permitted to be put up no sooner than 30 days before an election and must be removed within seven days after the election.

9.1.5 Trash. Except in connection with construction activities, no accumulation or storage of litter, refuse, bulk materials, building material or trash of any other kind shall be permitted in the common areas. With the exception of the common dumpster, trash containers shall not be permitted to remain in public view.

9.1.6 Parking. Except for guests and visitors which shall use designated parking spaces, each dwelling unit shall be limited to two (2) parking spaces. No junk or derelict vehicle or other vehicle on which current registration plates are not displayed shall be kept upon any portion of the Property. Vehicle repairs and storage of vehicles are not permitted on the Property without the prior written approval of the Board of Directors. No motor vehicles shall be driven on the Common Elements except such vehicles as are authorized by the Board and needed for upkeep of the Common Elements. This prohibition does not apply to normal vehicular use of streets, roadways and driveways in the Common Elements.

9.1.7 Vehicle Repairs. No trailers, campers, mobile homes, motorhomes, buses or trucks exceeding ¾ ton shall be permitted to be regularly parked upon the common parking areas. In addition, major repairs shall not be conducted on any cars or any other such vehicles in the common parking areas. Inoperable cars are to be towed within 48 hours.

9.1.8 Outside Storage. Except for grills and bikes, there shall be no outdoor storage of personal property.

9.1.9 Nuisance. No noxious or offensive activity shall be carried out upon or within any dwelling unit, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the community.

9.1.10 No Waste. Nothing shall be done or kept on the Property which will increase the rate of insurance for the Property or any part thereof without the prior written consent of the Board; including without limitation any activities which are unsafe or hazardous with respect to any person or property. No person shall permit anything to be done or kept on the Property which will result in the cancellation of any insurance on the Property or any part thereof or which would be in violation of any law, regulation, or administrative ruling. No waste will be committed on the Common Elements.

9.1.11 Compliance with Laws. No improper, offensive, or unlawful use shall be made of the Property or any part thereof, and all valid laws, zoning ordinances and regulations of all governmental agencies having jurisdiction thereof shall be observed. All laws, orders, rules, regulations or requirements of any governmental agency having jurisdiction thereof relating to any portion of the Property shall be complied with, by and at the sole expense of the Owner or the Association, whichever shall have the obligation for the upkeep of such portion of the Property, and if the Association, then the cost of such compliance shall be a Common Expense.

9.1.12 Harmful Discharges. There shall be no emissions of dust, sweepings, dirt, cinders, odors, gases or other substances into the atmosphere (other than normal residential chimney emissions), no production, storage or discharge of hazardous wastes on the Property or discharges of liquid or solid wastes or other harmful matter into the ground or any body of water, if such emission, production, storage or discharge may adversely affect the use or intended use of any portion of the Property or may adversely affect the health, safety or comfort of any person. No waste nor any substance or materials of any kind shall be discharged into any public sewer serving the Property or any part thereof in violation of any regulation of any public body having jurisdiction over such public sewer.

9.1.13 Obstruction of Common Elements. No person shall obstruct any of the Common Elements or otherwise impede the rightful access of any other person on any portion of the Property upon which such person has the right to be. No person shall place or cause or permit anything to be placed on or in any of the Common Elements without the approval of the Board. Nothing shall be altered or constructed in or removed from the Common Elements except with the prior written approval of the Board.

9.1.14 Use of Common Elements. The Common Elements shall be used only for the furnishing of the services and facilities for which the same is reasonably suited and which are incident to the use an occupancy of the Lots. The improvements located on the Common Elements shall be used only for their intended purposes. Except as otherwise expressly provided in this Declaration, no Owner shall make any private, exclusive or proprietary use of any of the Common Elements.

9.1.15 No Trade or Business. No trade or business of any kind may be conducted in or from any Lot or Living Unit except that an Owner or Occupant of a Lot or Living Unit may conduct such business activity within the Lot or Living Unit so long as: (a) the existence or operation of the business activity is not apparent or detectable by sight, sound, or smell from the exterior of the Lot or Living Unit; (b) the business activity conforms to all zoning requirements for the Property; (c) the business activity does not involve persons coming to the Lot who do not reside in the Property; and (d) the business activity is consistent with the residential character of the Property.

The terms "business" and "trade" as used in this provision shall be construed to have their ordinary generally accepted meanings and shall include without limitation, any occupation, work or activity undertaken on an ongoing basis which involves the provision of goods or services to persons other than the provider's family and for which the provider receives a fee, compensation or other form of consideration, regardless of whether (i) such activity is engaged in full-time or part-time; (ii) such activity is intended to or does generate a profit; (iii) a license is required therefor.

9.1.16 Fences. Except for any fence installed by the Declarant, or by the Association, no fence shall be installed except with the written approval of the Board.

9.1.17 Animals. The maintenance, keeping, boarding or raising of animals, livestock, poultry, insects or reptiles of any kind, regardless of number, is prohibited on any Lot or upon Common Elements, except that the keeping of guide animals and orderly domestic pets (ex. dogs, cats or caged birds) without the approval of the Board is permitted, subject to the Rules and Regulations adopted by the Board. Such pets shall not be kept or maintained for commercial purposes or for breeding. Any such pet causing or creating a nuisance or unreasonable disturbance or noise must be permanently removed from the Property upon ten days written notice from the board. Pets shall not be permitted upon the Common Elements unless accompanied by someone who can control the pet and unless carried or leashed. Any Owner or Occupant who keeps or maintains any pet upon any portion of the Property shall be deemed to have indemnified and agreed to hold the Association, each Owner and the Declarant, free and harmless from any loss, claim or liability of any kind or character whatever arising by reason of keeping or maintaining such pet within the Property.

9.1.18 Open Fires. Open burning is not permitted on the Property, except that outdoor fireplaces, grills and chimneys may be used if equipped with fire screens to prevent the discharge of embers or ashes.

9.1.19 Lighting. No exterior lighting shall be directed outside the boundaries of a Lot.

9.1.20 Satellite Dishes. Satellite dish installation must be approved by the Heron Pond Owners' Association prior to installing in any unit. Dish installation is not allowed on any part of the roof or eave. Any improper or unauthorized installations will be the responsibility of the Owner. Heron Pond Owners' Association will not be responsible for any damage to roofs or water intrusion due to a dish installation. Heron Pond Owners' Association can authorize dish removal along with any repairs to the roof without notice. Owner will be responsible for any damages or charges incurred due to dish installation or operation.

9.2 Leasing. The following are applicable with respect to Leasing the Lots and Living Units.

9.2.1 Covenants and Restrictions. Except as noted in Section 9.2.4, every lease on every Lot or Living Unit in the Property is subject to the following covenants and restrictions whether in the lease or not;

9.2.1.1 the lease must be in writing;

9.2.1.2 the lease must be for the entire Living Unit;

9.2.1.3 the lease must be for a minimum period of not less than twelve (12) months. Renewals can be for any length;

9.2.1.4 the use of the premises is subject to the Declaration and the rules and regulations of the Association.

9.2.1.5 before occupancy by the tenant(s) (lease start date or move-in date), the name, telephone number(s) of the tenant(s), and email address(es) of the tenant(s), together with a clear and complete copy of the lease must be furnished to the Association's management company (if applicable) and to an officer or Trustee of the Association;

9.2.1.6 the unit cannot be used as a motel or hotel or otherwise for transient tenants.

9.2.2 Remedies for Breach. If any Owner (landlord) or Occupant is in violation of any of the provisions of the Declaration and any rules and regulations, the Association may bring an action in its own name and/or in the name of the Owner to have the tenant evicted and/or to recover damages. If the court finds that the tenant is or has violated any of the provisions of the Declaration or the rules and regulations, the court may find the tenant guilty of forcible detainer notwithstanding the facts that the Owner is not a party to the action and/or that the tenant is not otherwise in violation of tenant's lease or other rental agreements with Owner. For purposes of granting the forcible detainer against the tenant, the court may consider the Owner a person in whose name a contract (the lease or rental agreement) was made for the benefit of another (the Association). The remedy provided by this subsection is not exclusive and is in addition to any other remedy or remedies which the Association has. The Association may recover all of its costs, including court costs and reasonable attorney's fees, and such costs shall be an Individual Assessment on the Lot. The Association will give the tenant and the Owner notice in writing of the nature of the violation of the rules, and shall give 20 days from the mailing of the notice in which to cure the violation before the Association may file for eviction.

9.2.3 By becoming a tenant, each tenant agrees to be bound by the Declaration and the other rules and regulations of the Association, and recognizes and accepts the right and the power of the Association to evict the tenant for any violation by the tenant of the Declaration and the other rules and regulations of the Association.

9.3 Remedies for Breach of Covenants and Restrictions. The violation of any covenant or restriction, contained in the Declaration or violation of any rule or regulation duly adopted by the Board shall give the Board the authority to enforce the covenants, restrictions, rules and regulations in accordance with this Section.

9.3.1 Actions. In addition to the provisions of Subsection 9.2.2, the Board may take any of the following actions.

9.3.1.1 levy a fine against the Owner or Occupant which shall also be an Individual Assessment under Section 7.5.

9.3.1.2 to enter upon a Lot or portion thereof upon which or, as to which, such violation or breach exists and to summarily abate and remove at the expense of the Owner, any structure, thing or condition that may exist thereon contrary to the intent and meaning of the provision of this Declaration, and the Board, or its agents shall not be thereby deemed guilty in any matter of trespass or wrongful act.

9.3.1.3 to institute appropriate legal proceedings to enjoin, abate or remedy the continuance of any breach.

9.3.1.4 undertake such dispute resolution methods such as mediation and arbitration, except that this provision shall not be construed as any requirement to do so as a condition precedent to legal proceedings.

9.3.2 Notice and Opportunity to be Heard. Prior to any action, the Board shall give the Owner and/or Occupant reasonable notice of the violation and an opportunity to be heard. Such notice and opportunity shall not be required in emergency situations or for repeated or continuing violations.

ARTICLE X

Architectural Review

10.1 Applicability. All architectural review shall be performed by the Board, or a committee appointed by the Board, in accordance with the provisions of this Article. If the Board appoints a committee to perform the architectural review functions, there shall be not less than three (3) and not more than five (5) members, all of whom must be Owners'. The terms of office shall be as designated by the Board. Any Owner who wishes to make any Improvement to his or her Lot or Living Unit or its allocated Limited Common Elements is required to obtain the approval of the Board pursuant to this Article prior to making such Improvement. "Improvement" for purposes of this Article shall mean any alteration or addition which will affect the exterior of the Lot or Living Unit or its allocated Limited Common Elements including but not limited to: (i) casualty repair and restoration; (ii) landscaping; and (iii) placement of any structures, gutter, awnings, shutters, mailboxes, satellite dishes or antennas. Repainting in the existing color scheme and routine repairs which do not alter the external appearance shall not be included in the definition of an Improvement. Any Owner who makes an Improvement without the prior approval of the Board shall be deemed in violation of this Declaration; and the Board upon its own motion, shall proceed as though the Owner gave notice of completion as specified in Section 10.8.1. Nothing in this Article shall be deemed to relieve any Owner from obtaining all necessary consents and permits and otherwise complying with all applicable state and local laws and ordinances.

10.2 Duties. The Board shall consider and act upon proposals and/or plans submitted pursuant to this Article. The Board, from time to time and in its sole discretion, may propose architectural rules, regulations and guidelines ("Architectural Standards"). The Architectural Standards shall interpret and implement the provisions of this Declaration by setting forth the standards and procedures for architectural review and guidelines for architectural design, color schemes, exterior finishes and materials and similar features which may be used in the Property.

10.3 Application of Approval of Improvements. Any Owner, except the Declarant, who wants to make an Improvement shall notify the board in writing of the nature of the proposed work and shall furnish such information as may be required by the Architectural Standards or reasonably requested by the Board.

10.4 Basis for Approval of Improvements. The Board may approve the proposal only if the Board finds that (i) the plans and Specifications conform to this Declaration and to the approved Architectural Standards in effect at the time that the proposal was submitted; and (ii) the proposed Improvement will be consistent with the standards within the Property as to the quality of workmanship and materials, harmony of exterior design and visibility with respect to quality structures, environment, location with respect to topography, and finished grade elevations.

10.5 Form of Approvals and Denials. All approvals and denials shall be in writing. Any denial of a proposal must state the reasons for the decision to be valid. Any proposal which has not been rejected in writing sixty (60) days from the date of submission shall be deemed approved.

10.6 Proceeding with Work. Upon approval of the Board, the Owner shall diligently proceed with the commencement and completion of all work so approved. Work must be commenced within six (6) months from the date of the approval. If the Owner fails to comply with the provisions of this Section, the approval given shall be deemed revoked unless the Board extends the time for commencement. Any request for an extension shall be in writing. No extension shall be granted unless the Board finds that there has been no change in the circumstances under which the original approval was granted.

10.7 Failure to Complete Work. Completion of the work approved must occur in the three (3) month period following the approval of the work unless the Board determines that completion is impossible or would result in great hardship to the Owner due to strike, fires, national emergencies, natural calamities or other supervening forces beyond the control of the Owner or his agents. If the Owner fails to complete the work within the three (3) month period, the Board shall proceed in accordance with the provisions of section 10.8.2 below.

10.8 Determination of Compliance. Any work performed, whether or not the Owner obtained proper approvals, shall be inspected and a determination of compliance shall be made as follows:

10.8.1 Upon the completion of any work performed by an Owner for which approval was required, the Owner shall give written notice of completion to the Board. If the Owner fails to give the notice of completion of work performed, for which approval was required, the Board may proceed upon its own motion.

10.8.2 Within sixty (60) days after completion the Board shall inspect the work performed and determine whether it was performed in substantial compliance with the approval granted. If the Board finds that the work was not performed in substantial compliance with the approval granted or if the Board finds that the approval required was not obtained, the Board shall notify the Owner in writing of the non-compliance. The notice shall specify the particulars of noncompliance and shall require the Owner to remedy the non-compliance.

10.9 Failure to Remedy the Non-Compliance. If the Board has determined that an Owner has not constructed an Improvement consistent with the specifications or the approval granted and if the Owner fails to remedy such non-compliance in accordance with the provisions of the notice of non-compliance then after the expiration of thirty (30) days from the date of such notification, the Board shall provide a hearing to consider the Owner's continuing non-compliance. At the hearing, if the Board finds that there is no valid reason for the continuing non-compliance, the Board shall determine the estimated cost of correcting it. The Board shall then require the Owner to remedy or remove the same within a period of not more than forty-five (45) days from the date of the Board's determination. If the Owner does not comply with the Board's ruling within such period or within any extension of such period as the Board, in its discretion, may grant, the Board may either remove the non-complying improvement or remedy the non-compliance. The costs of such action shall be assessed against the Owner as an Individual Assessment.

10.10 Waiver. Approval of any plans, drawings or specifications for any work proposed or for any other matter requiring approval, shall not be deemed to constitute a waiver of any right to deny approval of any similar plan, drawing specification or matter subsequently submitted for approval.

10.11 Estoppel Certificate. Within thirty (30) days after written demand is delivered to the Board by any Owner, and upon payment to the Association of a reasonable fee (as fixed from time to time by the Association), the Board shall record an estoppel certificate, executed by any two (2) Trustees certifying that as of the date thereof, either: (a) the work completed complies with this Declaration or (b) the work completed does not comply. In the latter situation, the certificate shall also identify the particulars of the non-compliance. Any successor in interest of the Owner shall be entitled to rely on the certificate with respect to the matters set forth. The certificate shall be conclusive as between the Association, Declarant and all Owners' and such persons deriving any interest through any of them.

10.12 Liability. If the Trustees have acted in good faith on the basis of such information possessed by them, neither the Board nor any Trustee shall be liable to the Association or to any Owner for any damage, loss or prejudice suffered or claimed due to: (a) the approval or disapproval of any plans, drawings and specifications, whether or not defective; (b) the construction or performance of any work whether or not pursuant to approved plans, drawings, and specifications; or (c) the execution and filing of any estoppel certificate, whether or not the facts therein are correct.

10.13 Non-Applicability to Declarant. The provisions of this Article shall not apply to any Parcel or Lot owned by Declarant or prior to its first conveyance of a Lot to an Owner.

ARTICLE XI

Conveyance or Encumbrance of Common Elements

11.1 Conveyance or Encumbrance. Portions of the Common Elements may be conveyed or subjected to a security interest by the Association if Owners' entitled to cast 75% of the votes in the Association agree to that action. Proceeds of a sale are assets of the Association.

11.2 Access and Priority. A conveyance or encumbrance of the Common Elements shall not deprive any Lot or Living Unit of its rights of access nor affect the priority or validity of pre-existing encumbrances.

ARTICLE XII

Insurance

13.1 Liability Insurance. The Board shall obtain and maintain a Comprehensive policy of public liability insurance covering all of the Lots and Common Areas, insuring the Association, Trustees, and Owners' and members of their respective families, tenants and occupants in an amount of not less that One Million Dollars ($1,000,000), per occurrence for personal injury and/or property damage. This insurance shall include protection against such risks as are customarily covered with respect to a development similar in construction, location and use as determined by the Board. The insurance shall contain a "severability of interest" endorsement, which shall preclude the insurer from denying the claim of a residential Owner, tenant or occupant because of negligent acts of the Association, the Board, or other Owners', tenants or occupants.

13.2 Property Insured. The Association shall maintain a Master Property Policy ("Master Policy") insuring the Common Elements (including the Limited Common Elements) and the Units of the Landominium, excluding land. The Master Policy shall cover (i) perils, as broadly as reasonably available, under coverage currently known as 'special form' or 'special causes of loss', (ii) insure the covered property, including personal property owned by the Association, for the full insurable replacement cost based on periodic appraisals, and (iii) cover the entire Unit, including all attached fixtures, systems and finishes in the Unit at the time of a loss, regardless of when installed, but shall not cover the Unit Owner's personal property in the Unit or elsewhere in the Landominium.

13.3 Other Insurance. In addition, the Association shall obtain and maintain contractual liability insurance, Trustees' and Officers' liability insurance and such other insurance as the Board may deem desirable from time to time.

13.4 Fidelity Bonds. The Association shall obtain fidelity bond coverage, naming the Association as an insured, with respect to any person or agent handling Association funds in an amount of not less than Five Thousand Dollars ($5,000.00) as determined by the board.

ARTICLE XIII

Casualty Losses

14.1 Duty to Restore. Any portion of the Property for which insurance is required under Section 13.2 or for which insurance is carried by the Association is in effect, whichever is more extensive, that is damaged or destroyed shall be repaired and restored promptly by the Association unless:

14.1.1 The regime is terminated according to the procedures set forth in Article XIX, Section 19.3;

14.1.2 Repair or replacement would be illegal under a state statute or municipal ordinance governing health or safety; or

14.1.3 Eighty (80%) percent of the Owners', including each Owner of a Lot or Living Unit or assigned Limited Common Element that will not be rebuilt, vote not to rebuild.

14.2 Cost. The cost of repair and replacement in excess of insurance proceeds and reserves is a Common Expense.

14.3 Plans. The Property must be repaired and restored in accordance with either the original plans and specifications or other plans and specifications which have been approved by the Board and a majority of the Owners'.

14.4 Replacement of Less than Entire Property

14.4.1 The insurance proceeds attributable to the damaged Common Elements shall be used to restore the damaged area to a condition compatible with the remainder of the Property.

14.4.2 Except to the extent that other persons will be distributees,

14.4.2.1 The insurance proceeds attributable to a Lot, Living Unit and Limited Common Element that is not to be rebuilt must be distributed to the Owner thereof, or to lien holders, as their interests may appear; and

14.4.2.2 The remainder of the proceeds must be distributed to each Owner or lien holder, as their interests may appear, in proportion to Common Expense Liability Allocation of all the Lots.

14.4.3 If the Owners' vote not to rebuild a Living Unit the Allocated Interests for the remaining Lots shall be reallocated proportionally, and the Association shall promptly record an amendment to the Declaration reflecting the reallocations.

14.5 Insurance Proceeds. The insurance trustee, or if none, the Board, shall hold any insurance proceeds in trust for the Association, Owners' and lien holders as their interest may appear. Subject to the provisions of Subsection 14.1.1 through 14.1.3, the proceeds shall be disbursed first for the repair or restoration of the damaged Property, and the Association, Owners' and lien holders are not entitled to receive payment of any portion of the proceeds unless there is a surplus of proceeds after the Property has been completely repaired or restored, or the regime is terminated.

14.6 Certificates by the Board. The insurance trustee, if any, may rely on the following certifications in writing made by the Board:

14.6.1 Whether or not damaged or destroyed Property is to be repaired or restored;

14.6.2 The amount or amounts to be paid for repairs or restoration and the names and addresses of the parties to whom such amounts are to be paid.

14.7 Certificates by Attorneys. Title insurance companies or if payments are to be made to Owners' or Mortgagees, the Board and the insurance trustee, if any, shall obtain and may rely upon a title insurance company or attorney's certificate of title based on a search of the Records of the Recorder of Butler County, Ohio, from the date of the recording of the original Declaration, stating the names of the Owners' and the mortgagees.

ARTICLE XIV

Condemnation

15.1 Whenever any portion of the Property shall be taken or threatened to be taken by any authority having the power of condemnation or eminent domain, the Association shall represent the Owners' in the condemnation proceedings or in negotiations, settlements and agreements with the condemning authority. Each Owner appoints the Association, or any Trustee designated by the Association as its attorney-in-fact coupled with an interest for such purpose. Each Owner shall be given notice of the taking. If there is any damage to the Property from the taking, then the Association shall proceed in the manner set forth in Section 14.1 for Casualty Losses and the award for the taking shall be distributed in the same manner as insurance proceeds under Section 14.4 and 14.5. In the event that Living Units are taken and not rebuilt then the Allocated Interests for the remaining Lots shall be reallocated proportionally, and the Association shall promptly record an amendment to the Declaration reflecting the reallocations.

ARTICLE XV

Mortgagee Protection Provisions

16.1 Notice to Board. Upon request, an Owner who mortgages his or her Lot shall notify the Board of the name and address of the Mortgagee. No Mortgagee shall be entitled to any Mortgagee rights under this Declaration unless such Mortgagee has notified the Board of its address as required by Section 16.2 below and has requested all rights under the Declaration.

16.2 Notices to Mortgagees. Any Mortgagee who desires notice from the Association shall notify the Secretary of the Association to that effect by certified or registered United States Mail, postage prepaid. Any such notice shall contain the name and address, including post office address of such Mortgagee and the name of the person to whom notices from the Association should be directed. The Board shall notify Mortgagees of the following:

16.2.1 Any default of an Owner of a Lot, upon which the Mortgagee has a mortgage, in payment of Assessments (which remains uncured for sixty days) or any other default, simultaneously with the notice sent to the defaulting Owner;

16.2.2 Any casualty affecting the Lot, the Living Unit or a substantial part of the Common Elements;

16.2.3 All actions taken by the Association with respect to repair or restoration of a Lot upon which the Mortgagee has a mortgage;

16.2.4 Any lapse in an insurance policy held by the Association on the Property;

16.2.5 Any proposal to terminate the Declaration, at least sixty days before any action is taken to terminate;

16.2.6 Any proposal to amend materially the Articles of Incorporation, this Declaration or the Code of Regulations, at least ten days before any action is taken.

16.3 Other Rights of Mortgagees. All Mortgagees or their representatives shall have the right to receive notice of and to attend and to speak at meetings of the Association.

ARTICLE XVI

Development Rights

17.1 Submission of Additional Land. The Declarant reserves the right to submit all or any part of the Additional Land to the terms of this Declaration at any time during the Development Period. The submission shall be accomplished by the filing of a Supplemental Declaration Identifying the Additional Land, the Lots, the Common Elements and Limited Common Elements. No Additional Land may be submitted unless the Living Units thereon are substantially completed. The Supplemental Declaration must be executed by the Declarant.

17.2 Notice to the Board. The Declarant shall promptly notify the Board of the filing of any Supplemental Declaration submitting any Additional Land.

17.3 Easements Reserved. The Declarant reserves for itself, its successors and assigns, the following easements:

17.3.1 Easements for ingress, egress, drainage and all utilities as shown on the Record Plan.

17.3.2 Easements for ingress, egress, drainage and all utilities over the Common Elements provided that such easements do not unreasonably interfere with any Owner's right of enjoyment.

17.3.3 An easement over the Common Elements as may be reasonably necessary for the purpose of discharging its obligations or exercising any rights under the Declaration.

17.3.4 An easement for ingress, egress, drainage and all utilities over the Common Elements and in favor of the Additional Property and the right to convey those easements to others in the event that the Additional Property is not submitted to this Declaration.

17.4 Assignment of Development Rights. The Declarant reserves the right to assign any or all of its Development Rights to any Subdeveloper or another entity for the purpose of further development and improvement of the Property. No assignment shall be effective unless in a writing filed with the Recorder of Butler County, Ohio.

17.5 Transfer of Development Rights by Foreclosure. Unless otherwise provided in any mortgage securing the Property held by Declarant, in the case of foreclosure of such mortgage, deed in lieu of foreclosure, judicial sale, tax sale, sale under the U.S. Bankruptcy Code or receivership proceedings, of any portion of the Property held by the Declarant subject to the Development Rights herein reserved (including the Special Declarant Rights), a person acquiring title to such property, but only upon his request, succeeds to all such Development Rights. The judgment or instrument conveying title must provide for the transfer of such rights. Upon foreclosure sale, deed in lieu of foreclosure, judicial sale, tax sale, sale under the U.S. Bankruptcy Code or receivership proceedings, the Declarant ceases to have any of the rights herein reserved. A successor to the Development Rights held by a transferee who acquired such rights pursuant to this Section, may declare by a recorded instrument the intention to hold such rights solely for transfer to another person. Thereafter, until transferring such Development Rights to any person acquiring title to the Property subject to the Development Rights, or until recording an instrument permitting exercise of such rights, that successor may not exercise any of those rights, and any attempted exercise is void. So long as a successor Declarant may not exercise any Development Rights under this section, such Declarant is not subject to any liability as a Declarant.

ARTICLE XVII

Special Declarant Rights

18.1 Use for Sale Purposes. Declarant reserves for itself, its successors and assigns, the right to maintain sales offices and models on the Lots, Living Units or on the Common Elements.

18.2 Signs and Marketing. The Declarant reserves the right for itself to post signs and displays in the Common Elements to promote sales of Lots, and to conduct general sales activities, in a manner as will not unreasonably disturb the rights of Owners.

18.3 Control of the Association.

18.3.1 Appointment of Trustees and Officers. The Declarant reserves the right to appoint and remove the members of the Board and the Officers of the Association for a period which shall terminate no later than the earlier of:

18.3.1.1 30 days after the conveyance of 75% of the Lots that may be created to Owners other than the Declarant;

18.3.1.2 two (2) years after Declarant or any Successor Declarant have ceased to offer Lots for sale in the ordinary course of business; or

18.3.1.3 two (2) years after the right to submit Additional Land was last exercised.

18.3.2 Early Termination of Control. The Declarant may voluntarily surrender the right to appoint and remove trustees and officers before the termination of the period set forth above. In that event, the Declarant may require, for the duration of that period, that specified actions of the Association or the Board, be approved by Declarant before they become effective. Such voluntary termination shall be evidenced by a recorded instrument executed by the Declarant setting forth the termination of its right to appoint and the actions which require Declarant's approval.

18.3.3 Transition from Declarant Control. Not later than sixty (60) days after conveyance of Twenty-five (25%) percent of the Lots to Owners other than Declarant, at least one (1) member of the Board shall be an Owner other than Declarant. Not later than Sixty (60) days after conveyance of Fifty (50%) percent of the Lots to Owners other than Declarant, at least two (2) members of the Board shall be Owners other than Declarant. Upon termination of Declarant control as set forth in Section 1.11 all members of the Board shall be Owners other than Declarant.

18.4 Declarant's Personal Property. The Declarant reserves the right to retain all personal property and equipment used in sales, management, construction and maintenance of the premises that has not been represented as property of the Association. The Declarant reserves the right to remove, within One (1) year after the sale of the last Unit, from the Property any and all goods and improvements used in development, marketing and construction, whether or not they have become fixtures.

18.5 Right to Amend Documents. Notwithstanding anything above to the contrary, this Declaration may be amended at any time without the vote of Owners by a written instrument executed by the Declarant for the purpose of eliminating or correcting any typographical or other inadvertent error herein; eliminating or resolving any ambiguity herein; making nominal changes; clarifying Declarant's original intent; making any change necessary or desirable to meet the requirement of any institutional lender, the Veteran's Administration, the Federal Housing Administration, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or any other agency which may insure or purchase loans on a Lot. No such amendment, however, shall materially affect any Owner's interest in the Association or the Common Elements. Each Owner and his or her mortgagees, by acceptance of a deed to a Lot or a mortgage encumbering such Lot, shall be deemed to have consented to and approved the provisions of this paragraph and the amendment of this Declaration by Declarant as provided in the immediately preceding sentence. All such Owners and their mortgagees, upon request of Declarant, shall execute and deliver from time to time all such instruments and perform all such acts

as may be deemed by Declarant to be necessary or proper to effectuate the provisions of this paragraph.

ARTICLE XVIII

Duration, Amendment and Termination

18.1 Duration. This Declaration, and its provisions, shall be covenants running with the land and shall bind the property and shall (regardless of whether any such beneficiary owns an interest in any Lot) inure to the benefit of and be enforceable by Declarant, the Association, and each Owner, Occupant, resident and tenant and their legal representatives, heirs, devisees, successors and assigns and shall continue in full force and effect for twenty (20) years from the date on which this Declaration is recorded. Thereafter this Declaration shall be automatically renewed for successive ten-year periods unless amended or terminated as provided in this Article.

18.2 Amendment. Any provision of this Declaration may be amended in whole or in part by a recorded instrument approved by the Owners' of at least seventy-five (75%) percent of all Lots. All Amendments shall be executed by the Declarant, if required, and shall be executed by the President and Secretary of the Association. Such Amendment shall certify that the proper notices were sent and that the requisite vote was obtained. Voting may be done remotely via email or in some other electronic form. Amendments need not be signed by the Owners'.

18.3 Termination. This Declaration and the regime created thereby may be terminated only in accordance with this Section.

18.3.1 Consent Required. This Declaration may be terminated only upon consent of Eighty (80%) Percent of the Owners' and Sixty-seven (67%) percent of the mortgagees who have requested notice pursuant to Section 16.2. Mortgagee consent shall be presumed when a mortgagee fails to submit a response to a proposal for termination within Thirty (30) days after it received proper notice delivered by certified mail, return receipt requested.

18.3.2 Agreement to Terminate. No termination shall be effective unless an agreement to terminate is filed for record with the Butler County Recorder. This agreement shall be executed in the same manner as a deed by the requisite number of Owners'. The agreement shall provide for disposition of the Common elements, disposition of Association funds and other resolutions and provisions necessary to terminate the regime and wind up the affairs of the Association.

ARTICLE XIX

Miscellaneous

19.1 No Reverter. No covenant, condition, restriction or reservation of easement contained in this Declaration is intended to create or shall be construed as creating, a condition subsequent or a possibility of reverter.

19.2 Notices. Except as otherwise provided herein, any notice required or permitted to be given to an Owner or resident by the Board pursuant to the provisions of this Declaration shall be deemed given when mailed by United States mail, postage prepaid, addressed to such person's last address as it appears on the records of the Association or when sent via electronic mail to such person's last known email address.

19.3 Construction. The Board shall have the right to construe the provisions of this Declaration, and, in the absence of an adjudication by a court of competent jurisdiction to the contrary, such construction shall be final and binding as to all persons and entities benefited or bound by the provisions of this Declaration.

19.4 Invalidity. The determination by a court of competent jurisdiction that any provision of this Declaration is invalid for any reason shall not affect the validity of any other provision hereof.

19.5 Headings. The headings of the Articles and Sections are for convenience only and shall not affect the meaning or construction of the contents of this Declaration.

19.6 Gender. Throughout this Declaration, the masculine gender shall be deemed to include the feminine and neuter, and the singular, the plural and vice versa.

19.7 Conflict. In the event of a conflict between the restrictions contained herein or any one or more of them and the restrictions of any Declaration which may be recorded subsequent to this Declaration, the more restrictive restriction covenant, easement or other obligation shall control.

IN WITNESS WHEREOF, this instrument has been executed this ____ day of _____, 2021 by Declarant, Heron Pond Owners' Association by _____.

_____ _____

By: Date

HERON POND OWNERS' ASSOCIATION,
AN OHIO NON-PROFIT CORPORATION

_____ _____

By: Date

HERON POND OWNERS' ASSOCIATION,
AN OHIO NON-PROFIT CORPORATION

STATE OF OHIO, COUNTY OF BUTLER, SS:

The foregoing instrument was acknowledged before me this _____ day of _____, 2021 by _____, President of HERON POND OWNERS' ASSOCIATION, an Ohio Non-Profit Corporation, on behalf of the Corporation.

_____
Notary Public, State of Ohio

STATE OF OHIO, COUNTY OF BUTLER, SS:

The foregoing instrument was acknowledged before me this _____ day of _____, 2021 by _____, Secretary & Treasurer of HERON POND OWNERS' ASSOCIATION, an Ohio Non-Profit Corporation, on behalf of the Corporation.

_____
Notary Public, State of Ohio

DRAFT

EXHIBIT A

EXHIBIT B

DRAFT

EXHIBIT C

HERON POND OWNERS' ASSOCIATION

CODE OF REGULATIONS

ARTICLE I

Miscellaneous

Section 1. Name and Nature of the Association. The name of the Association shall be Heron Pond Owners' Association and shall be an Ohio nonprofit corporation.

Section 2. Membership. Each owner upon acquisition of title to a Lot shall automatically become a member of the Association. Such Membership shall terminate upon the sale or other disposition by such Member of his or her Lot Owners'hip, at which time the new Owner of such Lot shall automatically become a Member of the Association.

Section 3. Definitions. The terms used in this Code of Regulations shall have the same meaning as set forth in the Declaration, unless the context shall prohibit.

ARTICLE II

Meetings of Members

Section 1. Place of Meetings. Meetings of the Association shall be held at the principal office of the Association or at such other suitable place convenient to the Members as may be designated by the Board of Trustees either in Oxford, Ohio or as convenient thereto as possible and practical. Meetings may, at the discretion of the Board of Trustees, be held virtually via video conference.

Section 2. Annual Meetings. The first meeting of the Members, whether a regular or special meeting, shall be held withing one (1) year from the date of the incorporation of the Association. The next annual meeting shall be set by the Board so as to occur no later that thirty (30) days before the close of the Association's fiscal year. Subsequent annual meetings of the Members shall be held within (30) days of the same day of the same month of each year thereafter at an hour set by the Board. The annual meeting of the Members shall be held at a date and time as set by the Board.

Section 3. Special Meetings. The President may call special meetings. In addition, it shall be the duty of the President to call special meetings of the Association if so directed by resolution of a majority of a quorum of the Board of Trustees or by a written petition signed by at least twenty-five (25%) percent of the total votes of the Association. The notice of special meetings shall state the date, time and place of such meeting and the purpose thereof. No business shall be transacted at special meeting except as stated in the notice.

Section 4. Notice of Meetings. It shall be the duty of the Secretary to mail by regular US Post, email, or cause to be delivered to the Owner of record of each Lot a notice of each annual or special meetings of the Association stating the purpose of the special meetings, as well as the time and place where it is to be held. If an Owner wishes notice to be given at an address other than his or her Lot, he or she shall designate such address by written notice to the Secretary. The mailing, emailing, or delivering of a notice of a meeting in the manner provided in this Section shall be considered service of notice. Notices shall be served not less than ten (10) nor more than sixty (60) days before a meeting.

Section 5. Waiver of Notice. Waiver of notice of a meeting of the Members shall be deemed the equivalent of proper notice. Any Member may, in writing, waive notice of any meeting of the Members, either before or after the holding of such meeting. Attendance of any Member at any meeting without protesting, prior to or at the commencement of the meeting, the lack of proper notice shall be deemed to be a waiver by him or her of such notice.

Section 6. Voting Rights. Each Lot shall have one vote. If only one of several Owners' for a Lot is present at a meeting of the Association, that Owner is entitled to cast the vote allocated to that Lot. If more than one of the Owners' is present, the vote allocated to that Lot may be cast only in accordance with the agreement of a majority in interest of the Owners'. There is majority agreement if any one of the Owners' casts a vote allocated to that Lot without protest being made promptly to the person presiding over the meeting by any of the other Owners' of the Lot. The Association may adopt rules regarding deadlocks. No votes allocated to a Lot owned by the Association may be cast.

Unless expressly reserved and the Association is notified of such reservation, a land contract vendee as defined in Chapter 5313 of the Revised Code, shall be deemed the proxy of a land contract vendor for purposes of this section.

Section 7. Proxies. A vote allocated to a Lot may be cast pursuant to a proxy duly executed by an Owner. If a Lot is owned by more than one person, each Owner of the Lot may vote or register protest to the casting of votes by the Owners' of a Lot through a duly executed proxy. An Owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the person presiding over a meeting of the Association. A proxy is void if it is not dated or purports to be revocable without notice. Except as hereinafter provided, a proxy shall terminate one year after its date, unless it specifies a shorter time. If a first mortgagee has been designated a proxy under the terms of a first mortgage covering the Lot, its presentation to the Board of a copy of the mortgage shall be notice of the proxy designation, and if the mortgage so states, of the irrevocability of that designation. Written notice to the Board or notice in a meeting of a revocation of a proxy designation shall not affect any vote or act previously taken. Each proxy shall automatically cease upon conveyance of the Lot.

Section 8. Majority of Owners'. As used in this Code of Regulations, the term majority shall mean those votes, Owners', Members or other group as the context may indicate totaling more than fifty (50%) percent of the total number.

Section 9. Quorum. Except as otherwise provided in this Code of Regulations or in the Declaration, the presence in person or by proxy of one-third (1/3) of the Members shall constitute a quorum at all

meetings of the Association. Any provision in the Declaration concerning quorums is specifically incorporated herein.

Section 10. Conduct of Meetings. The President shall preside over all meetings of the Association, and the Secretary shall keep the minutes of the meeting and record in the minute book all resolutions adopted, as well as a record of all transactions occurring thereat. The minute book may be kept as an electronic document.

Section 11. Action Without a Meeting. Any action which may be authorized or taken at a meeting of the members, except the election of Board members, may be authorized or taken without a meeting with the affirmative vote or approval, and in writing or writings signed by not less than a majority of the Members. Any such writing shall be entered into the minute book of the Association. Signatures may be holographic, or obtained electronically via email or some other electronic medium.

ARTICLE III

Board of Trustees

Section 1. Governing Body. Except as otherwise provided by law, the Articles of Incorporation, the Declaration or this Code of Regulations, all of the authority of the Association shall be exercised by or under the direction of the Board of Trustees.

Section 2. Number and Qualifications of Trustees. The Board of Trustees in the Association shall consist of five (5) members. No person and his or her spouse may serve on the Board at the same time.

Section 3. Nomination of Trustees. Except for Trustees selected by the Declarant, nominations for elections of the Board of Trustees shall be made by a Nominating Committee. The Nominating Committee shall consist of a Chairman, who shall be a member of the Board, and two (2) or more Members of the Association. The Nominating Committee shall be appointed by the Board at each annual meeting of the Members to serve from the close of such annual meeting until the close of the next annual meeting. The Nominating Committee shall make as many nominations for election to the Board as it shall in its discretion determines but in no event less than the number of vacancies or terms to be filled. Nominations shall be permitted from the floor. All candidates shall have a reasonable opportunity to communicate their qualifications to the Members and to solicit votes.

Section 4. Election of Trustees. The Trustees shall be elected at each annual meeting of the Members of the Association or at a special meeting called for the purpose of electing Trustees. At a meeting of Members of the Association at which Trustees are to be elected, only persons nominated as candidates shall be eligible for election as Trustees and the candidates receiving the greatest number of votes shall be elected. The Board may adopt rules regarding nominations and procedure for elections. Election to the Board shall be by written ballot and at such elections, the Members or their proxies may cast, in respect to each vacancy, such voting power as they are entitled to exercise under the provisions of the Declaration. The Board of Trustees may allow for Ballots to be submitted electronically.

Section 5. Term of Office; Resignations. Except for those Trustees appointed by the Declarant, each Trustee shall hold office for a term of two (2) years and until his or her successor is elected, or until his or her early resignation, removal from office, no longer an owner or death. It is intended by this Code of Regulations that the terms of the Trustees shall be staggered. The initial terms of the Trustees elected by the Owners' shall be adjusted to carry out this intent.

Any Trustee may resign at any time by oral statement to that effect made at a meeting of the Board of Trustees or in writing to that effect delivered to the Secretary of the Association. Such resignation shall take effect immediately or at such other time as the Trustee may specify. In the event of death or resignation of a Trustee, his or her successor shall be selected by a majority of the remaining members of the Board and shall serve for the unexpired term of the predecessor.

Section 6. Compensation. Members of the Board of Trustees shall serve without compensation, except that they may be reimbursed for actual expenses incurred on behalf of the Association.

Section 7. Removal of Trustees. Except for those appointed by the Declarant, at any regular or special meeting of the Association duly called, any one or more of the members of the Board of Trustees may be removed, with or without cause, by a majority vote of the Owners', and a successor may then and there be elected to fill the vacancy thus created. A Trustee whose removal has been proposed shall be given at least ten (10) days notice of the calling of the meeting and the purposes thereof and shall be given an opportunity to be heard at the meeting. Additionally, any Trustee who has three (3) unexcused absences from Board meetings or who is delinquent in payment of an Assessment for more than twenty (20) days may be removed by a majority vote of the Trustees at meeting, a quorum being present.

Section 8. Organization of Meetings. The first meeting of the members of the Board of Trustees following each annual meeting of the Members shall be held within ten (10) days thereafter at such time and place as shall be fixed by the Board.

Section 9. Regular Meetings. Regular meetings of the Board of Trustees may be held at such time and place as shall be determined from time to time by a majority of the Trustees, but at least four (4) such meetings shall be held during each fiscal year with at least one (1) per quarter.

Section 10. Special Meetings. Special meetings of the Board of Trustees shall be held when called by written notice signed by the President or Secretary of the Association, or by any two (2) Trustees. The notice shall specify the time and place of the meeting and the nature of any special business to be considered.

Section 11 Virtual Meetings. All meetings may, at the discretion of the Board of Trustees, be held virtually via video conference.

Section 12. Notice of Meetings; Waiver. Notice of the time and place of each meeting of the Trustees, whether regular or special, shall be given to each Trustee by one of the following methods: (a) personal delivery; (b) written notice by first class mail, postage prepaid; (c) by telephone communication, either directly to the Trustee or to a person at the Trustee's home or place of business who would reasonably be expected to communicate such notice promptly to the Trustee; (d) by

telegram or cablegram, charges prepaid; or (e) by email to the Trustee's primary email address on file All such notices shall be given or sent to the Trustee's address or telephone number as shown on the records of the Association. Notice sent by first class mail shall be deposited into a United States mailbox, at least four (4) days before the time set for the meeting. Notices by personal delivery, telephone, telegraph, email, or cablegram company shall be given at least seventy-two (72) hours before the time set for the meeting. Notices may also be posted at a prominent place within the Property not less than seventy-two (72) hours prior to the scheduled time of the meeting.

Waiver of notice of meetings of the Trustees shall be deemed the equivalent of proper notice. Any Trustee may, in writing, waive notice of any meeting of the Board, either before or after the holding of such meeting. Such writing shall be entered into the minutes of the meeting. Attendance of any Trustee at any meeting without protesting, prior to or at the commencement of the meeting of the lack of proper notice shall be deemed to be a waiver by him or her of notice of such meeting.

Section 13. Quorum of the Board of Trustees. At all meetings of the Board of Trustees, a majority of the Trustees shall constitute a quorum for the transaction of business, and the votes of a majority of the Trustees present at a meeting at which a quorum is present shall constitute the decision of the Board. A meeting at which a quorum is initially present may continue to transact business, notwithstanding the withdrawal of one or more Trustees, if any action taken is approved by at least a majority of the required quorum for that meeting.

Section 14. Conduct of Meetings. The President shall preside over all meetings of the Board of Trustees, and the Secretary shall keep the minutes of the meeting and record in the minute book all resolutions adopted, as well as a record of all transaction occurring thereat.

Section 15. Open Meetings. All meetings of the Board of Trustees shall be open to all Members of the Association, but Members other than the Trustees may not participate in any discussion or deliberation unless expressly so authorized by a majority of a quorum of the Board. Residents (tenants or renters) may attend meetings as determined by the Board.

Section 16. Executive Session. The Board may, with approval of a majority of a quorum, adjourn a meeting and reconvene in executive session to discuss and vote upon personnel matters, litigation in which the Association is or may become involved, or orders of business of a similar nature. The nature of any and all business to be considered in executive session shall first be announced in open session.

Section 17. Action without a Meeting. Any action which may be authorized or taken at a meeting of the Board of Trustees may be authorized or taken without a meeting with the affirmative vote or approval, and in writing or writing signed by all Trustees. Any such writing shall be entered into the minute book of the Association which shall be accessible to all Owners'.

ARTICLE IV

Officers

Section 1. Officers. The officers of the Association shall be a President, Vice President, Secretary, and Treasurer. The Board of Trustees may elect such other officers, including one or more Assistant Secretaries and one or more Assistant Treasurers, as it shall deem desirable, such officers to have the authority to perform the duties prescribed from time to time by the Board. Any two or more offices may be held by the same person, excepting the offices of President and Secretary. The President and Treasurer shall be elected from among members of the Board of Trustees.

Section 2. Election; Term of Office; Vacancies. The officers of the Association shall be elected annually by the Board of Trustees at the first meeting of the Board following each annual meeting of the Members, as herein set forth in Article III. A vacancy in any office arising because of death, resignation, removal or otherwise may be filled by the Board for the unexpired portion of the term.

Section 3. Removal of Trustees. Any officer may be removed by the Board of Trustees whenever in its judgement the best interests of the Association would be served thereby.

Section 4. Powers and Duties. The officers of the Association shall each have such powers and duties as generally pertain to their respective offices, as well as such powers and duties as may from time to time be specifically conferred or imposed by the Board. The President shall be the chief executive officer of the Association. The Treasurer shall have the primary responsibility for the preparation of the budget and may delegate all or part of the preparation and notification duties to an accountant, management agent or both.

Section 5. Resignation. Any officer may resign at any time by giving written notice to the Board of Trustees the President, or the Secretary. Such resignations shall take effect on the date of the receipt of such notice or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

ARTICLE V

Committees

Section 1. General. Except as hereinafter provided in Section 2, committees to perform such tasks and to serve for such periods as may be designated by a resolution adopted by a majority of the Trustees present at a meeting at which a quorum is present are hereby authorized. Such committees shall perform such duties and have such powers as may be provided in the resolution. Each committee shall operate in accordance with the terms of the resolution of the Board designating such committee or in accordance with rules adopted by the Board and to the full extent permitted by law.

Section 2. Executive Committee. The Board of Trustees may, by resolution adopted or signed by all of the Trustees, appoint an Executive Committee to consist of three (3) Trustees. The Board may delegate any or all of its duties to such committee. Any resolution or writing appointing such committee must acknowledge the responsibility of all the Trustees for the operation and administration of the Association.

ARTICLE VI

Determination and Payment of Assessments

Section 1. Adoption of Budget. It shall be the duty of the Board to prepare and adopt a budget covering the estimated Common Expenses of the Association for the coming fiscal year. The budget shall also include a capital contribution or reserve in accordance with a capital budget separately prepared. After adoption of the budget, the Board shall cause the summary of the budget and the Assessments to be levied against each Lot for the following year to be delivered to each Owner. Such summary shall be delivered at least thirty (30) days prior to the start of the fiscal year. The budget and Assessments shall take effect on the first day of the fiscal year.

Section 2. Capital Budget and Contribution. The Board shall annually prepare a capital budget which shall take into account the number and nature of replaceable assets, the expected life of each asset and the expected repair or replacement cost. The Board shall set the required capital contribution, if any, in an amount sufficient to permit meeting the projected capital needs of the Association, as shown on the capital budget, with respect to both amount and timing by annual assessments over the period of the budget. The capital contribution required shall be fixed by the Board and included within the budget and assessment, as provided in Section I of this Article. A copy of the capital budget shall be distributed to each Owner in the same manner as the operating budget.

Section 3. Failure to Adopt Budget. The failure or delay of the Board to adopt a budget as provided herein shall not constitute a waiver or release of the obligation of an Owner to pay the Assessments. In such event, the Assessments based upon the budget last adopted shall continue until such time as the Board adopts a new budget.

Section 4. Computation of Assessments. The Assessments for Common Expenses for each Lot shall be determined in accordance with the operating budget and the capital contribution budget as they apply to the various Lots. Unless otherwise determined by the Board, all Assessments shall be charged on an annual basis.

Section 5. Payment, Delinquency and Acceleration. Unless otherwise determined by the Board, all Assessments shall be payable monthly. Any installment of an Assessment shall become delinquent if not paid on the due date as established by the Board. With respect to each installment of an Assessment not paid within five (5) days after its due date, the Board may, at its election, require the Owner to pay a reasonable late charge, together with interest at the rate provided in Section 1343.03 of the Ohio Revised Code calculated from the date of delinquency to and including the date full payment is received by the Association. If any installment of an Assessment is not paid within thirty (30) days after its due date, the Board may, at its election, declare all of the unpaid balance of the Assessment for the then current fiscal year, attributable to that Lot, to be immediately due and payable without further demand and may enforce collection of the full Assessment and all charges thereon in any manner authorized by law, the Declaration and these Code of Regulations.

Section 6. Remedies for Default. If an Owner is in default of payment of an Assessment, the Board may authorize collection through any lawful means, including foreclosure of the lien. Interest and all costs of such collection, including but not limited to court costs, lien fees, and reasonable attorney fees

shall be included in the amount due from the Owner and may be collected. The Board may authorize the Association to bid in its interest at any foreclosure sale and to acquire, hold, lease, mortgage and convey any Lot.

ARTICLE VII

Miscellaneous

Section 1. Fiscal Year. The Association may adopt any fiscal year as determined by the Board.

Section 2. Parliamentary Rules. Except as may be modified by Board resolution establishing modified procedures, Robert's Rules of Order (current edition) shall govern the conduct of Association proceedings when not in conflict with Ohio law, the Articles of Incorporation, the Declaration, or the Code of Regulations.

Section 3. Conflicts. If there are conflicts or inconsistencies between the provisions of Ohio law, the Articles of Incorporation, the Declaration, and this Code of Regulations, the provisions of Ohio law, the Declaration, the Articles of Incorporation, and this Code of Regulations (in that order) shall prevail.

Section 4. Books and Records.

a. Inspection by Members. The membership book, account books and minutes of the Association, the Board and any committee shall be made available for inspection and copying by any Member or by his or her duly appointed representative at any reasonable time and for a purpose reasonably related to his or her interest as a Member at the office of the Association or at such other place within Butler County, Ohio, as the Board shall prescribe.

b. Rules for Inspection. The Board may establish reasonable rules with respect to:

i. notice to be given to the custodian of the records by the Members desiring to make the inspection

ii. hours and days of the week when such inspection may be made; and

iii. payment of the cost of reproducing copies requested by a Member.

c. Inspection by Trustees. Every Trustee shall have the absolute right at any reasonable time to inspect all books, records, and documents of the Association and the physical properties owned or controlled by the Association. The right of inspection by a Trustee includes the right to make extracts and copies of documents at the expense of the Association.

Section 5. Notices. Unless otherwise provided in this Code of Regulations, all notices, demands, bills, statements, or other communications under this Code of Regulations shall be in writing and shall be deemed to have been duly given if delivered personally or if sent by first class mail, postage prepaid:

a. if to a Member, at the address which the Member has designated in writing and filed with the Secretary or, if no such address has been designated, at the address of the residence of such Owner; or

b. if to the Association, the Board of Trustees, or the Managing Agent, if any, at the principal office of the Association or the Managing Agent, or at such other address as shall be designated by the Board with written notice to the Owners'.

Section 6. Amendment. Except as otherwise provided by law or the Declaration, this Code of Regulations may be amended by a majority of the Owners'.

Section 7. Financial Review. A review of the accounts of the Association shall be made annually in the manner as the Board of Trustees may decide, provided, however, after having received the Board's report at the annual meeting, the Owners', by majority vote, may require the accounts of the Association to be audited as a Common Expense by a public accountant.

IN WITNESS WHEREOF, this instrument has been executed this ____ day of _____, 2021 by Declarant, Heron Pond Owners' Association by Jan Kidd, its President and Bill Levenderis, Secretary & Treasurer.

_____ _____

By: Date
HERON POND OWNERS' ASSOCIATION,
AN OHIO NON-PROFIT CORPORATION

_____ _____

By: Date
HERON POND OWNERS' ASSOCIATION,
AN OHIO NON-PROFIT CORPORATION

STATE OF OHIO, COUNTY OF BUTLER, SS:

The foregoing instrument was acknowledged before me this _____ day of _____, 2021 by _____, President of HERON POND OWNERS' ASSOCIATION, an Ohio Non-Profit Corporation, on behalf of the Corporation.

_____
Notary Public, State of Ohio

STATE OF OHIO, COUNTY OF BUTLER, SS:

The foregoing instrument was acknowledged before me this _____ day of _____, 2021 by _____, Secretary & Treasurer of HERON POND OWNERS' ASSOCIATION, an Ohio Non-Profit Corporation, on behalf of the Corporation.

_____
Notary Public, State of Ohio

The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Zachary Moore
DATE PREPARED:	July 26, 2021
COUNCIL MEETING DATE:	August 3, 2021
AGENDA TITLE:	**PC-2021-19, FINAL PLANNED DEVELOPMENT, South Forest Edge Section One**, formerly referred to as Lake Forest Phase 1, 36 single-family condominimum dwelling units, **4Leaf Development LLC,** Applicant
CITY MANAGER/DEPT HEAD APPROVAL:	DRE 7-29-21

Proposal Summary:

Property owner 4 Leaf Development LLC is requesting approval of a Final Planned Development application for the South Forest Edge Section One residential development project, previously referred to as "Lake Forest Phase 1" during the Preliminary review stage. The Final stage offers a more detailed perspective on the development, serving as a final check for Planning Commission and Council to ensure that the plan substantially conforms to the vision and layout previously approved and that all relevant conditions pertinent to the original approval have been satisfied. Like the Preliminary Plan, the Final Plan provides buildable areas for a total of 36 single-family homes, split between two phases and connected by a pedestrian bridge.

Background:

A Preliminary Planned Development application for Lake Forest Phase 1 was approved by City Council on March 2, 2021 by Ordinance No. 3613, subject to 12 conditions. The Planning Commission staff report included analysis and/or updates on each of these conditions, taking into account the more finalized plans submitted by the applicant as part of the Final Planned Development application. Originally, the applicant had proposed Lake Forest Phase 1 (now South Forest Edge Section 1) as a single-site condominium style of development, with no actual subdivision of land taking place. Following a meeting between staff and the applicant on July 9, it was determined subdivision of lots is actually intended, thus a Final Subdivision application will need to be submitted and processed at a later date that actually shows the new lot lines to

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

be created. In other words, the units contained within the development will be "landominiums" instead of condominiums, whereby each resident will own both their own structure and the land on which it sits. Lot coverage compliance will need to be verified at the time of Final Subdivision application submittal.

Planning Commission Recommendation:

On July 13, the Oxford Planning Commission held an in-person public hearing and reviewed the case and the decision standards. Discussion and questions mostly revolved around the following subjects: (1) the recommended condition regarding building architecture, most specifically the prohibition of vinyl siding; (2) whether the proposed courtyard and benches in the central green satisfactorily fulfilled the Code requirement for an active amenity; (3) whether the developer would entertain a Neighborhood Conservation Overlay to ensure the resulting development would be non-student; and (4) verification of lot coverage compliance.

Mr. Scott Webb, who had been the applicant for the Preliminary application, provided comments to the Commission. Mr. Webb felt the Neighborhood Conservation Overlay was not the appropriate vehicle for maintaining the development as non-student housing, stating his view that the Overlay is meant to be pursued by the future residents, not by the developer. Provisions are included in the submitted HOA Declaration which would limit the number of rentals allowed.

Upon closure of the public hearing and following further discussion, the Commission voted 6-0-0 (with 1 member absent) to recommend approval of the application subject to the following 11 conditions:

1. Final PD 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.

2. Units accessed by Ashford Oak Drive and Aspen Path shall constitute Phase 1 and units accessed by Lilac Lane shall constitute Phase 2. Construction activity may occur in either Phase at any time and may be simultaneous; however, all above-ground infrastructure directly associated with each Phase, including streets, parking, lighting, and sidewalks shall be in place prior to approval of each Phase's first Building Permit. Exceptions are made for: (1) sidewalks and lighting along private streets, which may be built incrementally with the construction of each dwelling unit; and (2) infrastructure features contained within the central green area of Phase 1 which shall be completed no later than Building Permit approval of eighteen (18) of the twenty four (24) dwelling units planned within that Phase.

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

3. No more than twenty four (24) units shall receive Building Permit approval prior to construction of the pedestrian bridge linking Phases 1 and 2.
4. All landscaping shall be in place at an appropriate time per the timing of construction activity as determined by the Zoning Administrator.
5. All sidewalks shall have a minimum width of five (5) feet.
6. The cluster mailbox unit (CBU) serving Phase 2 (Lilac Lane) shall be relocated to the cul-de-sac, in proximity to where the pedestrian bridge walkway intersects the main sidewalk. An alternate location may be explored administratively if requested by USPS.
7. Street lighting and street trees shall be provided along the entire frontage of Lake Forest Drive leading up to Southpointe Parkway.
8. Building architecture shall generally conform to the style depicted in the submitted rendering.
9. On-street parking shall be prohibited on both sides of all new private streets.
10. The following shall be approved, signed and/or recorded as necessary prior to approval of the project's first Building Permit: (1) Final PD Plan; (2) Construction Drawings; (3) Financial Security for public and private improvements; (4) Right-of-Way Dedication Plat, Easement Plat, and/or Record Plat as appropriate; and (5) HOA Declaration/Agreement.
11. Notwithstanding the Final PD conditions listed above, all other Preliminary PD conditions per Ord No. 3613 shall remain valid to the development as may be applicable.

ORDINANCE NO.

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

WHEREAS, Council hereby finds the Planning Commission held a public hearing on July 13, 2021 in accordance with Chapter 1145 of the Codified Ordinances of the City of Oxford, on the application of 4 Leaf Development LLC, for a Final Planned Development for South Forest Edge Section One consisting of 11.33 acres with 36 detached single-family condominium dwelling units; and

WHEREAS, the Planning Commission, after due deliberation found the application satisfied the basic 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 Forest Edge Section One 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 Forest Edge Section One with the following conditions:

1. The validity of the Final Planned Development approval shall be extended from 1 year per the Zoning Code to 5 years, with an opportunity for the Planning Commission to grant an additional 1-year extension per the Zoning Code.
2. Units accessed by Ashford Oak Drive and Aspen Path shall constitute Phase 1 and units accessed by Lilac Lane shall constitute Phase 2. Construction activity may occur in either Phase at any time and may be simultaneous; however, all aboveground infrastructure directly associated with each Phase, including streets, parking, lighting, and sidewalks shall be in place prior to approval of each Phase's first Building Permit. Exceptions are made for: (1) sidewalks and lighting along private streets, which may be built incrementally with the construction of each dwelling unit; and (2) infrastructure features contained within the central green area of Phase 1 which shall be completed no later than Building Permit approval of eighteen (18) of the twenty four (24) dwelling units planned within that Phase.
3. No more than twenty four (24) units shall receive Building Permit approval prior to construction of the pedestrian bridge linking Phases 1 and 2.
4. All landscaping shall be in place at an appropriate time per the timing of construction activity as determined by the Zoning Administrator.
5. All sidewalks shall have a minimum width of five (5) feet.
6. The cluster mailbox unit (CBU) serving Phase 2 (Lilac Lane) shall be relocated to the cul-de-sac, in proximity to where the pedestrian bridge walkway intersects the main sidewalk. An alternate location may be explored administratively if requested by the USPS.
7. Street lighting and street trees shall be provided along the entire frontage of Lake Forest Drive leading up to Southpointe Parkway.
8. Building architecture shall generally conform to the style depicted in the submitted rendering.

9. On-street parking shall be prohibited on both sides of all new private streets.
10. The following shall be approved, signed, and/or recorded as necessary prior to approval of the project's first Building Permit: (1) Final Planned Development Plan; (2) Construction Drawings; (3) Financial Security for public and private improvements; (4) Right-of-Way Dedication Plat, Easement Plat, and/or Record Plat as appropriate; and (5) HOA Declaration/Agreement.
11. Notwithstanding the Final Planned Development conditions listed above, all other Preliminary Planned Development conditions per Ordinance No. 3613 shall remain valid to the development as may be applicable.

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/JASON BRACKEN

PREPARED BY: LAW (STAFF)

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

MEMORANDUM

Community Development Department
513-524-5204

TO: Oxford Planning Commission

FROM: Zachary Moore, AICP
Planner

DATE: July 9, 2021

RE: PC-2021-19 | South Forest Edge Section One

Bridge Details

Attached to this memo are additional bridge construction plans and details received from the applicant following the release of the original July 13 meeting packet.

Future Step for Final Plat

Staff met with the applicant on July 9 and determined it was likely land would actually need to be divided in order to create the building pads for the individual units. Previous to this, staff was under the impression that the proposal would constitute a "single site" development and thus wouldn't require any divisions of land, only right-of-way dedication and establishment of easements by way of an Easement Plat. Normally the division of land constitutes a subdivision, requiring both a Preliminary Subdivision review and a Final Subdivision review prior to recordation of a Final Plat.

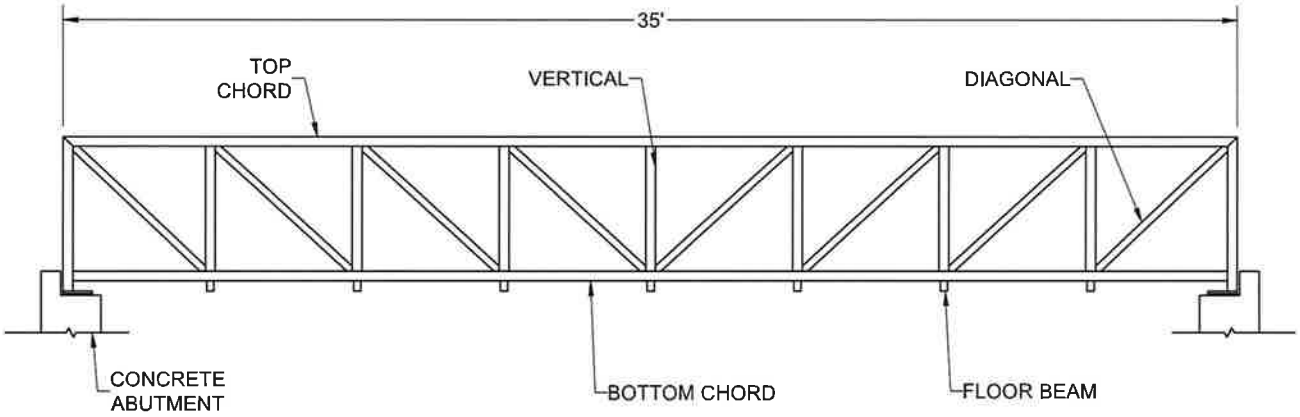
In cases involving a subdivision that is also a Planned Development, such applications have been processed concurrently in the past and follow the exact same approval procedure entailing a recommendation from Planning Commission and a decision by City Council. Because the proposed development is also a Planned Development and has had infrastructure aspects extensively reviewed during the initial Preliminary Planned Development process, staff believes the Final Planned Development application can be considered as presented but then eventually followed by a Final Subdivision application which would depict the actual subdivision of land taking place to create fee simple lots for individual owners.

The primary concern to be worked out related to the division of actual lots is verifying maximum coverage compliance. The staff report addressed this topic by indicating that the maximum possible overall coverage for the development as proposed was 58%. The applicant intends to share their record plat exhibit soon so that a more definitive coverage estimate can be derived. The maximum coverage for residential developments per the Planned Development Chapter of the Zoning Code is 40%. The Preliminary Plan had only shown conceptual building footprints and driveways, which altogether

constituted 31.4%. The applicant believes they can stay within the 40% limit. Staff can review the drafted record plat once prepared, to better verify coverage compliance.

BRIDGE SUMMARY

Connector Pedestrian Bridge 35' Span x 6' Width
Deck Type: Concrete
Bridge Finish: Painted Black



BRIDGE ELEVATION

The graphic information and details contained in these plans is schematic in nature. The plans, elevations and sections have been developed automatically in a way that demonstrates your current input in a relative and proportional manner. The details included in these plans have been selected to represent commonly built construction assemblies. These are not Engineering drawings, and as such, the details may vary in the final design for your project depending on many variables that are selected in your final scope of work and specifications.

PRELIMINARY
NOT FOR CONSTRUCTION

MARK	DATE	REVISION DESCRIPTION	BY

CONTECH ENGINEERED SOLUTIONS LLC
www.contechES.com
9025 Centre Pointe Dr., Suite 400, West Chester, OH 45069
800-338-1122 513-645-7000 513-645-7993 FAX

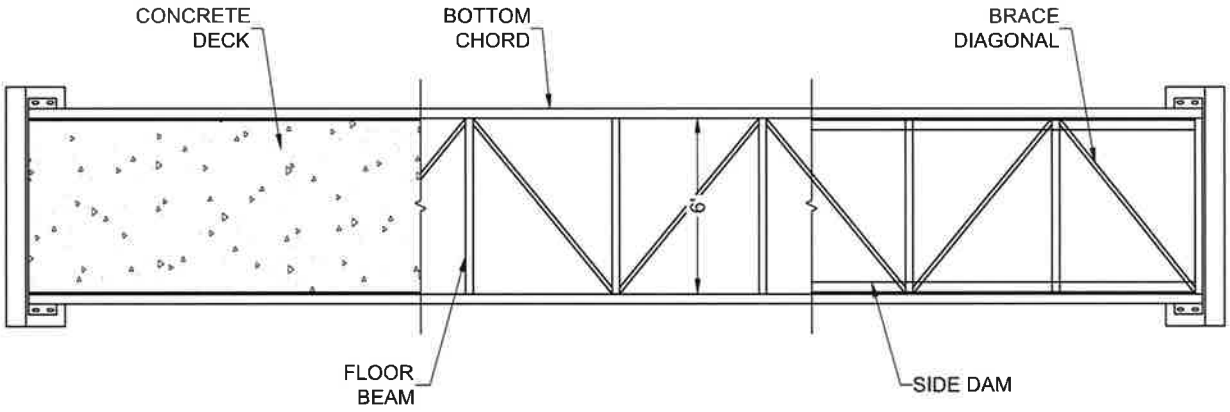
CONTINENTAL BRIDGE

CONTECH DYOB® DRAWING

Connector® 35' Span x 6' Width
South Forest Ddge
Pedestrian Bridge
Oxford, Ohio

PROJECT NUMBER	DATE
219675	7/6/2021
DESIGNED	DRAWN
DYOB	DYOB
CHECKED	APPROVED

SHEET NO. 1 OF 4



BRIDGE PLAN

The graphic information and details contained in these plans is schematic in nature. The plans, elevations and sections have been developed automatically in a way that demonstrates your current input in a relative and proportional manner. The details included in these plans have been selected to represent commonly built construction assemblies. These are not Engineering drawings, and as such, the details may vary in the final design for your project depending on many variables that are selected in your final scope of work and specifications.

PRELIMINARY
NOT FOR CONSTRUCTION

MARK	DATE	REVISION DESCRIPTION	BY

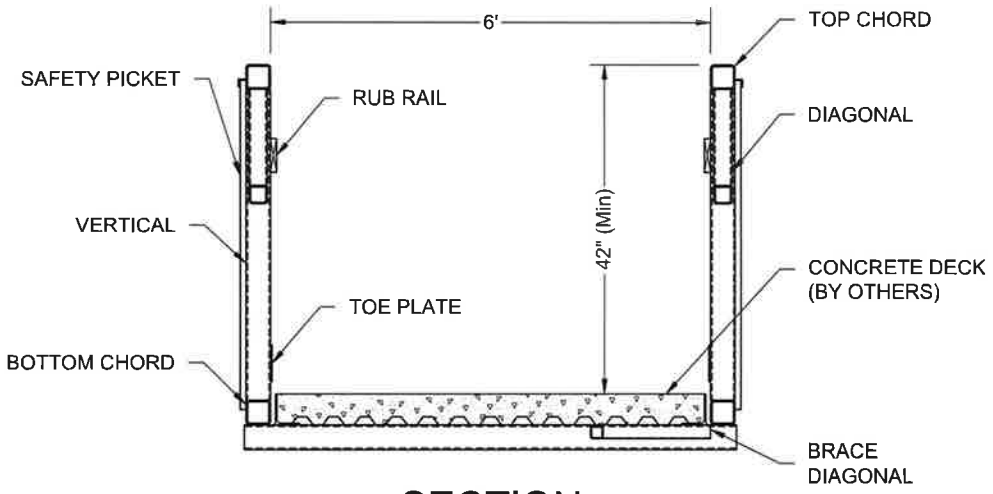
CONTECH ENGINEERED SOLUTIONS LLC
www.contechES.com
9025 Centre Pointe Dr., Suite 400, West Chester, OH 45069
800-338-1122 513-645-7000 513-645-7993 FAX

CONTINENTAL BRIDGE

CONTECH DYOB® DRAWING

Connector® 35' Span x 6' Width
South Forest Ddge
Pedestrian Bridge
Oxford, Ohio

PROJECT NUMBER	DATE
219875	7/6/2021
DESIGNED: DYOB	DRAWN: DYOB
CHECKED:	APPROVED:



SECTION

The graphic information and details contained in these plans is schematic in nature. The plans, elevations and sections have been developed automatically in a way that demonstrates your current input in a relative and proportional manner. The details included in these plans have been selected to represent commonly built construction assemblies. These are not Engineering drawings, and as such, the details may vary in the final design for your project depending on many variables that are selected in your final scope of work and specifications.

PRELIMINARY
NOT FOR CONSTRUCTION

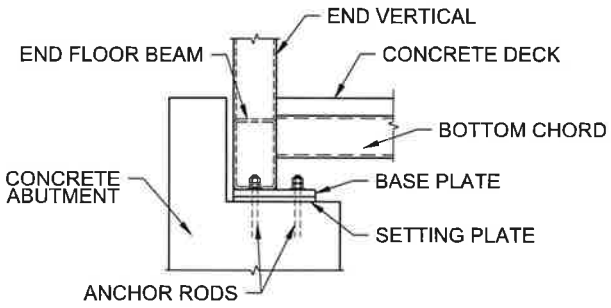
MARK	DATE	REVISION DESCRIPTION	BY

CONTECH ENGINEERED SOLUTIONS LLC
www.contechES.com
9025 Centre Pointe Dr., Suite 400, West Chester, OH 45069
800-338-1122 513-645-7000 513-645-7993 FAX

CONTINENTAL BRIDGE
CONTECH DYOB® DRAWING

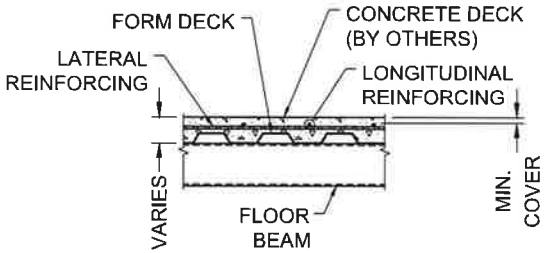
Connector® 35' Span x 6' Width
South Forest Ddge
Pedestrian Bridge
Oxford, Ohio

PROJECT NUMBER	DATE
219875	7/6/2021
DESIGNED: DYOB	DRAWN: DYOB
CHECKED:	APPROVED:
SHEET NO: 3 OF 4	

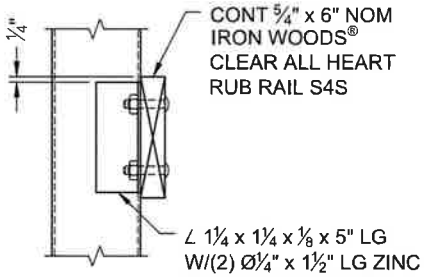


BEARING SIDE VIEW

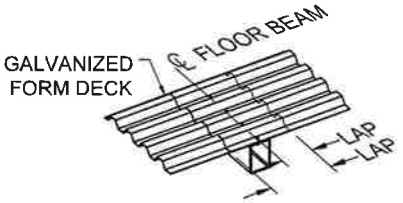
INFORMATION PROVIDED FOR REPRESENTATION ONLY.
ACTUAL BEARING DIAGRAMS TO BE BASED ON FINAL DESIGN.



CONCRETE DECK REINFORCING



RUB RAIL DETAIL



FORM DECK DETAIL

The graphic information and details contained in these plans is schematic in nature. The plans, elevations and sections have been developed automatically in a way that demonstrates your current input in a relative and proportional manner. The details included in these plans have been selected to represent commonly built construction assemblies. These are not Engineering drawings, and as such, the details may vary in the final design for your project depending on many variables that are selected in your final scope of work and specifications.

PRELIMINARY
NOT FOR CONSTRUCTION

MARK	DATE	REVISION DESCRIPTION	BY

CONTECH ENGINEERED SOLUTIONS LLC
www.contechES.com
9025 Centre Pointe Dr., Suite 400, West Chester, OH 45069
800-338-1122 513-645-7000 513-645-7993 FAX

CONTINENTAL BRIDGE
CONTECH DYOB® DRAWING

Connector® 35' Span x 6' Width
South Forest Ddge
Pedestrian Bridge
Oxford, Ohio

PROJECT NUMBER	DATE
219875	7/6/2021
DESIGNED: DYOB	DRAWN: DYOB
CHECKED:	APPROVED:
SHEET NO.: 4 OF 4	

Case No:
PC-2021-19

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Meeting Date:
July 13, 2021

STAFF REPORT

Community Development | Planning Commission

APPLICATION DETAILS

Applicant	4 Leaf Development LLC
Location	1986 Lake Forest Drive – Parcel ID H4100143000006
Owner	4 Leaf Development LLC
Engineer	Bayer Becker, c/o Etta Reed, PE
Action Request	Final Planned Development (PD)
Development Name	South Forest Edge Section One
Current Use	Vacant Land
Current Zoning	R-2A Single- and Two-Family Medium Density Residential District
Total Site Area	11.33 acres
Surrounding Land Uses	Single-Family Residential to the north and across US 27 to west; Vacant land across Lake Forest Drive to south and east
Staff Recommendation	**Approval**, subject to recommended conditions

PROPOSAL SUMMARY

Property owner 4Leaf Development LLC is requesting approval of a Final Planned Development application for the South Forest Edge condominimum project, previously referred to as "Lake Forest Phase 1" during the Preliminary review stage. The Final stage offers a more detailed perspective on the development, serving as a final check for Planning Commission and Council to ensure that the plan substantially conforms to the vision and layout previously approved and that all relevant conditions pertinent to the original approval have been satisfied.

Like the Preliminary Plan, the Final Plan provides buildable areas for a total of 36 single-family homes, split between two phases and connected by a pedestrian bridge. The developer's submitted application includes the actual proposed Final PD plan as a single sheet (which is to be eventually recorded with the Butler County Recorder), as well as construction drawings which are currently being reviewed administratively by City staff under a separate application. The construction drawings, although not constituting the official plan under consideration with this approval, provide additional details and context for staff, the Planning Commission, and Council to consider.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners and a sign was posted at the front of the property. A public comment was received from Ms. Tami Kuginskie, who resides at 3926 Oxford Millville Road adjacent on the north side of the subject site.

DEPARTMENT COMMENTS

Below are comments from City departments:

Department	Respondent	Response
Economic Development	Seth Cropenbaker, Assistant to the City Manager	Returned with Comments
The character of this development helps meet a critical need for affordable housing within the Oxford Community. *The planned development also includes a Home Owners Association that would provide for the outdoor maintenance of the properties, further supporting housing options/opportunities for populations with restricted access to home-ownership and upkeep.* *The location of the development lends itself to ownership and occupancy by non-students, further addressing a housing need in Oxford.* *With the information presented, the City's Economic Development staff support this project without concern.*		
Engineering	Scott Otto, City Engineer	Returned with Comments
The proposed construction plans show a 4' wide sidewalk along the private streets. A 5' wide sidewalk is the minimum width on public streets and is the typical minimum width used in recent PUD's or other developments. *Provide additional information for the proposed width and material of the pedestrian path and bridge between Lilac Lane and Ashford Oak Dr.* *Development of an Easement Plat for this PUD will need to stipulate maintenance responsibility for water and sanitary sewer utilities within the proposed Utility and Access Easements.*		
Fire	John Detherage, Fire Chief	Returned without Comments
Police	John Jones, Police Chief	Returned without Comments

SITE HISTORY

The site has been involved in numerous past applications and approvals by entities including the City of Oxford, as well as Butler County prior to annexation. A summary of relevant case history is provided below:

- **16 Dec 2004, Preliminary PUD Approval: Butler County Commissioners approve application from 4-Leaf Development LLC to rezone approximately 174 acres of land from A-1 to B-PUD**

& R-PUD, by Res. 04-12-3188. A few notable requirements included a boulevard connector road, density cap of 12 du/ac, screening/mounding to block view of the PUD from US 27 and adjoining properties, and a minimum 50-foot wide perimeter buffer. Originally the area was planned as a combination of residential and office "tech park" uses.

- 23 May 2006, Development Agreement: **City of Oxford enters into a Development Agreement with 4-Leaf Development LLC and OXO1 Ltd.** The agreement provided that the property would be zoned consistent with the prior-approved PUD.

- 7 Aug 2007, Annexation & Zoning Map Amendment: **City Council accepts annexation petition by Ord. No. 2965 and rezones PUD property to Oxford zoning classifications OI, R3, R1A, and R2A by Ord. No. 2966.** These zoning classifications were found to most closely align with the PUD previously approved by the County. The Planning Commission minutes and staff report at the time reflected staff's position that all areas rezoned to City zoning classifications should have a PUD overlay; however, the official adopted Ordinance did not give any mention to a PUD being retained.

- 2 March 2021, Preliminary Planned Development: **City Council by Ord No. 3613 approves the Preliminary Planned Development application from Scott Webb, Architect for "Lake Forest Phase One" consisting of 36 detached dwelling units on 12.63 acres.** Council approved the request subject to 12 conditions, most notably a requirement for a Neighborhood Conservation Overlay or HOA restrictions to ensure variety of dwelling unit types/sizes as well as traditional single-family occupancy. The approval also mandated the HOA agreement be reviewed by City staff and the Law Director.

COMMENTARY

Staff comments on site conditions and a number of key development aspects are provided below:

- **Conformance with Preliminary Plan:** Staff finds that the submitted Final PD Plan substantially conforms to the previously approved Preliminary PD Plan. The private street network remains virtually the same, while some building sites have slightly shifted position. The most notable difference between the two plans is the relocation of the cul-de-sac street intersection with Lake Forest Drive, moving approximately 15 feet further east to accommodate additional stacking distance for vehicles turning either left or right onto US 27. Following a decision on the Final PD, additional instruments/approvals will be necessary prior to beginning construction including a Dedication Plat to expand right-of-way along US 27, as well as an Easement Plat to record access and utility easements across the site.

- **Homeowners Association Declaration and Restrictions:** The applicant has included a draft HOA Declaration in the Final PD submittal. The Association will be established for the purpose of maintaining common areas including those for open space, streets, stormwater quality basins, and landscaping. The draft Declaration is currently under review by the Law Director. Community Development staff would like to note that the term "Lot" is frequently used in the Declaration, referring to separate parcels of land recorded on a subdivision plat; this term may not be an appropriate one, given that approvals up to this point have not acknowledged the proposed development as a subdivision. The term "Common Area" is also used to differentiate from areas devoted to Lots, where such areas would more directly fall under the responsibility of the HOA. Another key provision worth noting is in ***Section 8.11*** of the Declaration, which specifies that no more than 3 dwelling units may be leased at any given time, in order to prevent the complex from becoming predominately renter-occupied.

- **Landscaping/Screening:** The applicant has provided detailed landscaping plans for the site, including plantings along the perimeter of US 27 and Lake Forest Drive, within the storm water

features, and in tree lawns along all private streets. It should be noted that street trees along Lake Forest Drive are not shown to extend all the way to Southpointe Parkway, stopping short near the northern extent of dwelling unit construction. The grading plan demonstrates that there will be mounding along perimeter frontages as originally proposed, though it is not clear from the contours what the resulting height will be. The Preliminary PD approval had also included a condition requiring an active recreational amenity and additional landscaping to be provided in the central green space; in response, the latest proposed plans show a new walkway spanning the middle of the green, with park benches and landscape beds.

- **Lighting:** A total of 7 light pole locations are depicted in the latest set of construction drawings. These are intended to be antique style (municipal grade Venia 4005) and will be limited to no more than 16 feet in height per Code. The Preliminary PD approval required lighting to be constructed along all private streets as well as along Lake Forest Drive. The provision of adequate lighting along Lake Forest Drive appears to be missing from the construction drawings.

- **Lot Coverage:** The Planned Development Code mandates that lot coverage be regulated according to the underlying zoning district, though for any residential portion it shall not exceed **40%**. The normal maximum lot coverage in the R-2A district is **35%**. The Preliminary PD Plan had shown conceptual building footprints and driveways to demonstrate how the coverage could be kept below the Code parameters, resulting in a preliminary coverage calculation of **31.4%.** Now at the Final stage, building footprints and driveway surfaces have been eliminated from the plan and instead translated into "buildable areas" within which dwelling units and other developed surfaces may be constructed. In addition, buildable areas are labeled as being "typical," meaning they are actually not locked into place, further complicating the verification of lot coverage compliance as the development is built out. At this time, when subtracting out all features which are confirmable as undeveloped and/or open space, the maximum resulting coverage for the entire site is around **58%**. Faced with this reality, the Planning Commission could choose to do one of the following: (1) accept 58% as the maximum possible coverage in the form of a waiver request, understanding that the actual resulting coverage could be much lower; or (2) mandate that building footprints and driveways be shown at the Final stage. Alternatively, the applicant could choose to pursue subdivision approval procedures to actually create separate fee simple lots on which residents could build homes, which would help to better frame not only coverage but also setback compliance.

- **Mail Delivery:** The plan shows two locations for Cluster Box Units (CBUs), one in the central green area (Phase 1) and one on Lilac Lane near the intersection with Lake Forest Drive (Phase 2). The CBU location in Phase 2 seems problematic, given its close proximity to the intersection. Staff recommends the CBU be relocated further down the street, positioned on the cul-de-sac bulb near the pedestrian bridge walkway.

- **Non-Vehicular Mobility:** Sidewalks are to be constructed on both sides of all new private streets, along the west side of Lake Forest Drive, and along the east side of US 27. The new sidewalk will connect to existing walkway at the far eastern end of Southpointe Parkway, which will enable residents to walk between developments and also reach the new gas station and retail currently under construction at 3600 Southpointe Parkway. The construction drawings also depict an access easement to be dedicated between Magnolia Drive and Lake Forest Drive, corresponding to one of the conditions of the Preliminary PD approval. Internal sidewalks along private streets are proposed to be 4 feet wide, while public sidewalks along Lake Forest and US 27 will meet the City's minimum width spec of 5 feet.

- **Open Space and Tree Preservation:** The proposed plan contains **2.82 acres** devoted to open space, or **24.9%** of the overall development site, which complies with the minimum 20% required for a Planned Development. Areas delineated as open space contain a variety of features, including

stormwater quality basins, common space (central green), a pedestrian bridge, and a maintenance building. The Preliminary PD staff report spoke to the application of the City's recently adopted Tree Ordinance (Zoning Code Chapter 1148), mentioning the fact that the applicant had not provided a tree survey but was looking to provide open space around the dwelling units. With open space boundaries now more clearly delineated at the Final stage, this offers a more concrete look at the maximum reach/extent of building construction. If approved as proposed with only open space delineated but lacking either a tree survey component or a legal mechanism for conservation, this would be accepting the reality that additional trees on open space edges could very likely be cut down for the sake of construction activities and/or grading. In other words, the tree preservation and documentation requirements of Chapter 1148 could simply be waived, which is possible for the Planning Commission and Council to do per the flexibility afforded to Planned Developments. The general sentiment expressed by the Planning Commission during the Preliminary review was that the tree specimens observed on this site were not of a size or quality that seemed to warrant additional surveying or study, as opposed to land on the opposite side of Lake Forest Drive.

- **Signage:** No new signage details have been shared since approval of the Preliminary PD. If the developer chooses to install gateway-style signage in the future, staff recommends the standards of ***Section 1151.05(d)(2)*** apply even though this development is not technically a subdivision; this would allow for 1 freestanding sign per intersection with Lake Forest Drive.

- **Stormwater Management:** One of the Preliminary PD conditions pertained to soil suitability for the proposed water quality and storage functions on site. The submitted application for the Final PD contains correspondence from geotechnical firm S&ME specifying that soils in the vicinity of the northern water quality basin "will retain water for some time and are generally good ... for use as pond liners." During the Preliminary PD review, Butler S&W had expressed concern regarding the suitability of soils for the northern basin.

- **Sewer & Water Utilities:** The submitted construction drawings show proposed 8-inch sewer and water main locations throughout the development. Most of these fall within a 67.5-foot wide utility/access easement to be dedicated along the private streets, though some mains will need to be located within their own easements to traverse certain portions of the site. The City Engineer has commented that laterals serving individual units will be a private responsibility, even though these will be located within the 67.5-foot easement.

- **Streets & Traffic Circulation:** The proposed street network and traffic circulation is virtually the same as was presented during the Preliminary PD review. The width of the internal private streets has increased from 24 feet to 27.5 feet between the Preliminary and Final, though this increase is only due to the incorporation of rollback curbing. Access easements are planned at a width of 67.5 feet, to encapsulate streets, tree lawns, sidewalks, and front yard areas between buildings and sidewalks. The front yard setback (building line) is 20 feet from the back of street curbs.

REVIEW OF PRELIMINARY PD CONDITIONS

The table below lists the 12 conditions that went with the Lake Forest Phase One Preliminary PD approval (Ordinance No. 3613). An update and/or analysis is provided for each based on the application contents submitted for the Final PD. Each condition is rated as either: **On Track**, meaning the Final PD has been appropriately revised or appropriate steps are currently underway or being taken by the applicant to fulfill the condition; or **Deserves Attention**, meaning there may be a lack of detail, or a judgment call to make regarding the fulfillment of the condition that the Planning Commission should consider.

Number	Condition	Status
1	*The building height shall be regulated per the underlying zoning district.*	On Track
	This condition only serves to help clarify application of code during administrative review of Building Permits. No action or discussion is needed from the Commission on this particular condition.	
2	*A variety of dwelling unit types/sizes, to include varying numbers of bedrooms per unit, shall be accommodated to ensure residential development conforms to the uses and intensity described in the application and supporting traffic study documentation as traditional single family the developer agrees to pursue a Neighborhood Conservation Overlay or HOA restrictions or similar measure.*	**Deserves Attention**
	The applicant has provided the same dwelling unit renderings previously shared at the Preliminary stage, and has not provided any sample floor plans or other information that would communicate the range in number of bedrooms anticipated. The applicant did not previously submit a letter of intent to establish a Neighborhood Conservation Overlay during the Preliminary stage, nor was one included in the application at this stage. However, a provision is proposed in the draft HOA Declaration that would limit the number of rented units to no more than 3, with certain exceptions that may be approved by the HOA Board due to undue hardship, including: (1) when an owner has a residence on the market for 90 days and is unable to sell; (2) where an owner dies and the residence is administered by an estate; and (3) where an owner intends to take a leave temporary leave of absence and intends to return at a later date, in which case renewal is required by the HOA Board every lease term. Proposed leasing provisions can be found on pages 20 through 22 of the draft HOA Declaration.	
3	*A Landscaping Plan which includes details on tree species, size/caliper inches and locations, as well as berm/mounding heights, shall be reviewed and approved as part of the Final Planned Development. Street trees shall be provided along Lake Forest Drive.*	**Deserves Attention**
	Mounding heights are not clear from the provided contour plans. Street trees are not provided along the entire stretch of Lake Forest Drive, only next to the dwelling unit development areas and stopping short near the bridge over Lick Run.	
4	*Appropriate lighting shall be provided along all proposed private streets, as well as along the Lake Forest Drive frontage including at the intersection with US 27. Lighting details shall be reviewed and approved as part of the Final Planned Development.*	**Deserves Attention**
	The applicant proposes 7 antique-style lamp posts interior to the development, but no street lighting of any kind is shown along Lake Forest Drive as was required by the Preliminary PD approval.	
5	*Sidewalk shall be constructed (or financial security provided) along the entire property frontage of U.S. 27. Sidewalk shall be constructed along the entire frontage of Lake Forest Drive to Southpointe Parkway. Additional right-of-way along U.S. 27 shall be dedicated per the Oxford Thoroughfare Plan and staff discretion.*	On Track

	All of these measures are actively being addressed by the applicant. The proposed plans account for additional territory being dedicated along US 27, and the developer has chosen to construct the US 27 sidewalk as opposed to setting up an escrow.	
6	*An active recreational amenity and additional landscaping shall be provided in the central green space, the details of which shall be reviewed and approved as part of the Final Planned Development.*	**Deserves Attention**
	The submitted plan provides a "half-moon" shaped courtyard area with 3 benches in the center of the central green space in Phase 1, accompanied by additional landscape beds. The Commission may want to consider whether this feature sufficiently constitutes an "active" recreational amenity for the development. Such improvements will need to be bonded.	
7	*A professionally qualified geotechnical engineer shall perform on-site investigation(s) as deemed necessary by staff to determine the suitability of existing soil and ground conditions for proposed water quality and/or storage functions. If conditions are found unsuitable, additional measures or management practices shall be outlined by the engineer and followed by the developer to mitigate the conditions.*	On Track
	This condition is proving to be a useful reminder for communications between the Service Department and the applicant, in working toward ensuring that on-site conditions are properly studied. It is Community Development staff's opinion that no further action or discussion on this condition is needed from the Commission at this time.	
8	*Financial security/bonding of improvements shall be determined during or after the Final Planned Development review. The Final Planned Development shall be reviewed and approved prior to approval of construction drawings, bonds, or the signing of an Easement Plat.*	On Track
	The applicant has submitted construction drawings early with the understanding that it is to get the ball rolling in terms of receiving comments from City departments in anticipation of a Final Planned Development approval. The Community Development Department will not approve the construction drawings until a Final PD is approved by Council.	
9	*Building architecture shall generally conform to the style depicted in Rendering A-1 (dated November 30, 2020). Architectural aspects may be further considered and refined as part of the Final Planned Development, including a design for the proposed caretakers shed.*	**Deserves Attention**
	The applicant has again provided the same dwelling unit renderings previously shared at the Preliminary stage. A condition written in this manner can prove effective, though it can sometimes lead to disagreements since it is applied in a more subjective manner. The Commission could entertain more specific standards, or the applicant could volunteer their own standards for consideration. At a minimum, the use of certain exterior materials (such as vinyl) could be better clarified.	
10	*The Planning Commission may review utility details (such as those for electric, gas, mail delivery, garbage collection, etc.) as part of the Final Planned Development, including proposed accommodations, accessibility, screening, or other characteristics as may be applicable.*	**Deserves Attention**

	The Commission should give consideration to the location of the cluster mailbox unit associated with Phase 2 (Lilac Lane). It is currently shown to be located only 45 feet or so away from the intersection of Lilac and Lake Forest. Staff recommends relocating to the cul-de-sac bulb area, near where the pedestrian walkway intersects the sidewalk. Staff is still awaiting details on how garbage collection is to be handled internal to the development.	
11	*The HOA agreement shall be reviewed by City staff and the City Law Director.*	On Track
	This is currently underway. The approval and recordation of the HOA Declaration can occur in an administrative manner independent of, and following, Final PD approval by Council.	
12	*A pedestrian access easement shall be granted across the triangular sliver of land between Lake Forest Drive and Magnolia Drive; for potential future pedestrian connectivity.*	On Track
	This future easement is depicted on the construction drawings. This easement, along with all others, will eventually need recorded as part of an Easement Plat or Record Plat as appropriate.	

DECISION CRITERIA

All Planned Developments shall satisfy the General Decision Standards provided in ***Section 1145.06(b)***. The standards found within this section are below with updated staff analysis provided for each. It should be noted that the main decision standards (#s 1-13) have already been considered and acknowledged as part of the Preliminary PD, so the Commission should now primarily focus its attention on the Additional Final Plan Decision Standards (#1-3) listed at the end of this section.

General Decision Standards

1. **The proposed planned development is in fact permitted in the zoning districts in which it is proposed.**
   The underlying R-2A zoning district allows single-family and two-family principal uses by-right. However, when undergoing a Planned Development process, any residential land use is potentially permissible so long as the resulting density is at or below what would be allowed under the straight zone. This proposal is technically multi-family residential, given that multiple principal buildings will be constructed on a single site, even though each building will have an appearance and function akin to a single-family unit. The proposed development satisfies this criterion, due to the planned density of 3.18 du/ac being lower than the district density of 7.26 du/ac.

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 purpose of the R-2A zoning district is to "provide and preserve neighborhoods of smaller single-family residences within and adjacent to areas of similar development." By providing a condominimum housing development embodying the character of a single-family neighborhood, staff believes the general intent of the Zoning Code is satisfied.

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

The Oxford Comprehensive Plan designates this site and areas to the north and east of it (within the corporate limits) as being in a "Neighborhood General 3" character area, defined as areas of newer development where curvilinear street patterns and cul-de-sacs may be found. Map 3.6 (Conservation and Development Map) establishes preferred land uses for undeveloped sites within the City limits. Map 3.6 designates the site for "Traditional Neighborhood Development," which calls for residential development to have a distinct center and edge, open spaces, well designed streets and public spaces, and multiple housing options.

5. **The size and shape of the site are sufficient for the proposed planned development.**
Because this Final PD Plan substantially conforms to the previously approved Preliminary PD, the Commission should not weigh this criterion too heavily at this stage.

6. **The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.**
The subject site is largely isolated from other nearby developed pockets of the city. Those most directly impacted will be the residents currently residing along US 27, especially those immediately west and north. The proposed mounding and landscaping along the perimeter should help to screen the new units from those already located along the west side of the corridor. Additional stormwater runoff and traffic will be natural results of developing additional residential housing.

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.**
This criterion is generally not applicable to a residential proposal, as these concepts generally refer to activities or processes associated with commercial or industrial businesses.

8. **Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.**
The applicant intends to prohibit the construction of accessory structures/uses, such as storage sheds, swimming pools or greenhouses, privately by means of the HOA Declaration. No architectural plans for the proposed caretaker's shed have been submitted at this time; therefore, these will ultimately be reviewed at the Building Permit stage.

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.**
The developer will need to extend the sewer utility from the Wastewater Treatment Plant to the site in order to service the new units. The developer will need to coordinate with the appropriate parties in the City's Service Department so that provisions for a sanitary sewer extension can be properly executed. Water service is already available to the site, via an existing main built at the same time as Lake Forest Drive. Storm sewers are to be constructed to convey stormwater into two landscaped water quality basins built to meet EPA requirements. Mail delivery will be handled by installing combined mailbox units in accordance with USPS policy. Additional lighting details along Lake Forest Drive are needed to fulfill a condition of the Preliminary PD approval.

10. **Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.**
It is the Community Development Department's understanding that the developer will be responsible for the entire cost of extending sanitary sewer service to the site. All other infrastructure improvements will also be at the developer's cost. It is understood from prior discussions that a new Traffic Impact Study will need to be performed if the number of dwelling units served by Lake Forest Drive exceeds 206; 57 of these units are currently "in process" via this application for 36 units and the South Forest Edge subdivision to the east of Lake Forest Drive planned to contain 21 lots/units.

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.**
The site is currently vacant/undeveloped, so this proposal will in effect be establishing a new character for the area. Staff believes the intended neighborhood character and marketing to empty nesters, first time buyers, families and University faculty would be a welcomed addition for the city. The low-rise, arts and crafts style of housing depicted in the submitted rendering is in keeping with the residential zoning district and should serve to enhance neighborhood quality.

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 applicant has adjusted the positioning of the Lilac Lane cul-de-sac street to create additional stacking distance for vehicles turning onto US 27. Sidewalks are provided along all private streets, and in contrast to the original proposal, are now also provided along the frontages of Lake Forest Drive and US 27.

13. **Proposed construction will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.**
Many of the proposed building footprints are in very close proximity to existing drainageways and steep slopes, which may pose a risk to future homebuyers due to the potential for erosion and/or stream migration.

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.**
Though the applicant's proposed street network does attempt to adhere to existing natural tree lines, the end result of the present proposal could be the loss of much of the existing vegetation on the site to make way for building sites. A clear distinction has now been made between open space areas and buildable areas, painting a clearer picture of the possible extent of development impacts on the natural environment. However, much of the noticeable tree removal both on and off-site could likely be due to extension of the sanitary sewer to service the development.

<u>Additional Final Plan Decision Standards</u>

1. **The final planned development shall substantially conform to the preliminary plan.**
Staff finds that the proposed Final PD Plan does substantially conform to the previously approved Preliminary PD Plan. The street layout and arrangement of dwelling units are generally the same. However, there are certain items to address related to the prior approval conditions.

2. **Any substantial changes from the preliminary plan improve the plan or were requested by Planning Commission or Council as a part of the preliminary plan approval process.**
The applicant has addressed, or is working toward, many of the conditions and stipulations requested at the Preliminary stage with this Final PD submittal.

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 shows the entire extent of the development with this Final PD submittal, as opposed to splitting into two or more separate submittals. Construction will likely occur on an incremental

basis, beginning with Phase 1 on the north side of the site. The timing of instrastructure completion in relation to dwelling unit construction is an important factor to consider. Staff recommends addressing the phasing/sequencing of infrastructure completion via recommended condition #s 2, 3, and 4.

STAFF RECOMMENDATION

Based upon a review of the Decision Standards, staff recommends **approval** of the South Forest Edge Section One Final Planned Development subject to the following conditions:

1. Final PD 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.

2. Units accessed by Ashford Oak Drive and Aspen Path shall constitute Phase 1 and units accessed by Lilac Lane shall constitute Phase 2. Construction activity may occur in either Phase at any time and may be simultaneous; however, all above-ground infrastructure directly associated with each Phase, including streets, parking, lighting, and sidewalks shall be in place prior to approval of each Phase's first Building Permit. Exceptions are made for: (1) sidewalks and lighting along private streets, which may be built incrementally with the construction of each dwelling unit; and (2) infrastructure features contained within the central green area of Phase 1 which shall be completed no later than Building Permit approval of eighteen (18) of the twenty four (24) dwelling units planned within that Phase.

3. No more than twenty four (24) units shall receive Building Permit approval prior to construction of the pedestrian bridge linking Phases 1 and 2.

4. All landscaping shall be in place at an appropriate time per the timing of construction activity as determined by the Zoning Administrator.

5. All sidewalks shall have a minimum width of five (5) feet.

6. The cluster mailbox unit (CBU) serving Phase 2 (Lilac Lane) shall be relocated to the cul-de-sac, in proximity to where the pedestrian bridge walkway intersects the main sidewalk. An alternate location may be explored administratively if requested by USPS.

7. Street lighting and street trees shall be provided along the entire frontage of Lake Forest Drive leading up to Southpointe Parkway.

8. Building architecture shall generally conform to the style depicted in the submitted rendering. Vinyl shall be prohibited as an exterior building material.

9. On-street parking shall be prohibited on both sides of all new private streets.

10. The following shall be approved, signed and/or recorded as necessary prior to approval of the project's first Building Permit: (1) Final PD Plan; (2) Construction Drawings; (3) Financial Security for public and private improvements; (4) Right-of-Way Dedication Plat, Easement Plat, and/or Record Plat as appropriate; and (5) HOA Declaration/Agreement.

11. Notwithstanding the Final PD conditions listed above, all other Preliminary PD conditions per Ord No. 3613 shall remain valid to the development as may be applicable.

SUBMITTED BY: Zachary W. Moore

Zachary Moore, AICP
Planner

DATE: July 7, 2021

EXHIBIT A
RELEVANT ZONING CODE PROVISIONS

Within the Oxford Zoning Code, ***Section 1143.04*** provides the base zoning standards for the R-2A district and ***Chapter 1145*** governs Planned Development applications.

1143.04 – R-2A Single- and Two-Family Residential District.

(a) Purpose.
This district is designed to provide and preserve neighborhoods of smaller single-family residences within and adjacent to areas of similar development. This district also provides for a limited number of two-family residences.

(b) Uses.

(1) Permitted uses.

A. Single-family dwellings.
B. Two-family dwellings.
C. Accessory buildings and uses incidental to the principal use as provided in Chapter 1141.
D. 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 and Congregate Housing for the elderly.
C. Government owned and/or operated parks and recreation facilities.
D. Bed and breakfast homes.
E. Private and publicly owned commercial and noncommercial recreational areas, uses and facilities of an open space nature, such as golf courses, tennis courts, parks, forests, wildlife preserves, etc.
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-family	2-family
(1)	Lot requirements.		
A.	Minimum lot area	6,000 sq. ft	7,500 sq. ft.
B.	Minimum lot width	60 feet	75 feet
(2)	Yard requirements.		
A.	Minimum front yard depth	30 feet	30 feet
B.	Minimum rear yard depth	30 feet	30 feet
C.	Minimum side yard width	7.5 feet	7.5 feet
(3)	Structural requirements.		
A.	Maximum building height	35 feet	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.

(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.

(c) Additional Final Plan Decision Standards.

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

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

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

1145.07 Action by Planning Commission

(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 OHIO
HOME OF MIAMI UNIVERSITY

Memo

Service Department
Engineering Division
513/524-5208

TO: Community Development Department

FROM: Scott Otto, P.E.
City Engineer

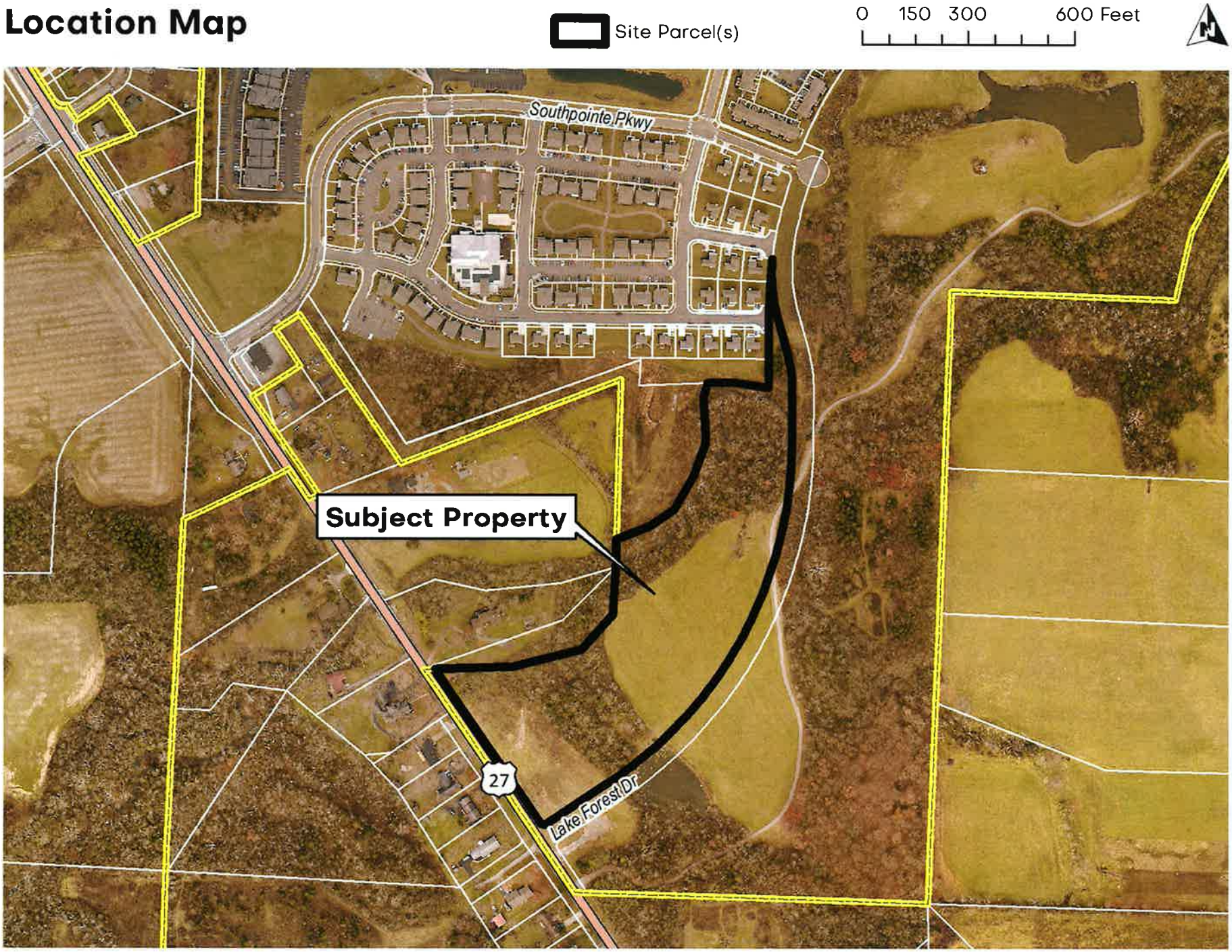
RE: Application #PPC-2021-19
1986 Lake Forest Drive – Final Planned Development

DATE: June 30, 2021

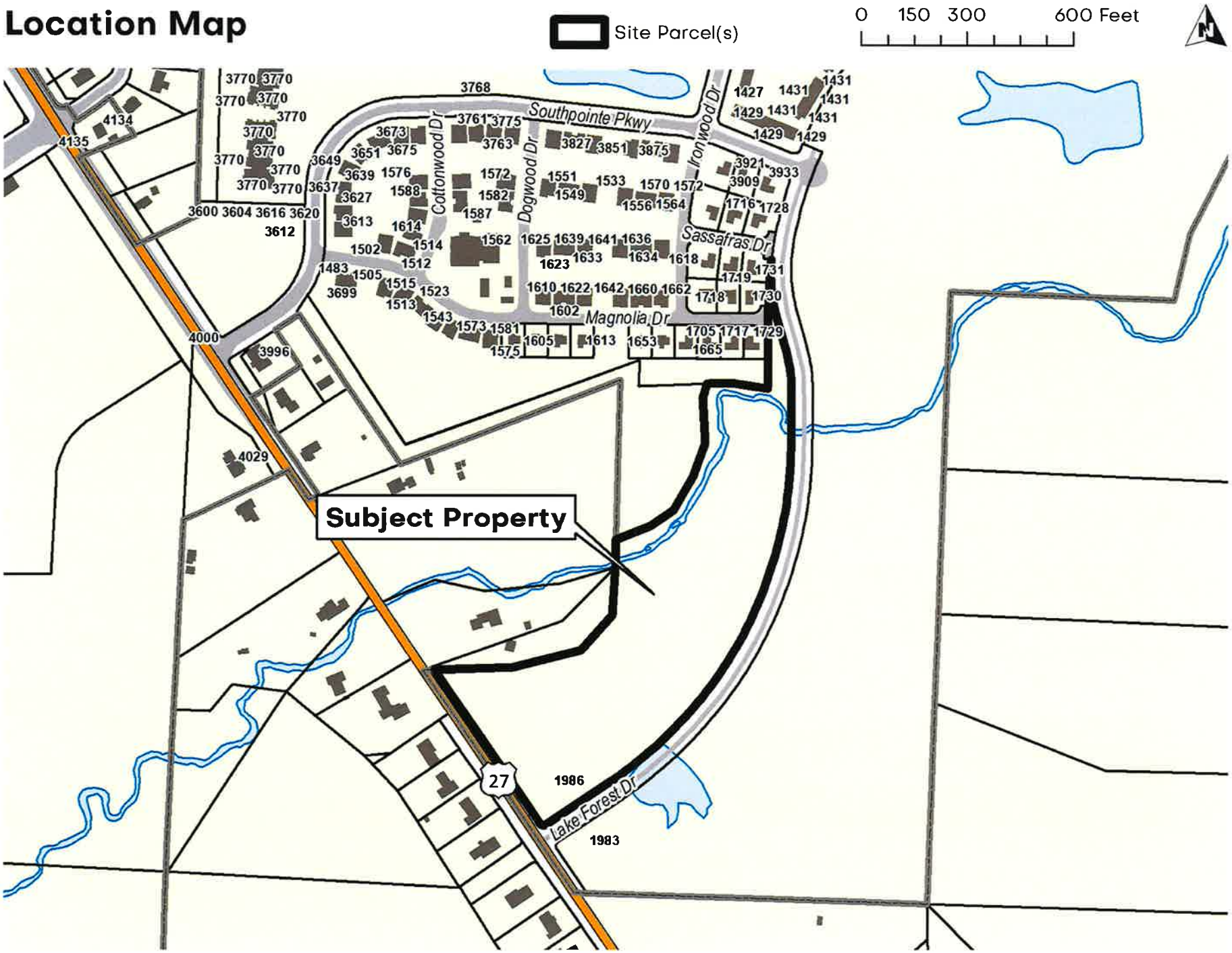
The Engineering Division offers the following comments:

- The proposed construction plans show a 4' wide sidewalk along the private streets. A 5' wide sidewalk is the minimum width on public streets and is the typical minimum width used in recent PUD's or other developments.
- Provide additional information for the proposed width and material of the pedestrian path and bridge between Lilac Lane and Ashford Oak Dr.
- Development of an Easement Plat for this PUD will need to stipulate maintenance responsibility for water and sanitary sewer utilities within the proposed Utility and Access Easements.

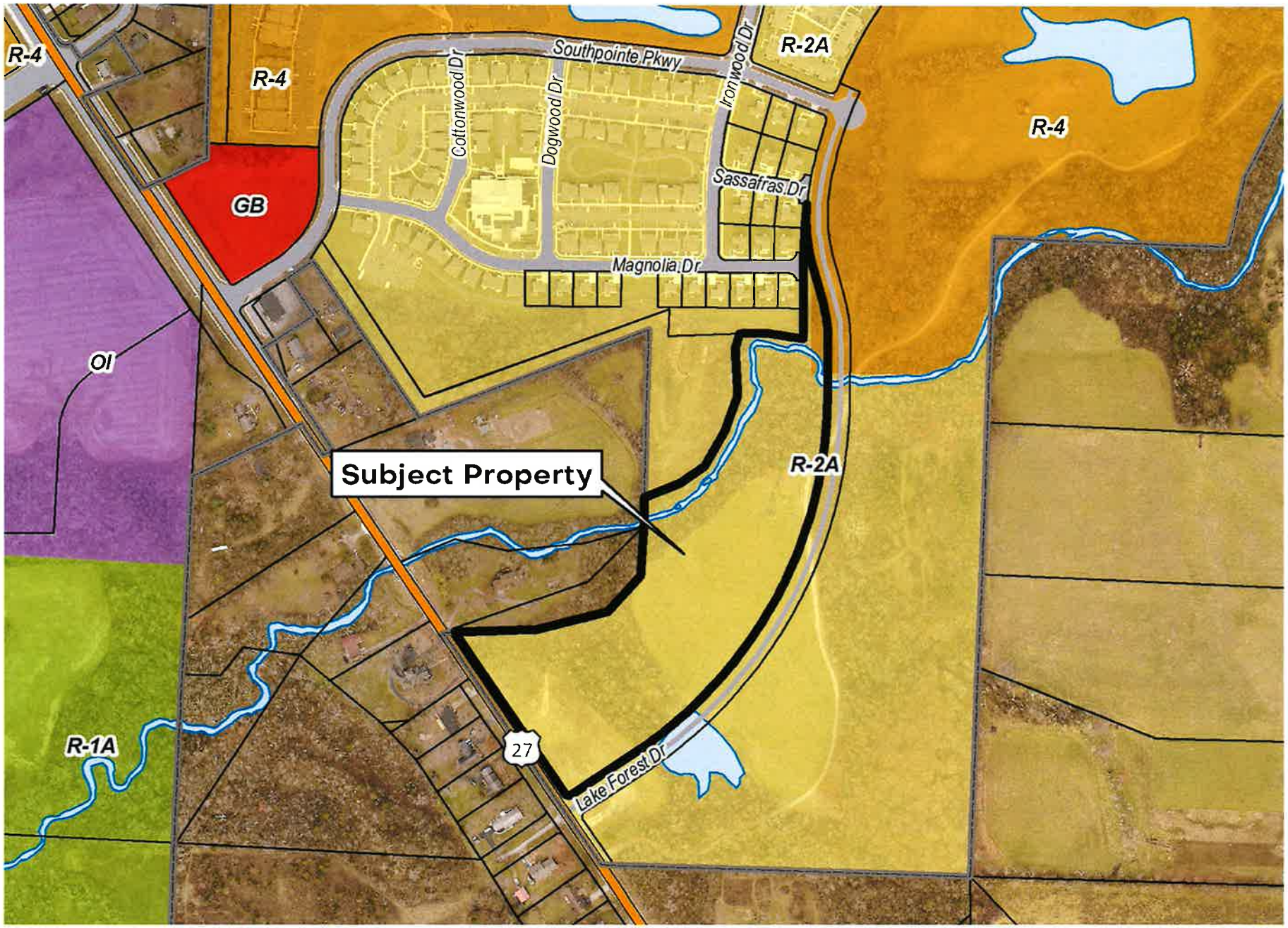
Location Map



Location Map



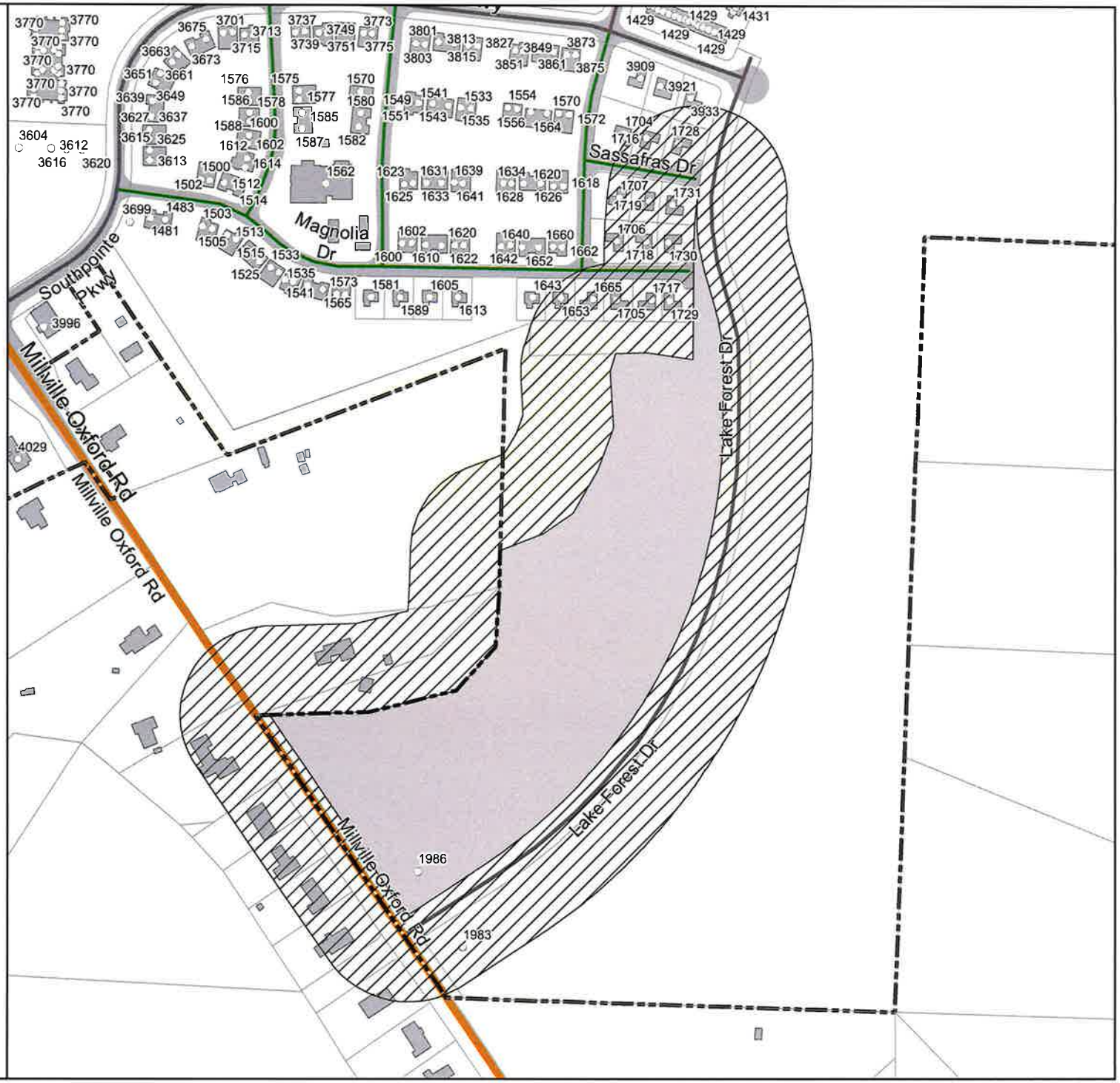
Location Map



City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

PC-2021-19

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

N

1 inch = 300 feet

Prepared on Tuesday, June 08, 2021

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

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Courtesy Notice

Community Development Department
Review & Comment Form
513-524-5204

You are receiving this notice because your property is located within 200 feet of a site set for consideration by the Oxford Planning Commission and City Council for future development that requires special approval.

CASE NO.: **PC-2021-19**

CASE TITLE: **FINAL PLANNED DEVELOPMENT, 1986 Lake Forest Drive,** South Forest Edge Section One, formerly referred to as Lake Forest Phase 1, 36 single-family condominimum dwelling units, 4 Leaf Development LLC, Applicant

HEARING DATE: **July 13, 2021, 7:00pm**

LOCATION: **Oxford Courthouse,** 118 West High Street, Oxford OH 45056

DESCRIPTION: The applicant is requesting approval of a Final Planned Development for an 11 acre site located along Lake Forest Drive, east of US 27 and south of The Annex. The project is planned to consist of 36 single-family homes along private streets intersecting with Lake Forest Drive, and will be built in two phases on either side of a drainageway. The two phases are to be linked by a pedestrian bridge. According to the applicant, the homes are planned to be 2 and 3 bedroom, 1 and 1 ½ stories, with 2-car garages and full basements. An HOA is to be established for the purpose of maintaining private streets, open spaces, and landscaping, as well as snow removal. This project received Preliminary Planned Development approval by the Oxford City Council on March 2, 2021. The main site plan submitted as part of the Final Planned Development application is pictured on the back of this notice; to examine the plan in greater detail, an electronic version (PDF) is available upon request.

You are welcome to attend the scheduled City of Oxford Planning Commission hearing as noted above. If you cannot attend, but would like to comment on this matter, please complete this form and return it at your earliest convenience to **Planner Zachary Moore, 15 S. College Avenue, Oxford, OH 45056**. You may also email any comments or questions to **zmoore@cityofoxford.org**.

You can view the most up to date meeting information and materials at any time by going to: **cityofoxford.org/planning-commission** and clicking on the upcoming meeting date

NAME (PRINT): Tami Kuginskie

ADDRESS: 3926 Oxford-Millville Rd.

TELEPHONE: Home 513-523-9076 Cell 513-255-0561 Work _____

COMMENT (You may attach a separate note or letter if more space is needed): 25 ft of buffer !!

Congratulations, you've finally managed to strip us of all semblance of peace in our retirement home. There's been no cooperation thus far on this encroachment, so we expect nothing but the same.

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Internal Use Only:
Case No. PC-2021-19
Date Filed 5/28/2021

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 * 4 Leaf Development LLC

Mailing Address * 125 West Spring Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number * 513-524-9500 Email Address pam@hoteldevelopment.net

Owner Information

Name * 4 Leaf Development LLC

Mailing Address * 125 West Spring Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number * 513-524-9500 Email Address pam@hoteldevelopment.net

Engineer/Surveyor Information

Name * Bayer Becker

Mailing Address * 110 South College Avenue

City, State & Zip Code * Oxford, Ohio 45056

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

Location and Lot Information

Name of Subdivision * N/A

Location of Property * 1986 Lake Forest Drive

Legal Description * Parcel H4100-143-000-006

Zoning District * R-2A Total Area * 11.33 Acres

Submission Requirements and Documentation

The application requirements (Section 1145.05[1]) 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

the type of materials included. **The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement.**

(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 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.

(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 Search[2] is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number.

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 1145.06[1].

Fees & Receipt

The fees for a Preliminary, Final, or combined Preliminary and Final Planned Development application are $570.00 plus $100.00 per acre, plus $10.00 postage charge.

Sign and Date

Applicant Signature *

Date *

May 25, 2021

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: https://www.cityofoxford.org/fees-ordinances-and-charter

[2] Butler County Auditor Real Estate Search: https://www.butlercountyauditor.org/

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect and Bayer Becker have permission to represent our interest with the City of Oxford and act on our behalf for all public hearings associated with the Final PUD Application for South Forest Edge Section One at our property located at 1986 Lake Forest Drive, Oxford, Ohio 45056.

Thank-you,

Signed: _____ May 25, 2021
Date

Jim Clawson
4 Leaf Development LLC

bayer becker

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

May 28, 2020

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

Re: 1986 Lake Forest Drive
South Forest Edge Section One
Final PUD Submittal

Dear Mr. Moore:

Enclosed please find the following items in support 4 Leaf Development LLC's Application for Final Planned Development approval for South Forest Edge Section One to be located on the north corner of the intersection of US 27 and Lake Forest Drive:

1) It is understood that fee payment shall be made separately through BSA Online
2) Digital copies of each of the following:
    a. Executed Planned Development Application
    b. A Letter of Agency expressing that Scott Webb, Architect and Bayer Becker have permission to represent the Applicant
    c. List of property owners within 200 feet of the site
    d. Construction Drawings with Planting Plan
    e. Final Development Plan
    f. Typical Building Elevations
    g. Bridge Elevation
    h. Photos of the subject site and surrounding area were included with the Preliminary Planned Development Submittal
    i. Draft HOA Covenants and Restrictions
    j. Legal description of the property
    k. Email correspondence from Licensed Geotechnical Engineering confirming soil suitability for Water Quality Basin Construction, dated May 28, 2021.

    Formal application, along with supporting documentation, has been made online.
3) Applicant:
    4 Leaf Development LLC
    125 West Spring Street
    Oxford, Ohio 45056
    513-524-9500

    Owners:
    4 Leaf Development LLC
    125 West Spring Street
    Oxford, Ohio 45056
    513-524-9500

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

   Architect:
   Scott Webb, Architect
   103 West Walnut Street
   Oxford, Ohio 45056

5) Description of use and site:
   a. A legal description of the subject property has been included with this submittal.
   b. The property is currently vacant.
   c. The property is zoned R-2A Planned Development.
   d. A description of the proposed planned development:
      i. The number of housing units by size and type proposed within each phase.

         South Forest Edge Section One is a single family residential development wherein the homeowner purchases the home only and the surrounding land is owned and maintained by the Homeowners Association (HOA).

         The development shall consist of 36 single family homes located along private streets. Building pads vary in size to conform to the character of the existing site. Building pads shall be located a minimum of 20 feet from the private streets and a minimum 10 feet from an adjacent building pad.

         The development is proposed as 2 and 3 bedroom, 1 and 1½ Story units with 2-car garages and full basements.

         The HOA will be responsible for the maintenance of the private streets, snow removal for all the residences, and maintenance of the open spaces, site amenities, and all the lawns and landscaping around the homes.

      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.

When Southpointe Crossings was annexed into the City of Oxford, this section was zoned R2-A, allowing higher density through smaller lots and 2-family residences. The proposed development respects those guidelines, providing smaller residences on smaller (virtual) lots. This area is separated from existing student housing by the grade and vegetation of Lick Run creek, providing a housing type we feel is underrepresented in the market.

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

There are no existing structures on the site. Future single-family residential development is anticipated on the east side of Lake Forest Drive.

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.

The development is designed to provide or exceed the perimeter setback and represents an internally focused, stand-alone development with lower density than anticipated by the zoning designation.

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

The Planned Development in this location serves the goals of the planned development purpose statement, and provides the opportunity for a private development, managed and controlled by a Home Owners Association (HOA). While a subdivision, by contrast, would likely provide similar density, it would not provide for comprehensive planning of the site and buildings, being governed solely by zoning restrictions with public streets and utilities.

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

The Planned Development is necessary and desirable for the community, providing options that are currently underserved. The long-term viability, stability, and success of Vereker Farms is evidence of the desirability of this type of development.

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

As addressed above, we feel the proposed development provides a type of housing underrepresented in Oxford; small, accessible 1 and 1-1/2 story homes with exterior maintenance provided by a Home Owner's Association. This development will provide new housing alternatives for a variety of families, including first time home buyers, "empty nesters", and faculty, and has convenient access to areas south of the City via US 27 for commuters.

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 is available along Lake Forest Drive and will be extended within the development. Sanitary sewer will be extended to the site and throughout the development. Stormwater quality BMPs have been provided within the development. .

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

With the construction of Lake Forest Drive, a Traffic Impact Study was submitted to ODOT and the City which accounted for the development of this property, as well as the adjacent vacant land within the Southpointe Crossings development. A southbound left turn lane was constructed on US 27 to mitigate the impact of both the proposed and future development.

Sidewalk will be constructed along US 27, Lake Forest Drive and the private streets within South Forest Sedge Section One, to accommodate pedestrians.

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

Enclosed please find draft Covenants and Restrictions for South Forest Edge Section One.

The enclosed Final Planned Development confirms to all conditions of City of Oxford Ordinance 3613 pertaining to the Preliminary Planned Development submittal for South Forest Edge Section One. Please place this item on the July 13th Planning Commission Meeting agenda.

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

Sincerely,

Etta M. Reed, PE

Enclosures

Cc: 4 Leaf Development LLC

Date: May 27, 2021

Description: Pt. Lot #3716
11.6629 Acres

Location: City of Oxford
Butler County, Ohio

Situated in the State of Ohio, Congress Lands West of the Miami River, Section 36, Town 5, Range 1, City of Oxford, Butler County and being 11.6629 acres of land in part of Lot #3716 of the designated list of lots in the City of Oxford and being the lands of 4-Leaf Development, LLC as recorded in Official Record 7669, Page 950 of the Butler County, Ohio Recorder's Office and being further described as follows:

Commencing at the southwest corner of Open Space Lot #3715 (F.K.A. Lot #8 of Southpointe Crossing, Section One as recorded in Plat Envelope 4020, Pages A-B) and being on the westerly boundary of said part of Lot #3716 and being on the easterly boundary of the lands of Dirk and Amy Hines (7.507 Ac.) as recorded in Official Record 8469, Page 1023 of the Butler County, Ohio Recorder's Office and being the **True Point of Beginning;**

thence, leaving the easterly boundary of said lands of Dirk and Amy Hines (7.507 Ac.) and with the southerly boundary of said Southpointe Crossing, Section One and with the northerly boundary of said part of Lot #3716 for the following six courses:

1.) North 70° 59' 47" East, 85.38 feet;

2.) North 57° 36' 25" East, 80.70 feet;

3.) North 32° 22' 25" East, 110.14 feet;

4.) North 22° 37' 31" East, 102.20 feet;

5.) North 00° 44' 30" West, 143.90 feet;

6.) North 35° 24' 04" East, 49.34 feet to the southerly boundary of Open Space Lot #3858 of the Re-Plat of Southpointe Crossing, Section One as recorded in Official Record 8905, Page 991 of the Butler County, Ohio Recorder's Office;

thence, leaving said boundary of Southpointe Crossing, Section One and with the boundary of said Re-plat of Southpointe Crossing, Section One and continuing with the boundary of said part of Lot #3716 for the following four courses:

1.) North 88° 11' 02" East, 56.88 feet;

2.) South 81° 47' 13" East, 104.46 feet;

3.) North 00° 28' 30" East, 238.26 feet;

4.) with a curve to the right, having a central angle of 10° 03' 05", a radius of 1100.00 feet, an arc length of 192.97 feet and a chord bearing and distance of North 05° 30' 03" East, 192.73 feet to the westerly right of way of Lake Forest Drive as dedicated in Official Record 9533, Page 593 of the Butler County, Ohio Recorder's Office;

thence, leaving the boundary of said Re-plat of Southpointe Crossing, Section One and with the westerly right of way of said Lake Forest Drive and with the boundary of said part of Lot #3715 for the following six course:

1.) with a curve to the left, having a central angle of 26° 28' 23", a radius of 527.50 feet, an arc length of 243.73 feet and a chord bearing and distance of South 02° 42' 36" East, 241.57 feet;

2.) South 15° 56' 48" East, 82.73 feet;

3.) with a curve to the right, having a central angle of 16° 25' 18", a radius of 472.50 feet, an arc length of 135.42 feet and a chord bearing and distance of South 07° 44' 09" East, 134.96 feet;

4.) South 00° 28' 30" West, 139.17 feet;

5.) with a curve to the right, having a central angle of 55° 47' 35", a radius of 1172.50 feet, an arc length of 1141.75 feet and a chord bearing and distance of South 28° 22' 18" West, 1097.17 feet;

6.) South 56° 16' 05" West, 192.03 feet to the future easterly right of way of Millville Oxford Road (U.S. #27);

thence, leaving the westerly right of way of said Lake Forest Drive and with the future easterly right of way of said Millville Oxford Road (U.S. #27), North 34° 01' 03" West, 556.04 feet to the southerly boundary of the lands of Robert & Tami S. Kuginskie (0.965 Ac.) as recorded in Official Record 6534, Page 2011 of the Butler County, Ohio Recorder's Office and being the northerly boundary of said Lot #3716;

thence, leaving said easterly right of way of said Millville Oxford Road (U.S. #27) and with the boundary of said lands of Robert & Tami S. Kuginskie (0.965 Ac.) extended and with the boundary of said part of Lot #3715 for the following four courses:

1. South 87° 14' 56" East, 153.88 feet;
2. North 77° 52' 38" East, 206.18 feet;
3. North 41° 06' 02" East, 188.80 feet;
4. North 02° 23' 54" East, 167.37 feet to the **True Point of Beginning** containing 508,036 square feet or 11.6629 acres of land, more or less and being subject to all easements, legal highways, restrictions and agreements of record.

John Bayer

From: Ben Dusina <BDusina@smeinc.com>
Sent: Friday, May 28, 2021 11:53 AM
To: John Bayer
Cc: Vincent J Epps
Subject: RE: South Forest Edge Section 1
Attachments: South Forest Edge Borings.pdf

Hi John,

I hope you are doing well.

I reviewed our borings in the area (attached). Boring B-4 hit shallow bedrock (~2.5-ft). Boring B-5 and B-6 encountered bedrock deeper (10 to 13-ft). The overburden soils in each of the 3 borings consisted stiff to hard cohesive (low permeability) soils. These soils will retain water for some time and are generally good soil for use as pond liners. Might want to scarify and recompact the upper 12-in once the pond is excavated.

Thanks,

Ben Dusina, PE
Office Principal / Project Manager

BUILT FOR VERSATILITY

S&ME
862 East Crescentville Road
Cincinnati, OH 45246 map
O: 513.771.8471
M: 513.518.7325
www.smeinc.com
LinkedIn | Twitter | Facebook

This electronic message is subject to the terms of use set forth at www.smeinc.com/email. If you received this message in error please advise the sender by reply and delete this electronic message and any attachments. Please consider the environment before printing this email.

From: John Bayer <johnbayer@bayerbecker.com>
Sent: Tuesday, May 25, 2021 8:03 AM
To: Ben Dusina <BDusina@smeinc.com>; Vincent J Epps <vepps@smeinc.com>
Subject: RE: South Forest Edge Section 1

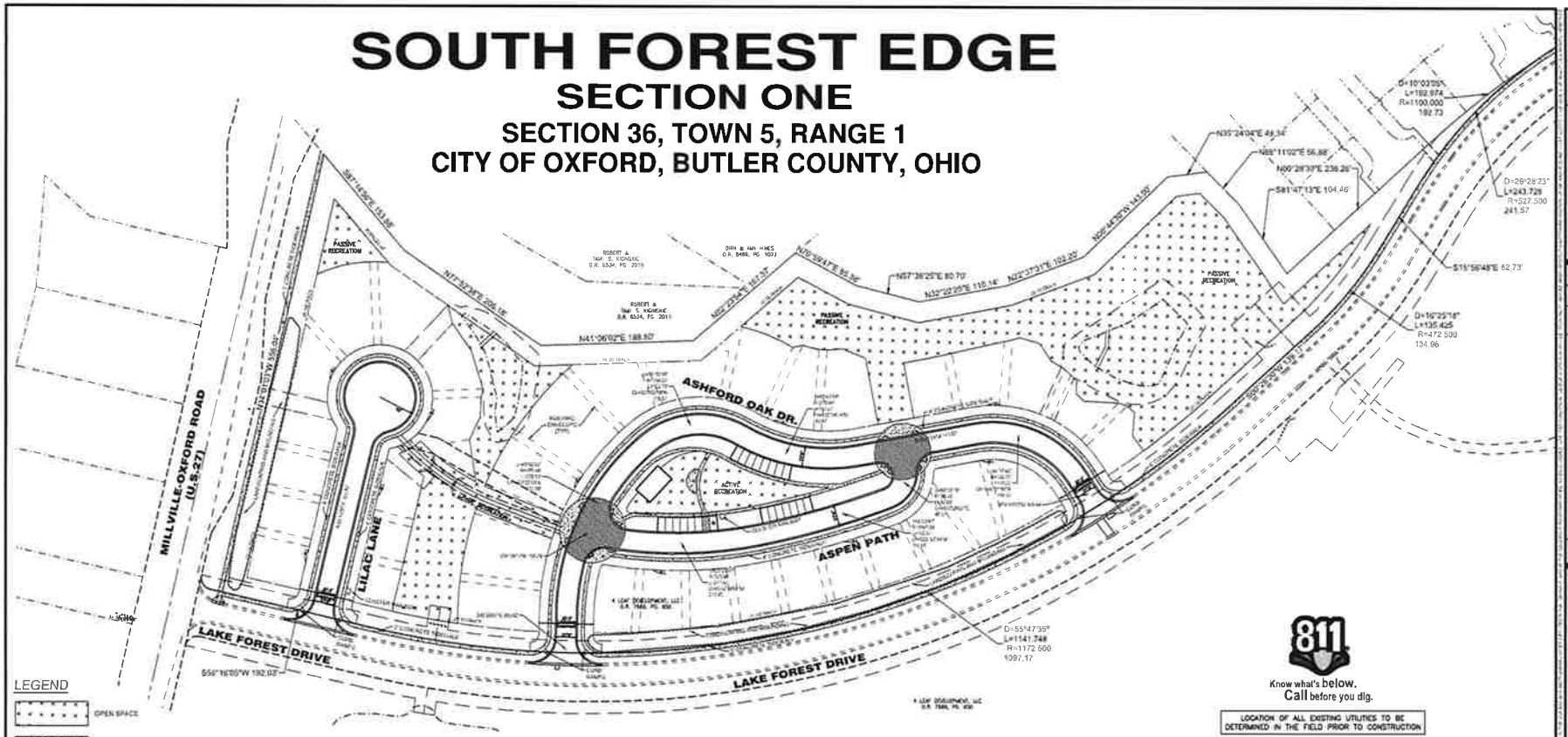
This message originated outside of S&ME. Please report this as phishing if it implies it is from an S&ME employee.

Ben,
Have you had an opportunity to look into the suitability of the soils for north water quality basin for South Forest Edge Section One? Let me know what you might need from me.
Thanks,

SOUTH FOREST EDGE

SECTION ONE

SECTION 36, TOWN 5, RANGE 1
CITY OF OXFORD, BUTLER COUNTY, OHIO



LEGEND

- OPEN SPACE
- CONCRETE WALK
- STAMPED ASPHALT CONTRACTOR TO COORDINATE WITH DEVELOPER ON PATTERN TO BE USED

VICINITY MAP
NO SCALE

IN WITNESS WHEREOF, WE HAVE UNTO SET OUR HAND ON THIS ____ DAY OF _____, A.D. 2021

OWNER
4 LEAF DEVELOPMENT LLC

STATE OF _____ S.S.
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, A.D. 2021 BY _____ OF _____ AN _____ ON ITS BEHALF.

NOTARY PUBLIC, STATE OF ____

MY COMMISSION EXPIRES

CITY OF OXFORD

CLERK OF COUNCIL _____ DATE _____

COMMUNITY DEVELOPMENT DIRECTOR _____ DATE _____

SERVICE DIRECTOR/CITY ENGINEER _____ DATE _____

FILE FOR RECORD _____ AT _____

RECORDED _____ A.D. 20____

OFFICIAL RECORD _____ PAGES _____

RECORDER, BUTLER COUNTY, OHIO _____ BY _____ DEPUTY

FILE _____ FEE _____

SITE LAYOUT NOTES

1. ALL STREETS ARE PRIVATE.
2. ALL DIMENSIONS ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.
3. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST EDITION OF THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) "CONSTRUCTION AND MATERIAL SPECIFICATIONS" AND PROJECT SPECIFICATIONS, IN THE EVENT OF A CONFLICT, THE MORE STRINGENT STANDARD APPLIES.
4. WHERE CONNECTING TO EXISTING ASPHALT PAVEMENT, THE CONTRACTOR SHALL SAW CUT THE EXISTING EDGE OF PAVEMENT TO PROVIDE A CLEAN EDGE. ITEM 407 TACK COAT SHALL BE APPLIED TO THE ENTIRE CUT FACE OF THE EXISTING PAVEMENT PRIOR TO THE PLACEMENT OF THE PROPOSED PAVEMENT.
5. WHERE CONNECTING TO EXISTING CONCRETE WALK, THE CONTRACTOR SHALL SAW CUT THE EXISTING WALK AT AN EXISTING JOINT IF POSSIBLE, TO PROVIDE A SQUARE & CLEAN EDGE.
6. ADDITIONAL PAVEMENT/CURB WORK DUE TO EXTENTS OF DEMO OR REMOVE SHOWN IN THE CONSTRUCTION DRAWINGS SHALL BE INCLUDED AS PART OF THE CONTRACTORS SCOPE OF WORK.
7. ALL PAVEMENT MARKINGS SHALL CONFORM TO ITEM 642 PAVEMENT MARKINGS AND THE OHIO MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES. PAVEMENT MARKING MATERIAL SHALL BE PER ITEM 642 TRAFFIC PAINT UNLESS OTHERWISE NOTED.
8. ALL TRAFFIC SIGNS AND POSTS SHALL CONFORM TO ITEM 630 TRAFFIC SIGNS AND SUPPORTS AND THE OHIO MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
9. HOME OWNERS ASSOCIATION TO BE RESPONSIBLE FOR THE MAINTENANCE OF THE OPEN SPACE LOTS AND WATER QUALITY BASINS.
10. NO POWER SHALL BE CONSTRUCTED IN OPEN SPACE AREAS.

OWNER/DEVELOPER:
4 LEAF DEVELOPMENT LLC
121 WEST SPRING STREET
OXFORD, OH 45056
(513) 524-4091
jim@4leafdevelopment.net

DEVELOPMENT SUMMARY:
EXISTING ZONING: R-2A PLANNED DEVELOPMENT

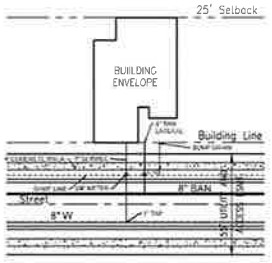
TOTAL ACREAGE: 11.55 ACRES
PROPOSED NUMBER OF SINGLE FAMILY UNITS: 35
PROPOSED DENSITY: 3.03 UNITS/ACRE
OPEN SPACE NOT INCLUDING SETBACKS: 2.83 ACRES 24.9%

NOTE:
ALL BUILDING SETBACKS FROM PRIVATE STREETS ARE 25' FROM BACK OF CURB UNLESS OTHERWISE NOTED.

811
Know what's below.
Call before you dig.

LOCATION OF ALL EXISTING UTILITIES TO BE DETERMINED IN THE FIELD PRIOR TO CONSTRUCTION

The locations of underground utilities as shown hereon are based on aboveground structures and record drawings. Locations of underground utilities/structures may vary from locations shown hereon. Additional buried utilities/structures may be encountered.



TYPICAL LOT LAYOUT
1"=20' FT

5-28-21

No.	Revision/Description	Date	Dwn.	Chk.

SOUTH FOREST EDGE
SECTION ONE
PART OF LOT #215
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 36, TOWN 5, RANGE 1
CITY OF OXFORD, BUTLER COUNTY, OHIO
FINAL PUD PLAN

bayer becker
312 A College Avenue, Suite 101
Oxford, OH 45056 • (513) 523-1570

Drawing No. 20-004-FPUD
Drawn by: JMS
Checked By: DWM
Issue Date: 05.28.21

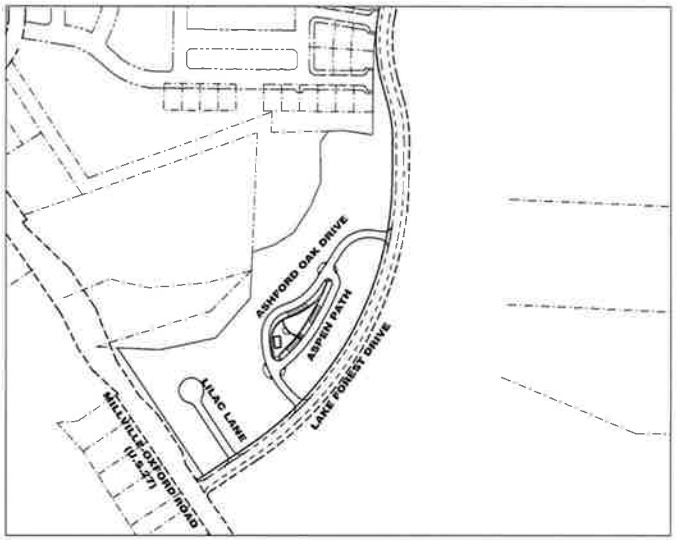
Sheet 1 OF 1

Picture: May 28, 2021 - 11:33am
Drawing: H:\...\20004\SHEETS\20004 Cvr.dwg 8.5x11 Full Bleed Landscape Plot: 8.5"x11"

SOUTH FOREST EDGE
SECTION 1
PART OF LOT #3716
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 36, TOWN 5, RANGE 1
CITY OF OXFORD, BUTLER COUNTY, OHIO

GENERAL NOTES

1. Item numbers refer to the Ohio Department of Transportation construction and material specifications, and all construction work shall be done according to said specifications and according to City of Oxford requirements and ordinance for subdivisions. When in conflict, the City of Oxford requirements shall prevail.
2. Items that pertain to underground utilities such as watermain pipe, sanitary sewer pipe, water valves and manhole frames and covers, etc., will remain under specifications of the utility serving the area. Storm sewers shall be designed and constructed in accordance with the requirements of the City of Oxford.
3. All trenches within the public access and utility easement shall be compacted and backfilled in accordance with Item 203 and 603 in the state specifications.
4. Surface course (Item 441) and tack coat (Item 407) are to be applied no sooner than nine (9) months after the leveling course, (Item 441), and fifty (50) percent of the homes are completed. If after two (2) years fifty (50) percent of the homes have not been completed, then the top course may be applied.
5. All proposed streets are to be private. A 55' wide Public Access and Utility Easement shall be shown on the record plat parallel to and centered on each roadway allowing for installation, operation and maintenance of sewers, water, electric and telephone conduits and any other public or quasi public utility.
6. Developer shall be responsible for the installation of conduits for the full width of the Public Access and Utility Easement at a depth of 36" for use by the electric, telephone and cable services. The location of the lines shall be coordinated with utility companies by the developer.
7. All electrical transformers shall be located so that they do not interfere with the existing manholes or water main appurtenances.
8. Sump line conduits are to be SDR 35, Arnco 2000, or equivalent.
9. All frames & grates located in the pavement shall be H-20 traffic bearing.
10. WATER MAIN
    A. Water main materials, valves, fire hydrants, fittings and appurtenances and installation to be as per the City of Oxford specifications, using class 53 Ductile Iron 350 psi as per AWWA C-151 with minimum 4' cover.
    B. All water main valves to have a minimum depth of 2.5' and a maximum depth of 4' from proposed grade to the top of the Valve Operating Nut.
    C. Minimum 10' horizontal, 18" vertical separation between water main and sanitary and/or storm sewer.
    D. Water main shall be restrained for at least three full pipe lengths at all bends and ends of pipe. Thrust blocking or restrained joint gaskets may be used as determined by city staff.
    E. Service piping smaller than three (3) inches shall be seamless copper flexible water tubing, ASTM B 88, type K, pressure class 350 PSI.
    F. The contractor shall test and disinfect the water system per all city and state requirements and regulations.
    G. Additional corporation stops and 1 inch copper will be needed for water main testing. A plan for disinfection and hydrostatic testing will need to be coordinated between the contractor and the City of Oxford
    H. Owner, contractor, and City of Oxford shall coordinate regarding the requirements and procedures for connection to the existing water mains.
10. SANITARY SEWER
    A. Sanitary sewer materials and installation to be as per the City of Oxford specifications.
    B. Crossings – Wherever a sanitary sewer and water main must cross, the sewer shall be at such an elevation that the crown of the sewer is at least 18 inches measured between the outside pipe walls, below the bottom of the water main. If it is absolutely impossible to maintain the 18 inch vertical separation, the water main shall be relocated or the sewer shall be constructed as follows:
        1. A sewer passing over or under the water main shall be encased or constructed of materials that are equivalent to water main standards of construction for a minimum distance of 10 feet on each side of the water main.
        2. The sewer crossing shall be constructed so that the sewer joints will be equidistant and as far as possible from the water main joints.
        3. Where a water main passes under a sewer, adequate structural support shall be provided for the sewer to prevent damage to the water main.
    C. Sanitary laterals shall be extended to at least ten (10) feet beyond the Property / Right-of-Way or to the edge of the easement, whichever is greater.
    D. Sanitary sewer laterals, which shall include all pipe and appurtenances from the building to the public sewer main, and the connection to the public sewer main shall be considered private and the responsibility of the property owner to maintain. The connection to the sewer would be any piping that extends out from the main barrel of the sewer main.
    E. The existing sanitary sewer invert shall be field verified prior to construction.
    F. The sanitary sewer laterals shall be PVC or schedule 40.
11. All trenches within the right-of-way and 15' utility easement shall be compacted and backfilled in accordance with Item 203 in the state and City of Oxford specifications.
12. Storm & sanitary building sewers and taps shall be constructed in accordance with current building codes. All City of Oxford and state rules & regulations.
13. Provide granular class B pipe bedding throughout. Backfill all trenches under slab, walks, and paved areas with dense graded aggregate or crushed stone per the City of Oxford standards.
14. The City of Oxford does not accept any responsibility for the relocation, repair, or replacement of any other utility installed within five (5) feet of the center line of any sanitary sewer main or water main.
15. Private driveways, parking lots and other paved areas, earthen berms or structures should not be constructed over private water or sewer service lines within the public road right of way or within the easement areas for public utilities. Should this occur, the property owner shall be held responsible for the protection and repair and for providing access to any curb stops, meter pits, manholes, clean-outs, etc. installed in conjunction with these private service lines and for any damage or restoration of the paved surfaces or structures that may result from the future operation, maintenance, repair or replacement of said service lines and appurtenances.
16. STORM SEWER
    A. Storm sewer pipe shall be installed per ODOT Item 611 and City of Oxford Specifications. All joints shall be soil tight joints unless specifically noted on the plans.
    B. All catch basins and manholes with a depth greater than 4' shall be provided with steps. Steps shall meet the requirements of ODOT STD. 604.
17. Roof drains, foundation drains, and other clean water connections to the sanitary sewer system are prohibited.
18. Any storm-water basin on site should be constructed prior to the clearing of topsoil and grading of the site. All trees and vegetation shall be removed from all proposed detention basins regardless of maintenance responsibility.
19. SEDIMENTATION CONTROL
    The project has been designed to control erosion and prevent damage to other property. All stripping, earthwork, and regrading shall be performed to minimize erosion. Natural vegetation shall be retained wherever possible. The proposed plan will allow almost all eroded material to be retained on site.
    All areas disturbed by the construction of the roadways, ditches and sediment basins shall be seeded and strawed as soon as possible to limit the erosion and stabilize the soil. Payment will be by the number of square yards disturbed as per the grading plan. For additional sedimentation control details, see grading plan.
20. The City of Oxford will not be responsible for any pavement or storm sewer repairs resulting from water main and sanitary sewer repairs. The City of Oxford also will not be responsible for adjusting manholes, valves, fire hydrants, meter pits, etc. as a result of grade changes. The grantor shall be responsible for proper adjustment of manholes, valves, fire hydrants, meter pits, etc. to the satisfaction of the City of Oxford, due to grade changes, paving, repaving, etc. initiated by the grantor.
21. Any roadway settlement greater than one inch will be required to be repaired with Item 613 Low Strength Mortar Backfill (Type 1).
22. Provide the City of Oxford with a forty-eight (48) hour notice prior to the start of any construction, including sanitary installation. Phone 513-524-5208.
23. Contractors to accept all Quantities as correct prior to beginning construction.
24. Existing Zoning: R-2A Planned Development
25. All proposed street lights shall be municipal grade Versia 4005 black fixture, or approved equal, on 16' height pole including base height.



PROPERTY MAP
1"=200 FT

VICINITY MAP
NO SCALE

BENCHMARK
SET CROSS NOTCH IN THE CURB RETURN SOUTH OF LAKE FOREST DRIVE AND EAST OF US 27, 16.6 FEET WEST OF AN EXISTING CATCH BASIN, 21.8 FEET NORTH OF AN EXISTING UTILITY POLE.
ELEVATION=829.46

CONSTRUCTION APPROVAL - CITY OF OXFORD

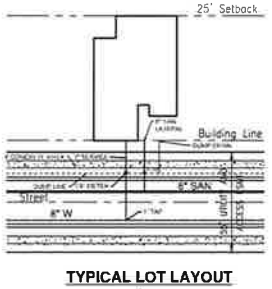
COMMUNITY DEVELOPMENT DIRECTOR	DATE
CITY ENGINEER	DATE
CITY FIRE CHIEF	DATE

OWNER & DEVELOPER
4-Lual Development
125 West Spring Street
Oxford, Ohio 45056
513-524-9600

ENGINEER, LANDSCAPE ARCHITECT & SURVEYOR
Bayer Becker
110 S. College Avenue, Suite 101
Oxford, Ohio 45056
513-532-4270

UTILITY CONTACTS

ELECTRIC:	SANITARY, WATER & STORM SEWER	INTERNET & TELEPHONE
DUKE ENERGY	CITY OF OXFORD	CINCINNATI BELL
1194 NILES ROAD	15 S. COLLEGE AVE	221 EAST FOURTH STREET, ROOM 121-AU0
FAIRFIELD, OHIO 45014	OXFORD, OHIO 45056	CINCINNATI, OHIO 45202
ATTN: MATTHEW FOLTZ	ATTN: SCOTT OTTO, PE	ATTN: MARK CONNER
513-313-3120	513-524-8258	513-565-7843
GAS	**TELEPHONE**	**CABLE**
DUKE ENERGY	FRONTIER COMMUNICATIONS	SPECTRUM
P.O. BOX 960, ROOM 460 ANNEX	1464 WESTBROOK ROAD	11252 CORNELL PARK DRIVE
CINCINNATI, OH 45277-0595	CLAYTON, OHIO 45315	CINCINNATI, OHIO 45242
ATTN: MAGGIE LOEFFLER	ATTN: CHUCK BERNACCHI	ATTN: JIM O'REILLY
513-287-2382	937-833-3453	513-397-9693



TYPICAL LOT LAYOUT
1"=10 FT

INDEX TO SHEETS

Title Sheet	1
Typical Section & Site Details	2
Site Layout Plan	3
Plan & Profile	4
Plan & Profile	5
Grading & Erosion Control Plan	6
Intersection Details	7
Utility Details	8–9
Erosion Control Details	10
Planting Plan	11
Basin Planting Plans	12
Landscape Notes & Details	13

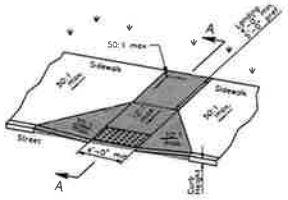
811 Know what's below. Call before you dig.

SOUTH FOREST EDGE
SECTION 1
PART OF LOT #3716
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 36, TOWN 5, RANGE 1
CITY OF OXFORD, BUTLER COUNTY, OHIO
TITLE SHEET

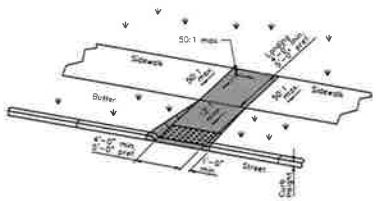
bayer becker
www.bayerbecker.com
110 S. College Ave., Suite 101, Oxford, OH 45056
513-532-4270

Drawn by: BRIANNA LEE DUNCAN
Project No: AMB
Date: 09/04/2021
Sheet: 1/13

Plotted: Jun 18, 2021 - 8:51am
Drawing name: J:\2020\20-MKT-VO\CAD\Construction\20-0239 CD Construction.dwg
Layout Tab: 1 TITLE

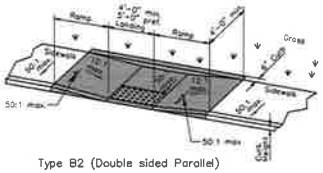


Type A1 (Perpendicular with flared sides)

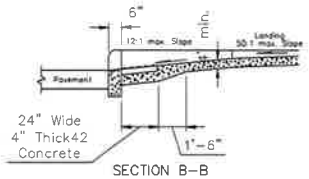


Type A2 (Perpendicular with returned curb)

PERPENDICULAR CURB RAMP DETAILS

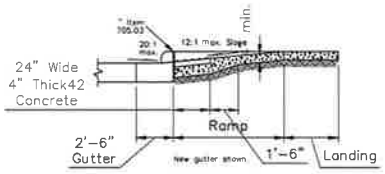


Type B2 (Double sided Parallel)



SECTION B–B

See Sheet 2



SECTION A–A
NORMAL DETAIL

See Sheet 2

NOTES

The running slope of the ramp is preferred to be 12:1 or flatter. In existing sidewalks, where the maximum ramp slope is not feasible due to site constraints (e.g. utility poles or vaults, right-of-way limits) it may be reduced as follows:

A) 10:1 for a max. rise of 6".
B) 8:1 for a max. rise of 3".
C) 6:1 over a max. run of 2'–0" for historic areas where a flatter slope is not feasible.

To prevent chasing the grade indefinately, the transition from exisiting sidewalk to the shaded curb ramp area is not required to exceed 15 feet in length.

While ramps may be skewed to the crosswalk, the entire lower landing area must fall within the cross walk that the ramp serves and cannot be located in the traveled lane of opposing traffic.

The counter slope of the gutter or street at the foot of a curb ramp, landing, or blended transitions shall be 20:1 or flatter.

The bottom edge of the ramp shall change planes perpendicular to the landing.

The edge of the curb shall be flush with the edge of the adjacent pavement and gutter and surface slopes that meet grade breaks shall also be flush.

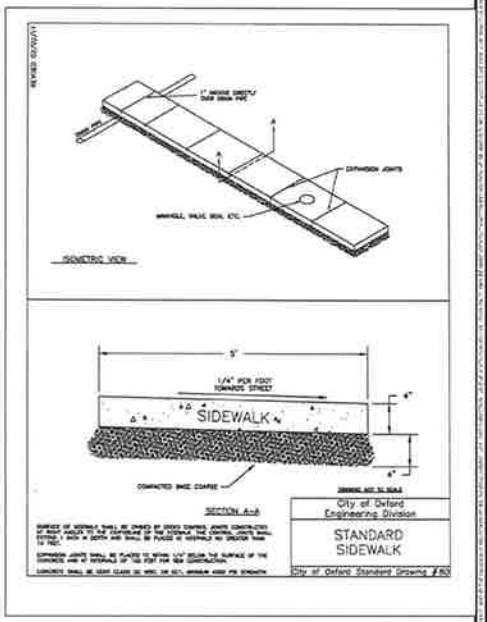
Ramp landings shall be 4' min. x 4' min. with a 50:1 or flatter cross slope and running slope.

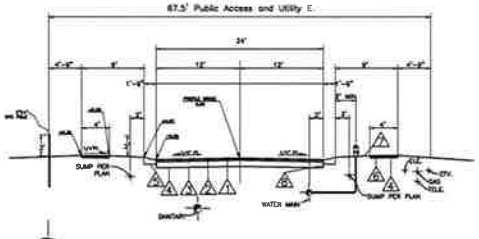
DETECTABLE WARNINGS: Install Detectable Warnings on each curb ramp with approved materials, as shown on Sheet 3. Install these proprietary products as per manufacturer's written instructions.

DRAINAGE: Contractor is to ensure the base of each constructed curb ramp allows for proper drainage, without exceeding allowable cross slope or ramp slopes. Vertical change in level exceeding ¼" between the 1) pavement and gutter, and 2) gutter and ramp, are not allowed.

SURFACE TEXTURE: Texture concrete surfaces by coarse brooming transverse to the ramp slopes to be rougher than the adjacent walk.

JOINTS: Provide expansion joints in the curb ramp as extensions of walk joints and consistent with Item 608.03 requirements for a new concrete walk. Provide a ½" Item 705.03 expansion joint filler around the edge of ramps built in existing concrete walks. Lines shown on this drawing indicate the ramp edges and slope changes, and do not necessarily indicate joint lines.

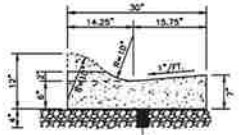




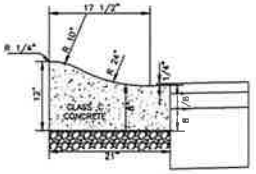
TYPICAL SECTION

ITEM	DEPTH BELOW TOP OF PIPE
Underdrain Sumpless Gas Water Electric Telephone Cable TV	36"& 6"+ 18" 36"& 6"+ 18" 36"& 6"+ 18" 36"& 6"+ 18" 36"& 6"+ 18" 36"& 6"+ 18"

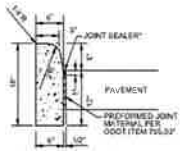
1. 1-1/2" ASPHALT CONCRETE SURFACE COURSE – ITEM 441
2. 1-3/4" ASPHALT CONCRETE INTERMEDIATE LEVELING COURSE – ITEM 441
3. 10" BASE COURSE – ITEM 304 AGGREGATE BASE
4. COMPACTED SUBGRADE – ITEM 204
5. ROLLED FACE CURB & GUTTER – SEE DETAIL RIGHT
6. FOUR INCH THICK CLASS "C" CONCRETE SIDEWALK, FIVE FEET WIDE ITEM 608 WALK TO BE 1/2" HIGHER THAN SOD.
7. SEEDING & MULCHING – ITEM 659 @ 1/2" PER FT. TYP
8. TACK COAT – ITEM 407 – TO BE APPLIED TO FRONT FACE OF CURB PRIOR TO INSTALLATION OF 301 BITUMINOUS AGGREGATE BASE. ALSO TO BE APPLIED TO CURB JOINT AFTER THE INSTALLATION OF 448 LEVELING COURSE.



DEPRESSED CURB AND GUTTER
LAKE FOREST DRIVE REPLACEMENT
NOT TO SCALE

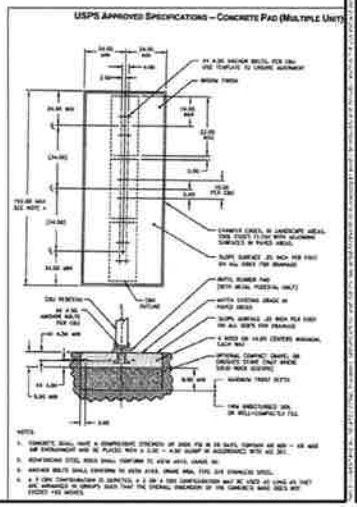


ROLLED FACE CURB & GUTTER
(PRIVATE STREETS ONLY)
NOT TO SCALE



O.D.O.T. TYPE 6
CURB DETAIL
NOT TO SCALE

*NOTE: EXPANSION JOINT MATERIAL & JOINT SEALER ARE NOT REQUIRED FOR THAT PORTION OF THE CURB WHICH IS ADJACENT TO A FLEXIBLE TYPE PAVEMENT. BOTH MATERIALS ARE REQUIRED FOR THE FULL HEIGHT OF RIGID PAVEMENT AND CONCRETE BASES.



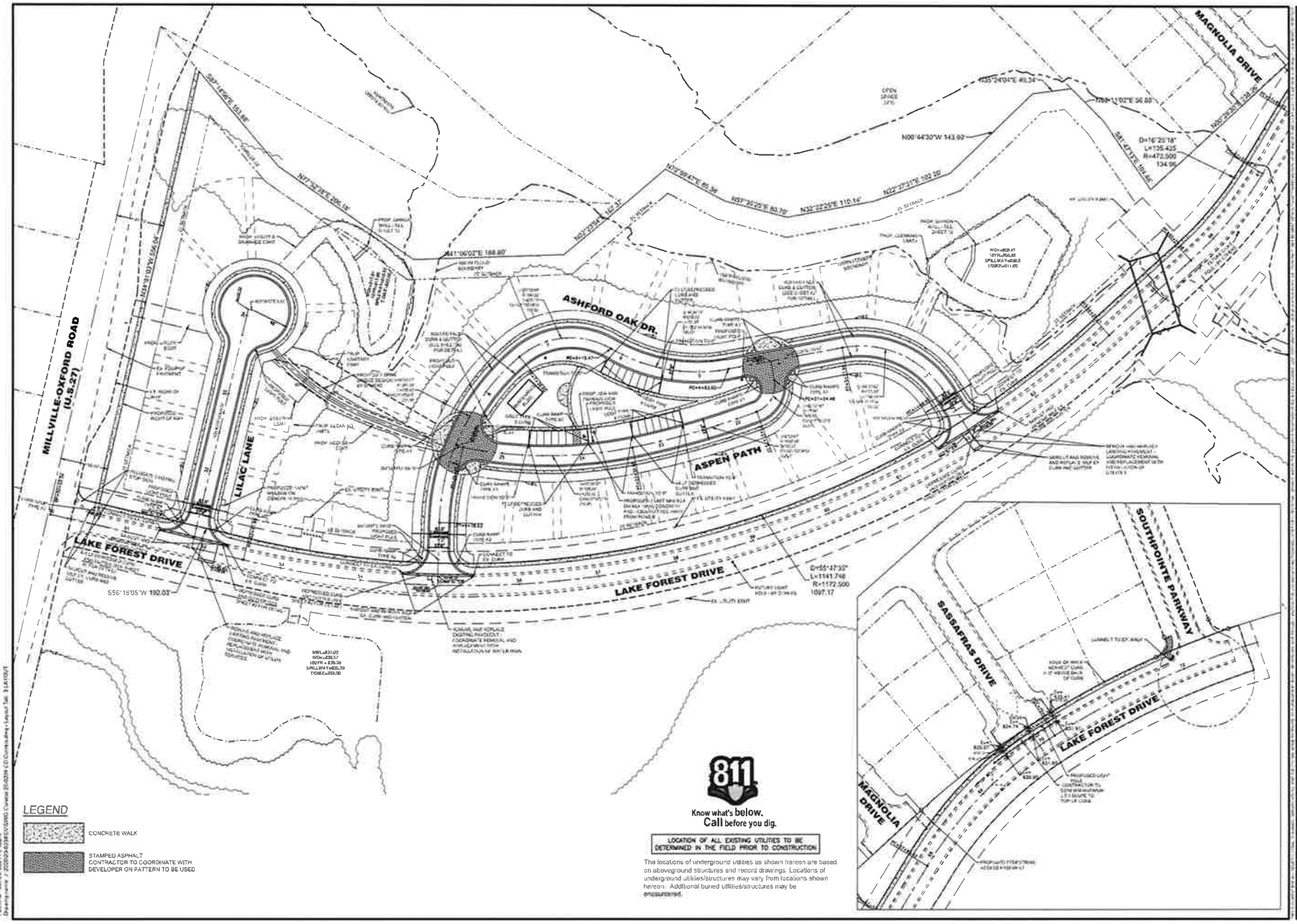
Date	Description	Chk
3.31.21	REVISED PER CITY COMMENTS	MJB
6.21	ADDED NOTE & DETAIL	JMB

SOUTH FOREST EDGE
SECTION 1
PART OF LOT 1716
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 36, TOWN 5, RANGE 1
CITY OF OXFORD, BUTLER COUNTY, OHIO
TYPICAL SECTION & SITE DETAILS

bayer becker
www.bayerbecker.com
110 S. College Avenue, Suite 131
Oxford, OH 45056 • 513.523.1070

Drawing No. 2/13
Date: 05/04/2021
Drawn by: MJB
Checked by: JMB

Plotted: Jun 08, 2021 - 4:13pm
Drawing name: Z:\2020\20-035\CIVIL\Curbs 20-035 Details Curbs.dwg, Layout Tab: 2 TYP



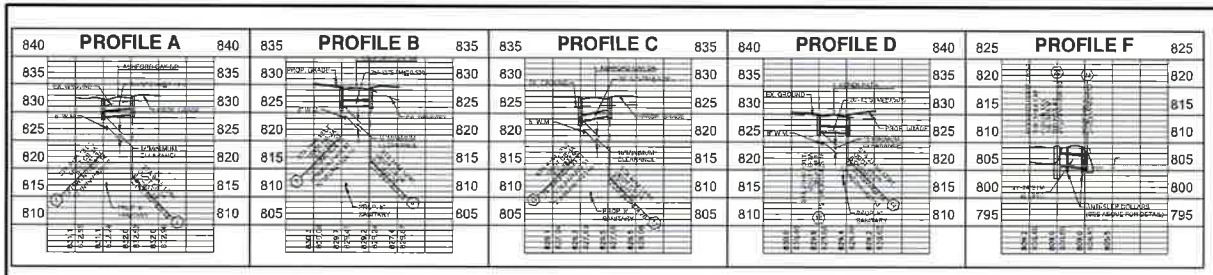
SOUTH FOREST EDGE SECTION 1

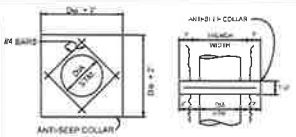
LOTS 6108 THRU 6115
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 28, TOWN 5, RANGE 1
CITY OF OXFORD, BUTLER COUNTY, OHIO

SITE LAYOUT PLAN

bayer becker
www.bayerbecker.com
100 S. College Avenue, Suite 101
Oxford, OH 45056 513.523.1010

3/13





ANTI-SEEP/FLOAT COLLAR DETAIL

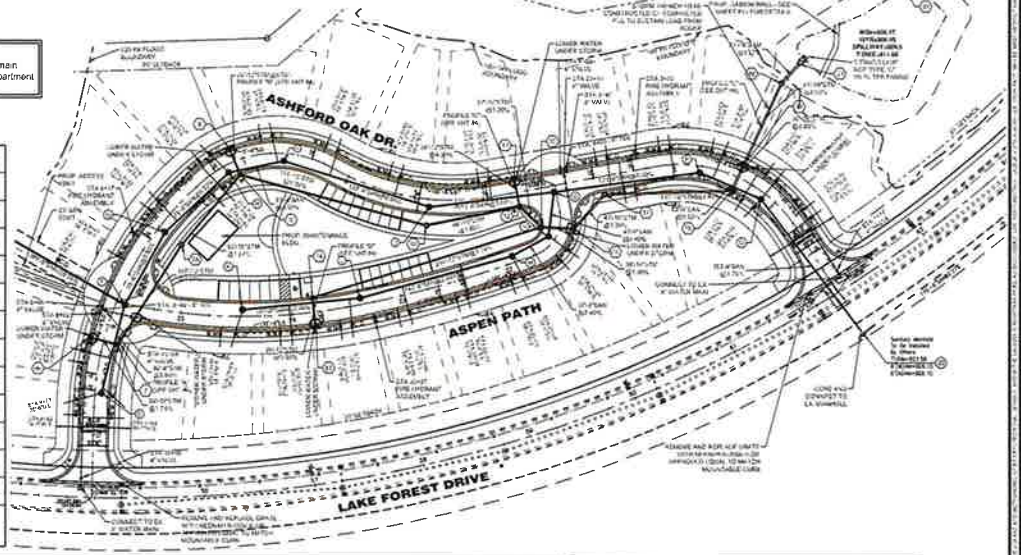
NOT TO SCALE

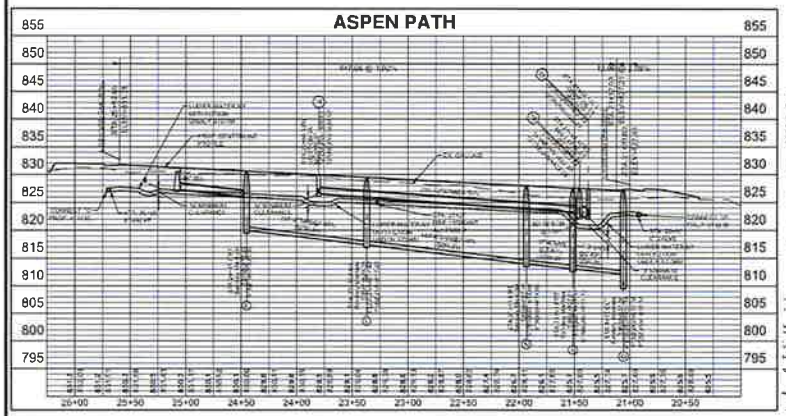
811 Know what's below. Call before you dig.

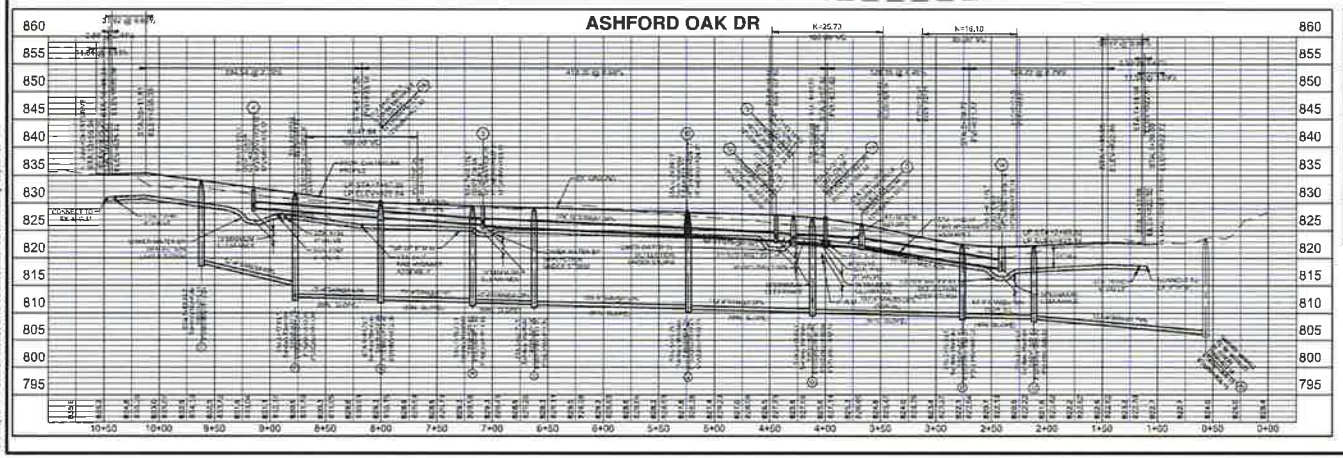
LOCATION OF ALL EXISTING UTILITIES TO BE DETERMINED IN THE FIELD PRIOR TO CONSTRUCTION

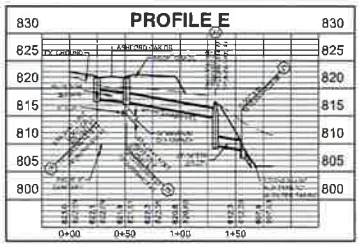
The locations of underground utilities as shown hereon are based on aboveground structures and record drawings. Locations of underground utilities/structures may vary from locations shown hereon. Additional buried utilities/structures may be encountered.

NOTE:
Tap fees for connections to existing water main shall be calculated by City Engineering Department and paid prior to City Staff performing tap.









WATER MAIN RESTRAINT JOINT LOCATION CHART

Water Main Dia.	Horizontal 45°Bends	Vertical 45°Bends Up (Lower Water Under...)	Vertical 45°Bends Down (Lower Water Under...)	Dead Ends (Permanent & Temporary)	Tees (for Tee Strength) 6"	8"	10"
6"	18" both sides	18" both sides	36" both sides	72' Back	54"		
8"	18" both sides	36" both sides	36" both sides	90' Back	54"	72"	
10"	36" both sides	36" both sides	54" both sides	117' Back	54"	72"	90"
12"	36" both sides	54" both sides	72" both sides	180' Back	36"	72"	90"
14"	54" both sides	54" both sides	90" both sides	189' Back	36"	72"	90"
16"	54" both sides	54" both sides	90" both sides	216' Back	36"	54"	90"

Item	Revision Description	Date	Dsn.	Chk.	Appr.
1	REVISED PER EST. PLANS RECEIVED	8.29.13	JHB		
2	REVISED PER EST. PLANS RECEIVED	9.4.13	JHB		

SOUTH FOREST EDGE SECTION 1
PART OF LOT #5716
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 36, TOWN 5, RANGE 1
CITY OF OXFORD, BUTLER COUNTY, OHIO

PLAN & PROFILE

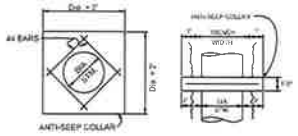
bayer becker
www.bayerbecker.com
105 S. College Avenue, Suite 101
Oxford, OH 45056 • (513) 523-1570

Drawing No. 05-0004 LDS CONSOLE
Drawn by: AMB
Checked by: JHB
Date: 05/24/2013

4/13

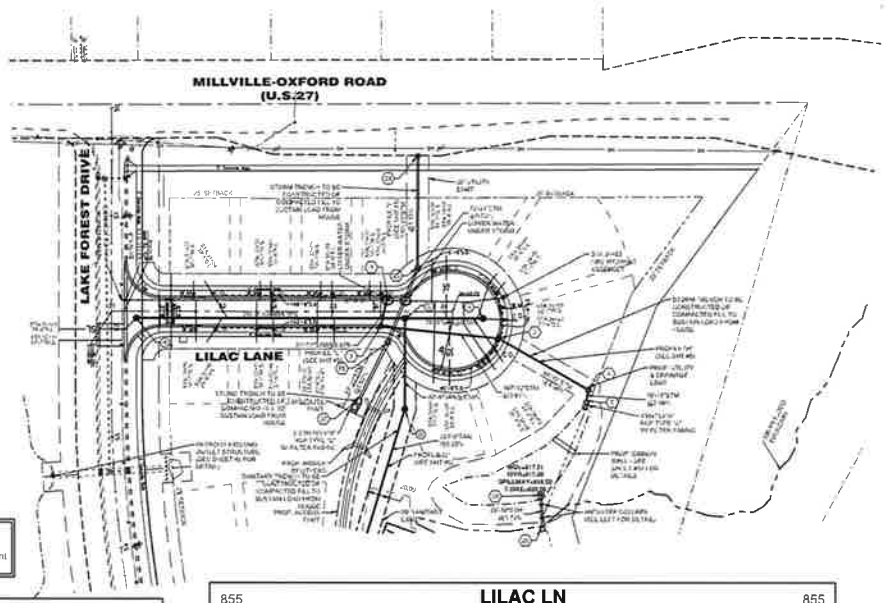
NOTES:

1. 48 hours notice to be given to affected residents before construction begins.
2. All manholes are 48" diameter unless otherwise noted.
3. All Catch Basin B/C Elevations located within the curb are set to the Back of Curb Elevations.
4. See Storm Sewer Profiles on Sheet #4 & #5.
5. Lower 1" Water Services as needed to avoid conflicts with Storm with Min. 4' Cover.
6. Location of existing utilities to be determined in the field prior to work beginning.
7. All lots Sump to Sump Drain unless otherwise noted in plan.
8. Sump Lines to be installed as per Typical Lot Detail on Sheet #2. Wyes or Tees are to be placed on the low side of specified lots, and marked with Wye poles.
9. Contractors to accept all quantities as correct prior to beginning construction.
10. Additional corporation stops and 1 inch copper will be needed for water main testing. A plan for disinfection and hydrostatic testing will need to be coordinated between the contractor and the City of Oxford.



ANTI-SEEP/FLOAT COLLAR DETAIL

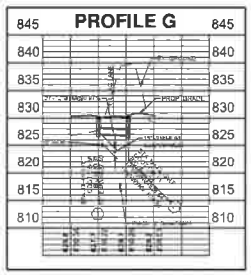
NOT TO SCALE

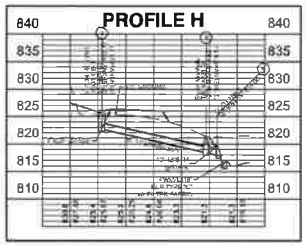


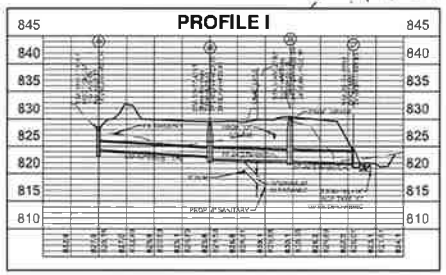
WATER MAIN RESTRAINT JOINT LOCATION CHART

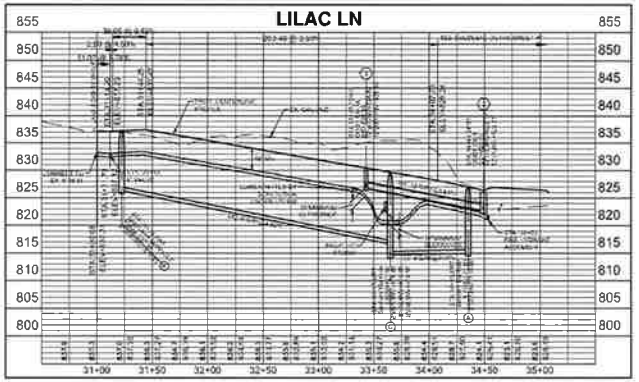
Water Main Dia.	Horizontal 45 Bends	Vertical 45 Bends Up (Lower Water Under...)	Vertical 45 Bends Down (Lower Water Under...)	Dead Ends (Permanent & Temporary)	Tees (For Tee Branch) 6"	8"	10"
6"	18" both sides	18" both sides	36" both sides	72" Back	54"		
8"	18" both sides	36" both sides	36" both sides	90" Back	54"	72"	
10"	36" both sides	36" both sides	54" both sides	117" Back	54"	72"	90"
12"	36" both sides	54" both sides	72" both sides	180" Back	54"	72"	90"
14"	54" both sides	54" both sides	90" both sides	198" Back	36"	72"	90"
16"	54" both sides	54" both sides	90" both sides	216" Back	36"	54"	90"

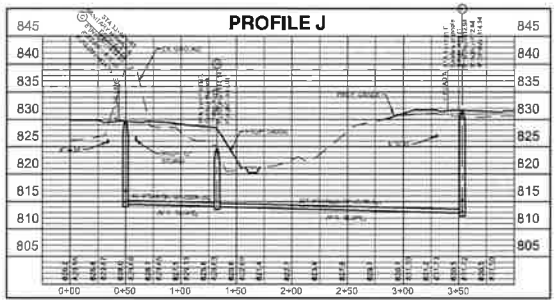
NOTE:
Tap tees for connections to existing water main shall be calculated by City Engineering Department and paid prior to City Staff performing tap.

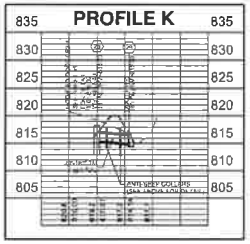












811
Know what's below.
Call before you dig.

LOCATION OF ALL EXISTING UTILITIES TO BE DETERMINED IN THE FIELD PRIOR TO CONSTRUCTION

The locations of underground utilities as shown hereon are based on aboveground structures and record drawings. Locations of underground utilities/structures may vary from locations shown hereon. Additional buried utilities/structures may be encountered.

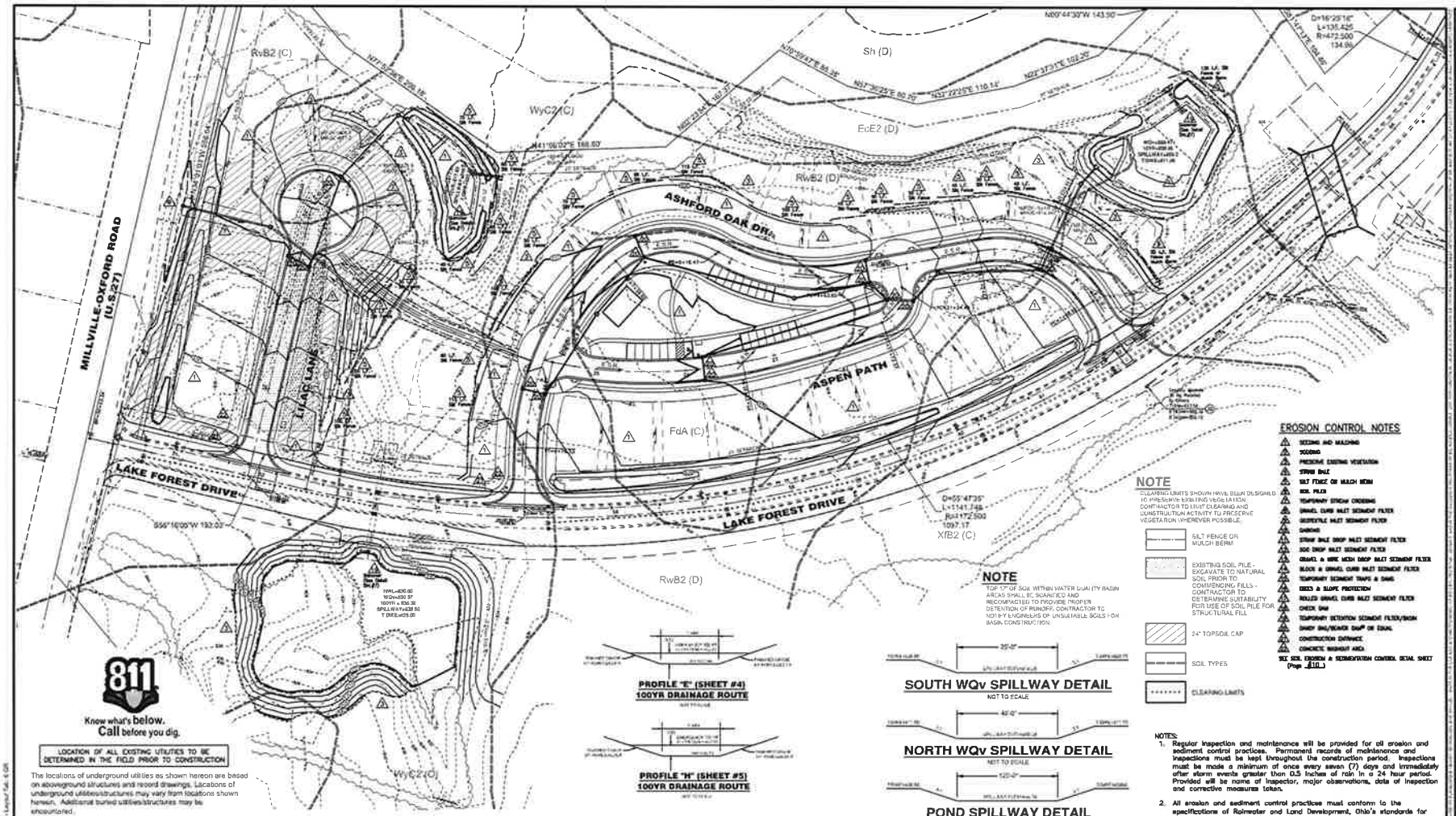
SOUTH FOREST EDGE
SECTION 1
PART OF LOTS 15
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 36, TOWN 5, RANGE 1
CITY OF OXFORD, BUTLER COUNTY, OHIO
PLAN & PROFILE

bayer becker
www.bayerbecker.com
120 S. College Avenue, Suite 101
Oxford, OH 45056 • 513.523.1813

Date: 06/04/2021

5/13

Plot time: Jun 09, 2021 - 11:03am
Drawing name: J:\2020\2435\SYS\TING Control 20-2024 CD Control.dwg - Layout Tab: 5 PP



811
Know what's below.
Call before you dig.

LOCATION OF ALL EXISTING UTILITIES TO BE DETERMINED IN THE FIELD PRIOR TO CONSTRUCTION

The locations of underground utilities as shown hereon are based on aboveground structures and record drawings. Locations of underground utilities/structures may vary from locations shown hereon. Additional buried utilities/structures may be encountered.

PROFILE "E" (SHEET #4)
100YR DRAINAGE ROUTE

PROFILE "H" (SHEET #5)
100YR DRAINAGE ROUTE

SOUTH WQv SPILLWAY DETAIL
NOT TO SCALE

NORTH WQv SPILLWAY DETAIL
NOT TO SCALE

POND SPILLWAY DETAIL
NOT TO SCALE

NOTE

CLEARING LIMITS SHOWN HAVE BEEN DESIGNED TO PRESERVE EXISTING VEGETATION. CONTRACTOR TO LIMIT CLEARING AND CONSTRUCTION ACTIVITY TO PRESERVE VEGETATION WHEREVER POSSIBLE.

SILT FENCE OR MULCH BERM

EXISTING SOIL PILE - EXCAVATE TO NATURAL SOIL PRIOR TO COMMENCING FILLS - CONTRACTOR TO DETERMINE SUITABILITY FOR USE OF SOIL PILE FOR STRUCTURAL FILL

24" TOPSOIL CAP

SOIL TYPES

CLEARING LIMITS

NOTE

TOP 12" OF SOIL WITHIN WATER QUALITY BASIN AREAS SHALL BE SCARIFIED AND RECOMPACTED TO PROVIDE PROPER DETENTION OF RUNOFF. CONTRACTOR TO NOTIFY ENGINEERS OF UNSUITABLE SOILS FOR BASIN CONSTRUCTION.

EROSION CONTROL NOTES

- SEEDING AND MULCHING
- SODDING
- PRESERVE EXISTING VEGETATION
- STRAW BALE
- SILT FENCE OR MULCH BERM
- SOIL PILES
- TEMPORARY STONE CROSSING
- GRAVEL CURB INLET SEDIMENT FILTER
- DEGRADABLE INLET SEDIMENT FILTER
- DAMMING
- STRAW BALE DROP INLET SEDIMENT FILTER
- SOD DROP INLET SEDIMENT FILTER
- GRAVEL & WIRE MESH DROP INLET SEDIMENT FILTER
- BLOCK & GRAVEL CURB INLET SEDIMENT FILTER
- TEMPORARY SEDIMENT TRAPS & DAMS
- DIKES & SLOPE PROTECTION
- ROLLED GRAVEL CURB INLET SEDIMENT FILTER
- CHECK DAM
- TEMPORARY DETENTION SEDIMENT FILTER/BASIN
- DIVERT DIKE/BERM/ DIVERSION
- CONSTRUCTION ENTRANCE
- CONCRETE WASHOUT AREA

SEE SOIL EROSION & SEDIMENTATION CONTROL DETAIL SHEET (Page #10.)

SOIL TYPES
Obtained from NRCS Web Soil Survey

Symbol	Name	Type
EcE2	Eden silty clay loam, 15 to 25 percent slopes moderately eroded	D
FdA	Fincastle silt loam, bedrock substratum, 0 to 2 percent slopes	C
RwB2	Russell–Wampsville silt loams, 2 to 6 percent slopes moderately eroded	C
RwR2	Russell–Wampsville silt loams, bedrock substratum, 2 to 6 percent slopes, moderately eroded	D
Sh	Shoals silt loam, 0 to 2 percent slopes, frequently flooded, brief duration	D
WyC2	Wynn silt loam, 2 to 6 percent slopes, eroded	C
XfB2	Xenia silt loam, bedrock substratum, 2 to 6 percent slopes, moderately eroded	C

BASIN SUMMARY

SOUTH WQv BASIN		NORTH WQv BASIN	
DRAINAGE AREA =	4.50 ACRES	DRAINAGE AREA =	4.47 ACRES
SEDIMENT BASIN		SEDIMENT BASIN	
SEDIMENT STORAGE REQUIRED =	0.09 AC-FT	SEDIMENT STORAGE REQUIRED =	0.10 AC-FT
SEDIMENT STORAGE PROVIDED =	0.09 AC-FT	SEDIMENT STORAGE PROVIDED =	0.10 AC-FT
DEWATERING VOLUME REQUIRED =	0.11 AC-FT	DEWATERING VOLUME REQUIRED =	0.18 AC-FT
DEWATERING VOLUME PROVIDED =	0.11 AC-FT	DEWATERING VOLUME PROVIDED =	0.18 AC-FT
SEDIMENT CONTROL ORIFICE DIA =	1.125 IN	SEDIMENT CONTROL ORIFICE DIA =	1.00 IN
DEWATERING DRAWDOWN TIME = (48HR MIN)	53.6 HRS	DEWATERING DRAWDOWN TIME = (48HR MIN)	54.2 HRS
PERMANENT STORMWATER FACILITY		PERMANENT STORMWATER FACILITY	
WQv STORAGE REQUIRED =	0.09 AC-FT	WQv STORAGE REQUIRED =	0.21 AC-FT
WQv STORAGE PROVIDED =	0.09 AC-FT	WQv STORAGE PROVIDED =	0.21 AC-FT
WQv ORIFICE DIA =	0.875 IN	WQv ORIFICE DIA =	1.25 IN
WQv DRAWDOWN TIME = (24HR MIN)	54.9 HR	WQv DRAWDOWN TIME = (24HR MIN)	55.5 HR
10 YEAR W.S. ELEVATION =	841.25	10 YEAR W.S. ELEVATION =	838.61
EMERGENCY SPILLWAY INV =	838.50	EMERGENCY SPILLWAY INV =	838.50
100 YEAR W.S. ELEVATION =	836.36		
EMERGENCY SPILLWAY INV =	836.50		

SWPPP NOTES

1. THE CONSTRUCTION ACTIVITY WILL CONSIST OF MASS EARTHWORK, UTILITY INSTALLATION, CURB AND PAVEMENT CONSTRUCTION.
   SITE AREA: 11.66 ACRES
   DISTURBED AREA: 9.91 ACRES
   PRIOR LAND USE: VACANT LAND
   IMPERVIOUS CALCULATIONS
   IMPERVIOUS AREA:
   PRE-DEVELOPED: 0.00 ACRES
   POST-DEVELOPED: 3.31 ACRES
   IMPERVIOUS PERCENTAGE
   PRE-DEVELOPED: 0.0 %
   POST-DEVELOPED: 37.7 %
6. THE DEVELOPMENT DRAINS TO THE NORTH TO LICK RUN. THE EXISTING BASIN SOUTH OF LAKE FOREST DRIVE TO BE EXPANDED AND TWO BASINS ON THE NORTH SIDE OF THE DEVELOPMENT TO PROVIDE STORMWATER MANAGEMENT PER THE REQUIREMENTS OF THE CITY OF OXFORD.

NOTES:
1. Regular inspection and maintenance will be provided for all erosion and sediment control practices. Permanent records of maintenance and inspections must be kept throughout the construction period. Inspections must be made a minimum of once every seven (7) days and immediately after storm events greater than 0.5 inches of rain in a 24 hour period. Provided will be name of inspector, major observations, date of inspection and corrective measures taken.
2. All erosion and sediment control practices must conform to the specifications of Rainwater and Land Development, Ohio's standards for storm water management, land development and urban stream protection.
3. Perimeter Sedimentation control and basins/traps shall be implemented as the first step of grading and within seven (7) days of initial grubbing or grading and shall continue to function until upland areas are stabilized.
4. Disturbed areas which will remain unworked for a period of twenty-one (21) days or more, shall be stabilized with seeding and mulching or other approved means within seven (7) days. All disturbed areas within fifty (50) feet of an intermittent or solid blue line stream shall be stabilized within two (2) days. All areas of a site which are at final grade shall be stabilized with seeding and mulching or other approved means within seven (7) days.
5. Quantities for Erosion Control may vary between detailed plans and field conditions during construction. Plan quantities are a minimum; more erosion control may be necessary due to environmental conditions.
6. Sedimentation control and ditch swales are subject to change upon completion of entire set of construction drawings.
7. No solid or liquid waste shall be discharged into storm water runoff.
8. Home builders are responsible for erosion control on each individual lot.
9. An average topsoil thickness of 12" was used by the engineer when developing these plans. Actual topsoil thickness may vary across the site.

Rev.	Revision Description	Date	Drawn	Chk.
1	REVISED PER CITY COMMENTS	5.23.13	JHA	EMH
2	CLEARED FOR FINAL PLAT SUBMITTAL	6.27.13	JHA	
3				
4				

SOUTH FOREST EDGE
SECTION 1
PART OF LOT #3715
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 35, TOWN 5, RANGE 1
CITY OF OXFORD, BUTLER COUNTY, OHIO
GRADING & EROSION CONTROL PLAN

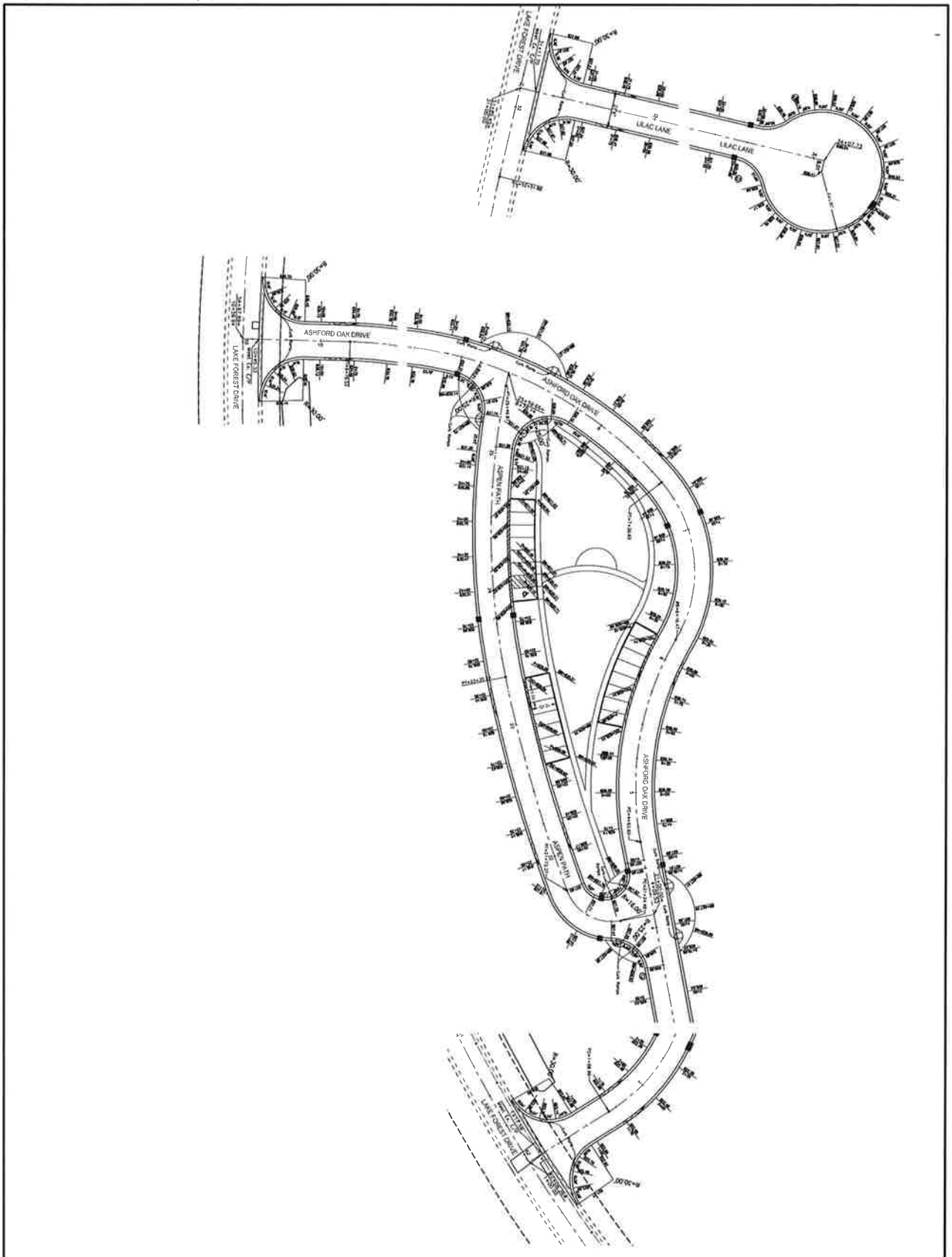
bayer becker
www.BayerBecker.com
Cleveland, Ohio 44114
216.525.1000

Project No. 20-004 KD CONDOS
Drawn by: AMM
Checked by: JHA
Date: 06/04/2013

Sheet No.
6/13

Plotted: Jun 05, 2013 - 1:39pm
Drawing path: 2012\20-004\CAD\Civil\Condo Exhibit\20-004 CD Condo Area Layout Set 4.dgn

Plot time: May 18, 2021 @ 11:43am
Drawing name: J:\2020\20-0204\CV\DWG Condos 20-0204 Intx Details.dwg - Layout Tab: 7 Intx Details



7/13

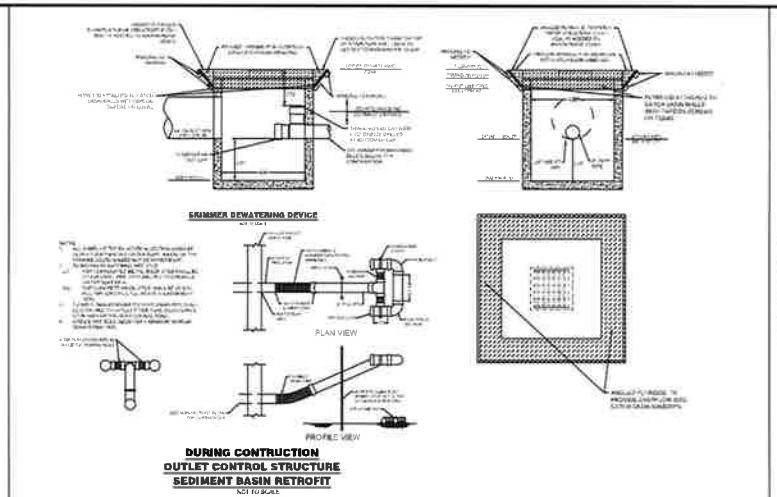
bayer becker
www.bayerbecker.com
110 S. College Avenue, Suite 101
Oxford, OH 45056 • 513.523.4279

SOUTH FOREST EDGE
SECTION 1

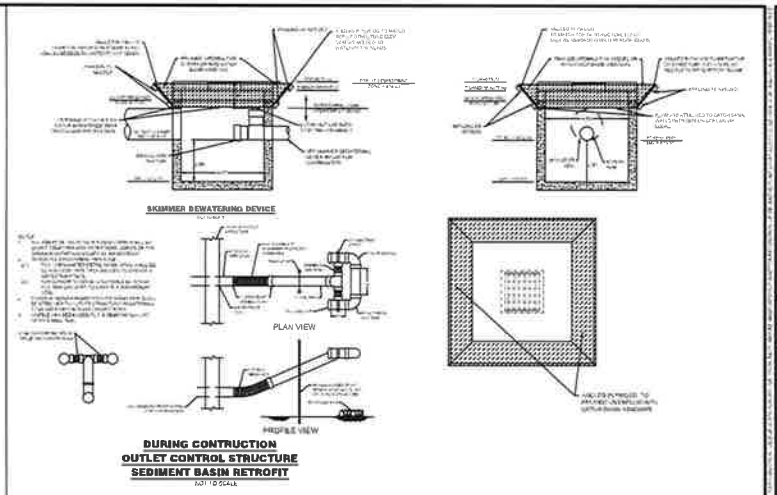
PART OF LOT #3716
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 35, TOWN 5, RANGE 1
CITY OF OXFORD, BUTLER COUNTY, OHIO

INTERSECTION DETAILS

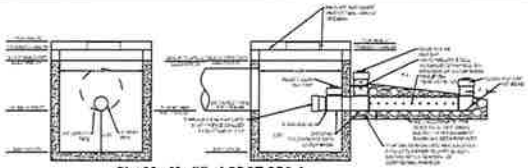
Item	Revision Description	Date	Drawn	CHK
1	Revised per staff comments and input	5.18.21	JAB	KMR



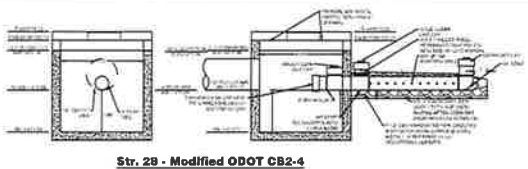
DURING CONTRUCTION
OUTLET CONTROL STRUCTURE
SEDIMENT BASIN RETROFIT
NOT TO SCALE



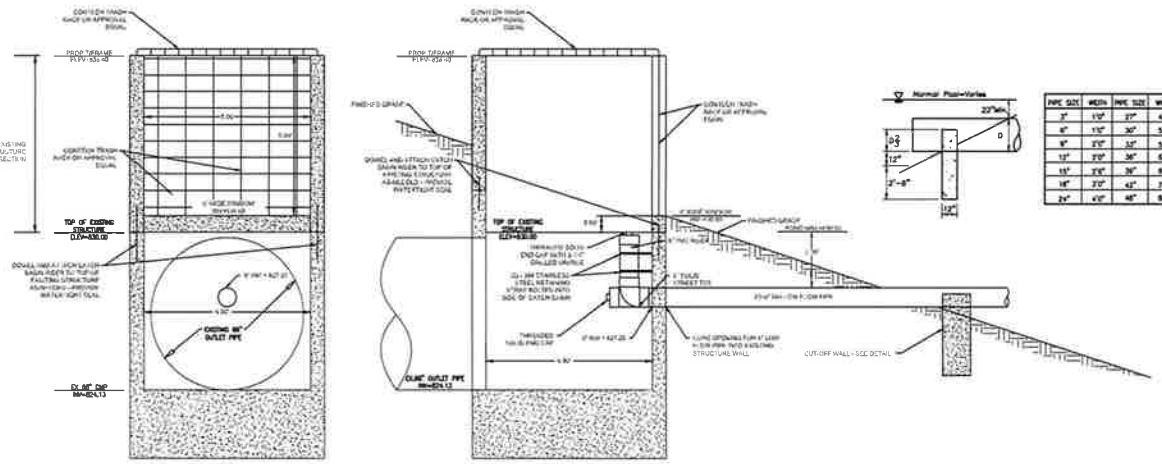
DURING CONTRUCTION
OUTLET CONTROL STRUCTURE
SEDIMENT BASIN RETROFIT
NOT TO SCALE



Str. 22 - Modified ODOT CB2-4
NOT TO SCALE



Str. 28 - Modified ODOT CB2-4
NOT TO SCALE



Ex. Pond Outlet Retrofit (ODOT CB2-6)
NOT TO SCALE

SOUTH FOREST EDGE SECTION 1

PART OF LOT #716
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 36, TOWN 5, RANGE 1
CITY OF OXFORD, BUTLER COUNTY, OHIO

UTILITY DETAILS

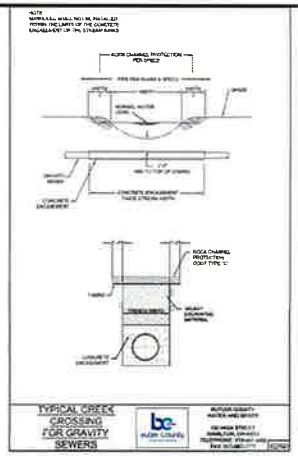
Mark	Description	Date	Dsn'r	Chk

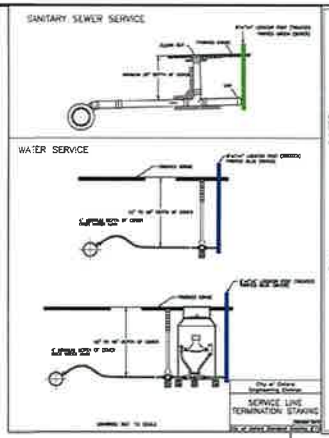
bayer becker
120 N. College Avenue, Suite 101
Oxford, OH 45056 • (513) 523-4669

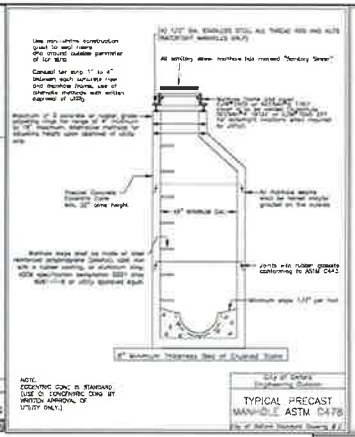
Drawing by: SHAWN DETAILS CONDCO
Approved by: AMS
Project No.: JAB
Issue Date: 05/06/2021

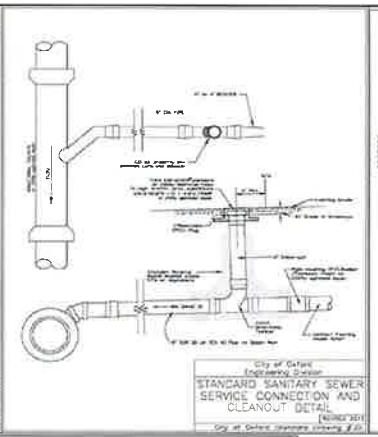
8/13

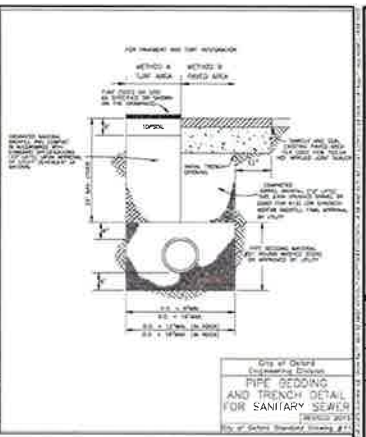
Plot time: May 04, 2021 at 3:15 pm
Drawing name: J:\2020\2020015\CIVIL\CONDCO\20-0004 Details Condco.dwg - Layout Tab: 8of13.ct

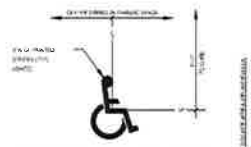


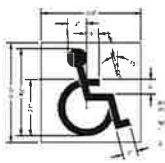


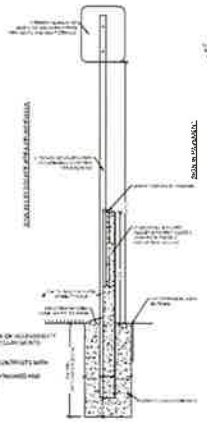


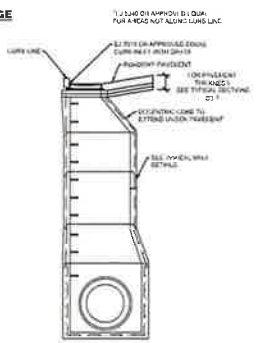


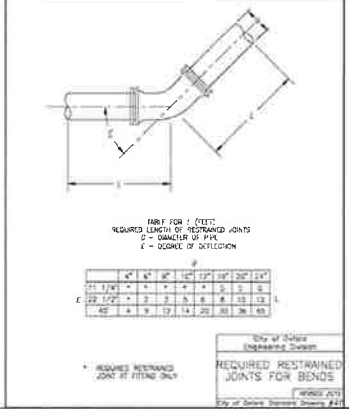


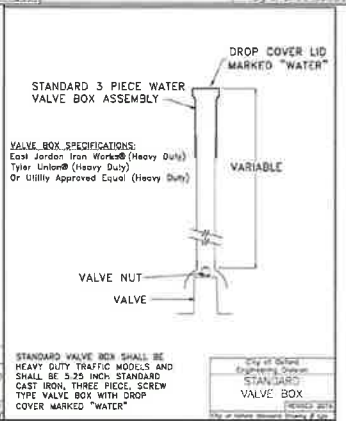


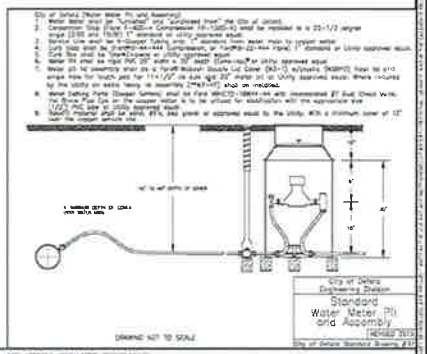


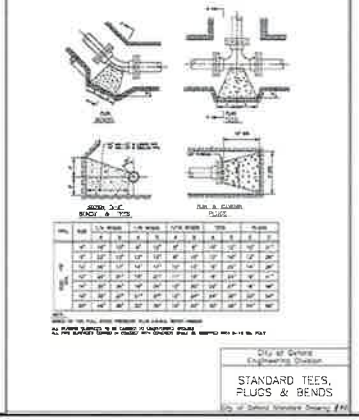


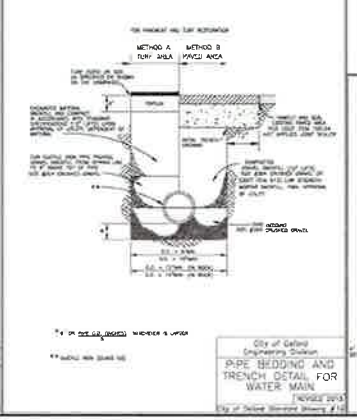


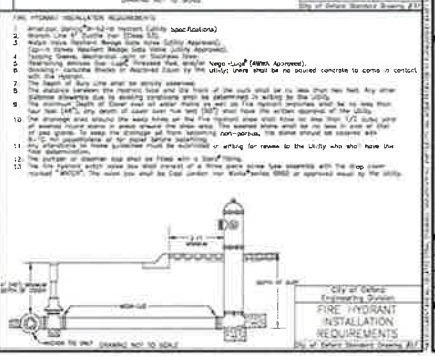












SOUTH FOREST EDGE SECTION 1
PART OF LOT #5716
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 30, TOWN 5, RANGE 1
CITY OF OXFORD, BUTLER COUNTY, OHIO

UTILITY DETAILS

bayer becker
www.bayerbecker.com
(513) 931-2310
110 N. College Avenue, Suite 330
Dayton, OH 45402-1131

Drawing: UTILITY DETAILS CONSOLIDATED
Project No: 4486
Drawn By: JAB
Date: 05/04/2021
Sheet: 9/13

Plot Date: May 04, 2021 - 3:18pm
Drawing name: J:\2020\20-0244\CAD\CONSTRUCTION\Civil\Details\20-0244 Details Combo.dwg - Layout Tab: 9/13

GENERAL NOTES

EROSION AND SEDIMENT CONTROLS

Vegetative practices
Such practices may include: temporary seeding, permanent seeding, mulching, matting, sod stabilization, vegetative buffer strips, phasing and protection of trees. The contractor shall initiate appropriate vegetative practices on all disturbed areas within seven (7) days if they are to remain dormant (undisturbed) for more than fourteen (14) days. Permanent or temporary soil stabilization shall be applied to disturbed areas within seven (7) days after final grade is reached on any portion of the site.

Structural Practices
Structural practices shall be used to control erosion and trap sediment from all sites remaining disturbed for more than fourteen (14) days.

Timing
Sediment control structures shall be functional throughout earth disturbing activity. Sediment ponds and perimeter sediment barriers shall be implemented as the first step of grading and within seven days from the start of grubbing. They shall continue to function until the upslope development area is restabilized.

Sediment Barriers
Sheet flow runoff from denuded areas shall be intercepted by sediment barriers. Sediment barriers, such as sediment fences or diversions shall trap sediment-laden runoff to settling facilities, shall protect adjacent properties and water resources from sediment transported by sheet flow.
Erosion and sediment control practices used to satisfy the conditions of this plan shall meet the criteria and specifications in the current edition of Water Management and Sediment Control in Urbanized Areas (Soil Conservation Service.)

Waste Disposal
No solid or liquid waste, including building materials, shall be discharged in storm water runoff. Off-site vehicle tracking of sediments shall be minimized. The plan shall ensure and demonstrate compliance and applicable State of local waste disposal, sanitary sewer or septic system regulations.

Maintenance
All temporary and permanent control practices shall be maintained and repaired as needed to assure continued performance of their intended function.

Dormant Seedings
1. Seedings which not be planted from October 1 through November 30. During this period the seeds are likely to germinate but probably will not be able to survive the winter.

2. The following methods may be used for "Dormant Seeding":

From October 1 through November 20, prepare the seedbed, add the required amounts of lime and fertilizer, then mulch and anchor. After November 20 and before March 15, broadcast the selected seed mixture. Increase the seeding rates by 50% for this type of seeding.

From November 30 through March 15, when soil conditions permit, prepare the seedbed, lime and fertilize, apply the selected seed mixture, mulch and anchor. Increase the seeding rates by 50% for this type of seeding.

Apply seed uniformly with a cyclone seeder, drill, cultipacker seeder, or hydro-seeder (slurry may include seed and fertilizer) on a firm, moist seedbed.

Where feasible, except when a cultipacker type seeder is used, the seedbed should be firmed following seeding operations with a cultipacker, roller, or light drag. On sloping land, seeding operations should be on the contour where feasible.

1 REVEGETATION
Seed, sod or mulch bare soil as soon as possible

SEEDING AND MULCHING
Spread 4 to 6 inches of topsoil. Fertilize according to soil test (or apply 10 lb./1000 sq. ft. of 20-10-10 or 10-10-10 fertilizer.) Seed with an appropriate mix for the site (see table.) Rake lightly to cover seed with 1/4" of soil. Roll lightly. Mulch with straw (70-90 lbs. or one bale per 1000 sq. ft.) Anchor mulch by punching it inches into the soil with a dull, weighted disc or by using netting or other measures on steep slopes or windy areas. Water gently every day or two to keep soil moist. Less watering is needed once grass is 2 inches tall.

SODDING
Spread 4 to 6 inches of topsoil. Fertilize according to soil test (or apply 10lb./1000 sq. ft. of 20-10-10 or 10-10-10 fertilizer.). Lightly water the soil bed. Tamp or roll lightly. On slopes, lay sod starting at the bottom and work toward the top. Peg each piece down in several places. Initial watering should wet soil 6 inches deep (or until water shows 1 inch deep in a straight-sided container.) Then water lightly every day or two for 2 weeks. If construction is completed after October 31, seeding or sodding may be delayed. Applying mulch or temporary seed (such as rye or winter wheat) is recommended if weather permits. Straw bales or silt fences shall be maintained until seeding or sodding is completed in spring (March 15- May 31).

STRAW BALE DETAILS

1. Excavate the trench.
2. Place and stake the straw bales.
3. Wedge loose straw between bales.
4. Backfill and compact the soil.

CONSTRUCTION OF A STRAW BALE BARRIER

Source: Adapted from Installation of Straw and Fiber Barriers for Sediment control, Sherwood and Wyant.

Points A should be higher than point B

PROPER PLACEMENT OF A STRAW BALE BARRIER IN DRAINAGE WAY

Source: Installation of Straw and Fiber Barriers for Sediment Control, Sherwood and Wyant.

CROSS SECTION OF A PROPERLY INSTALLED STRAW BALE

Source: Michigan Soil Erosion and Sediment Control Guidebook, 1975

SILT FENCE OR MULCH BERM DETAILS

1. Set the stakes.
2. Excavate a 4" x 4" trench along the line of stakes.
3. Place fiber material to specified height.
4. Backfill and compact the excavated soil.

CONSTRUCTION OF A FILTER BARRIER

Source: Installation of Straw and Fabric Filter Barriers for Sediment Control, Sherwood and Wyant

Points A should be higher than point B

PROPER PLACEMENT OF A STRAW BALE BARRIER IN DRAINAGE WAY

Source: Adapted from Installation of Straw and Fiber Barriers for Sediment Control, Sherwood and Wyant.

1. Set the posts and excavate a 4" x 4" trench along the line of posts.
2. Staple wire fabric to the posts.
3. Attach the filter fabric to the wire fence and extend it into the trench.
4. Backfill and compact the excavated soil.

Extension of length and new top line trench.

Source: Adapted from Installation of Straw and Fabric Filter Barriers for Sediment Control, Sherwood and Wyant

INSTALLATION NOTES AND SPECIFICATIONS FOR MULCH BERM:

1. Mulch berm should be placed along a level contour so that it will not intercept runoff and create concentrated flows.
2. Upland drainage divertures (swale flow)
3. Design Criteria:
   - maximum slope CHART (assuming 1 inch berm min.)
   - maximum run
   - use bale from 70% organ-fiber
4. Planting considerations: most effective when combined with vegetated buffer.

CROSS-SECTION VIEW

2 PRESERVING EXISTING VEGETATION
Where possible, preserve existing trees, shrubs, and other vegetation. To prevent root damage, do not grade, place soil piles, or park vehicles near trees marked for preservation. Place plastic mesh or snow fence barriers around trees to protect the area below their branches.

3 SILT FENCE or MULCH BERM
Put up before any other work is done, install on downslope side(s) of site with ends extended up sideslopes a short distance. Place parallel to the contour of the land to allow water to pond behind fence.
Entrance 4 inches deep (see trench detail.) Stake (2 stakes per bale OR 1 stake every 3 feet for silt fence.) Leave no gaps between bales or sections of silt fence. Inspect and repair once a week and after every 1/2 inch rain. Remove sediment if deposits reach half the fence or straw bale height. Maintain until a lawn is established.

4 SOIL PILES
Located away from any downslope street, driveway, stream, lake, wetland, ditch or drainageway. Temporary seed each soil stockpile if it is recommended for topsoil piles. Surround with straw bales or silt fence.

5 STONE DRIVE
Install a single access drive using 3 to 3 inch aggregate over a geotextile material. Lay gravel 6 inches deep and 10 feet wide from the foundation to the street. Use to prevent tracking dirt onto the road by all vehicles. Maintain throughout construction until driveway is paved. Park all construction vehicles on the street and off of the site.

SEDIMENT CLEANUP
By the end of each work day, sweep or scrape up soil tracked onto the road. By the end of the next work day after a storm, clean up soil washed off-site, and check straw bales and silt fence for damage or sediment buildup. DOWNSPOUT EXTENSIONS
Not required, but highly recommended. Install as soon as gutters and downspouts are completed. Route water to a grassed or paved area. Maintain until a lawn is established.

TEMPORARY STREAM CROSSING

7 TEMPORARY STREAM CROSSING

GRAVEL CURB INLET SEDIMENT FILTER

SPECIFIC APPLICATION
This method of inlet protection is applicable at curb inlets where construction traffic will be able to pass over the inlet. It is also recommended where the inlet drains a relatively flat area (slope not steeper than 5%) and where overland flow can be accepted without excessive ponding.

8 GRAVEL CURB INLET SEDIMENT FILTER

BLOCK AND DROP INLET SEDIMENT FILTER

SPECIFIC APPLICATION
This method of inlet protection is applicable where heavy flows are anticipated and where an overflow capacity is necessary to prevent excessive ponding around the structure.

9 BLOCK AND DROP INLET SEDIMENT FILTER

GEOTEXTILE INLET PROTECTION IN SWALES, DITCH LINES OR YARD INLETS

1. Inlet protection shall be constructed either before upslope land disturbances begins or before the storm drain becomes operational.
2. The Earth around the inlet shall be excavated completely to a depth of least 18 in.
3. The wooden frame shall be constructed of 2-by-4-in. construction-grade lumber. The 2-by-4s shall be arranged to fit into the ground at four corners of the inlet, and the top side of the 2-by-4-in. frame shall be level using the overlap joint shown. The top of the frame shall be at least 6-in. below adjacent roadbed ponded water pose a safety hazard to traffic.
4. Wire mesh shall be of sufficient strength to support fabric with water fully impounded against it. It shall be stretched tightly around the frame and fastened securely to the frame.
5. Geotextile shall have an equivalent opening size of 20-40 sieve and be resistant to sunlight. It shall be stretched tightly around the frame and fastened securely. It shall extend from the top of the frame to 18 in. below the inlet notch elevation. The geotextile shall overlap across one side of the inlet so the ends of the cloth are not fastened to the same post.
6. Backfill shall be placed around the inlet in concrete 6-in. layers until the earth is even with notch elevation on ends and top elevation on sides.
7. A compacts earth dike or a check dam shall be constructed in the ditch line below the inlet if the inlet is not in a depression and if runoff bypassing the inlet will not flow to a settling pond. The top of earth dikes shall be at least 6 in. higher than the top of the frame.

GABIONS

10 GABIONS

STRAW BALE DROP INLET SEDIMENT FILTER

SPECIFIC APPLICATION
This method of inlet protection is applicable where the inlet drains a relatively flat area (slope not steeper than 5%) and where ponding can be accepted without excessive inconvenience or damage to adjacent structures and unprotected areas. Ponding (2.5 ft. max) will typical.

11 STRAW BALE DROP INLET SEDIMENT FILTER

SOD DROP INLET SEDIMENT FILTER

SPECIFIC APPLICATION
This method of inlet protection is applicable only at the time of permanent seeding, to protect the inlet from sediment and mulch materials until permanent vegetation has become established.

12 SOD DROP INLET SEDIMENT FILTER

INLET PROTECTION DETAILS

Specific Application
This method of inlet protection is applicable where heavy concentrated flows are expected, but not where ponding around the structure might cause excessive inconvenience or damage to adjacent structures and unprotected areas.

13 GRAVEL AND WIRE MESH DROP INLET SEDIMENT FILTER

SPECIFIC APPLICATION
This method of inlet protection is applicable at curb inlets where an overflow capability is necessary to prevent excessive ponding in front of the structure.

14 BLOCK AND GRAVEL CURB INLET SEDIMENT FILTER

SEDIMENT TRAPS & DAMS

15 TEMPORARY EROSION CONTROL

DIKES AND SLOPE PROTECTION

16

TEMPORARY DETENTION SEDIMENT FILTER

19 TEMPORARY DETENTION SEDIMENT FILTER

*For more details see pages 204-1 (2) of Rainwater and Land Development: Ohio's Stormwater for Stormwater Management. Prepared by the Ohio Department of Natural Resources, Division of Soil and Water Conservation.

DANDY BAG® /BEAVER DAM

Installation and Maintenance Guidelines

WRAPPED CRATE, ROLLED GRAVEL CURB INLET FILTER

Specific Application
This method of inlet protection is applicable at curb inlets where ponding in front of the structure is acceptable and where heavy flows are not anticipated and overtopping will not cause excessive inconvenience or damage to adjacent structures and unprotected areas.

17 WRAPPED CRATE, ROLLED GRAVEL CURB INLET FILTER

CHECK DAM DETAILS

Dam Height (ft.)	Channel Slope < 5%	5-10%	10-15%	15-20%
1	65 ft.	30 ft.	20 ft.	15 ft.
2	130 ft.	65 ft.	40 ft.	30 ft.
3	200 ft.	100 ft.	65 ft.	50 ft.

CHECK DAMS
1. The check dam shall be constructed of 4 to 8 inch diameter stone, placed so that it completely covers the width of the channel.

2. The top of the check dam shall be constructed so that the center is approximately 6 inches lower than the outer edges so water will flow across the center and not around the ends.

3. The maximum height of the check dam at the center of the weir shall not exceed 3 ft.

4. Spacing between dams shall be as shown by the check dam spacing table.

DESCRIPTION
Check dams are small rock dams constructed in swales, grassed waterways or diversions. They reduce the velocity of concentrated flows, thereby reducing erosion within the swale or waterway. While the practice often traps some sediment, its trapping efficiency is extremely poor, thus, it should not be used as a sediment trapping practice.

CONDITIONS
This practice is limited to use in small open channels where it is necessary to slow the velocity of flows in order to prevent erosion. Applications include temporary swales which, because of their short length of service, are not practical to receive a nonerosible lining or swales which need protection during the establishment of grass linings. See specifications for rock check and gravel riffle for larger channels and ditches.

DESIGN LIMITS
Check dams must not be relied upon to remove sediment from runoff flowing through a channel but rather are used to reduce erosion of the channel itself. However, innovative applications may produce effective ponding areas behind check dam or silt fence structures adequate to trap sediment from sites with very little slope and very little drainage area, less than 2 % slope and less than 2 ac. drainage area.

SPLASH APRON
Where check dams are expected to be in use for an extended period of time, a stone apron may be constructed immediately downstream of the check dam to prevent flows from undermining the structure. The apron should be 6 inches thick and its length two times the height of the dam.

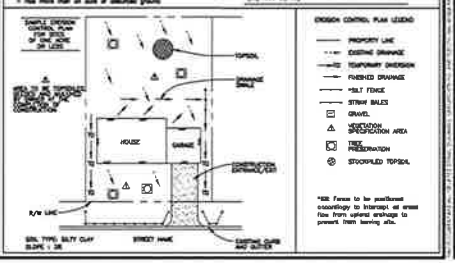
CONCRETE WASTE MANAGEMENT

EROSION CONTROL FOR INDIVIDUAL LOTS & SMALL SITES

WARNING! Extra measures may be needed if your site:
- is within 200 feet of a stream or wetland
- is within 1000 feet of a lake
- is steep (slopes of 12% or more)
- Receives runoff from 10,000 sq. ft. or more of adjacent land
- Has more than an acre of disturbed ground

Typical Lawn Seed Mixtures

Grass	Sunny Site	Shade Site
Kentucky bluegrass	50%	15%
Fine fescue	30%	70%
Perennial ryegrass	15%	15%
Seeding rate (lb./1000 sq. ft.)	2-4	4-5



EROSION CONTROL PLAN LEGEND
- PROPERTY LINE
- EXISTING DRAINAGE
- TEMPORARY DIVERSION
- FINISHED DRAINAGE
- SILT FENCE
- STRAW BALES
- GRAVEL
- VEGETATION REFORESTATION AREA
- TREE PRESERVATION
- STOCKPILED TOPSOIL

*SILT Fences to be positioned accordingly to intercept all areas flow from upland drainage to prevent from leaving site.

Plot time: May 27 2003 - 8:53pm
Drawing path: Z:\2000\2000610\ENG\Working Drawings\Layout Tab: M-EROSION

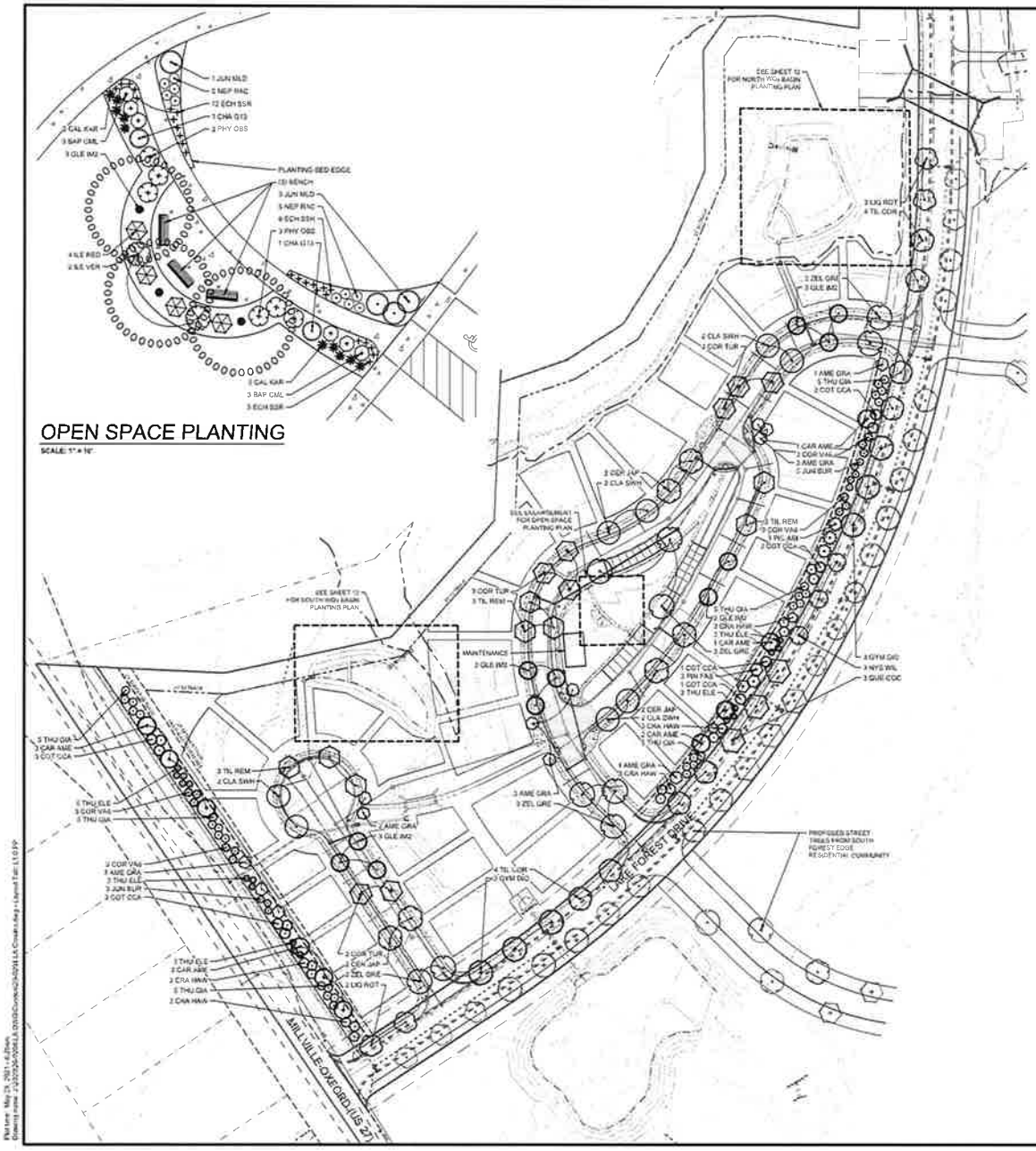
No.	Revision Description	Date	Dsgn.	Chk.

SOUTH FOREST EDGE SECTION 1
PART OF LOT #715
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 36, TOWN 5, RANGE 1
CITY OF OXFORD, BUTLER COUNTY, OHIO

EROSION CONTROL DETAILS

bayer becker
www.bayerbecker.com
312 S. College Avenue, Suite 101
Fort Collins, CO 80524 • (970) 223-0719

Drawing No.	M-EROSION DETAILS (OXFORD)
Drawn By	ASB
Checked By	JAB
Issue Date	05/16/2003
Sheet	10/13



CITY OF OXFORD ZONING REQUIREMENTS

SECTION 1140.01 STREET TREE REQUIREMENTS:

TREES SHALL BE PLANTED IN THE TREE LAWN OR OTHER APPROPRIATE AREAS IN THE STREET RIGHTS-OF-WAY AS REQUIRED IN CHAPTER 935.

CHAPTER 935.05 STREET TREE SPECIES TO BE PLANTED

- THE TREE PLAN CONTAINS A LIST OF OFFICIAL STREET TREE SPECIES FOR THE CITY OF OXFORD
- PLANTED AT 2" DBH

CHAPTER 935.06 SPACING

- MIN. SPACING: SMALL TREES 30FT, MEDIUM TREES 40FT, LARGE TREES 50FT

ALL NEWLY PLANTED STREET TREES SHALL BE PLANTED EQUAL DISTANCE BETWEEN THE SIDEWALK AND THE CURB.

SECTION 1148.04 TREE PLANTING REQUIREMENTS:

(b) (1) RESIDENTIAL SINGLE-, TWO- & THREE- FAMILY STANDARDS:

- ON MULTI-FAMILY LOTS, A MINIMUM OF ONE (1) TREE FOR EACH UNIT SHALL BE PLANTED WITHIN THE CORRESPONDING REQUIRED FRONT YARD AREA.

(c) EACH REQUIRED TREE SHALL BE A MINIMUM TWO (2) INCH CALIPER AND MUST BE A SPECIES THAT APPEARS ON THE CITY'S TREE LIST

SECTION 1121.4 (4150) LANDSCAPE PLAN:

B. BUFFERING

- BUFFERS SHALL PROVIDE YEAR-ROUND VISUAL SCREEN IN ORDER TO MINIMIZE ADVERSE IMPACTS. THEY MAY CONSIST OF FENCING, EVERGREENS, BERMS, ROCKS, BOULDERS, MOUNDS, OR COMBINATIONS.
- BUFFER REQUIRED TO SHIELD:
  - (1) NEIGHBORING PROPERTIES FROM ADVERSE EXTERNAL EFFECTS OF DEVELOPMENT
  - (2) DEVELOPMENT FROM NEGATIVE IMPACTS OF ADJACENT USES (SUCH AS STREETS OR RAILROAD)

3. REQUIREMENTS

A. YEAR ROUND SCREENING AT LEAST 8' HEIGHT AFTER THREE GROWING SEASONS

C. (5') MIN. BUFFER WIDTH FROM PARKING LOTS, GARBAGE COLLECTION, UTILITY AREAS, AND LOADING AND UNLOADING AREAS

D. TWENTY (20') FOOT WIDTH MIN. FROM ALL OTHER LAND USES (CAN BE REDUCED TO 10' FEET WHEN ADJOINING USE IS UNDEVELOPED, VACANT OR AGRICULTURAL LAND)

PLANT SCHEDULE ZONING MINIMUM

DECIDUOUS TREES	QTY	BOTANICAL NAME	COMMON NAME	TYPE	MIN. SIZE
CAR AME	19	Carpinus caroliniana	American Hornbeam	B & B	2.5" Cal
CER JAP	5	Cercis siliquastrum	Katsura Tree	B & B	2.5" Cal
CLA DAW	9	Cladrastis kentukea 'Grace Stone'	Grace Stone American Yellowwood	B & B	2.5" Cal
COR TUR	7	Cornus kousa	Turkish Kousa	B & B	2.5" Cal
GLE TRI	11	Gleditsia triacanthos inermis 'shademaster' TM	shademaster Honey Locust	B & B	2.5" Cal
GYM DIO	9	Gymnocladus dioicus 'Diamond'	Kentucky Coffeetree	B & B	2.5" Cal
LIQ RO	4	Liquidambar styraciflua 'Rotundiloba'	Roundlobed Sweet Gum	B & B	2.5" Cal
NYS SYL	11	Nyssa sylvatica 'Wildfire'	Black Gum	B & B	2.5" Cal
QUE COC	9	Quercus coccinea	Scarlet Oak	B & B	2.5" Cal
TIL REM	4	Tilia americana x euchlora 'Redmond'	Redmond Linden	B & B	2.5" Cal
TIL COR	9	Tilia cordata	Littleleaf Linden	B & B	2.5" Cal
ZEL SER	19	Zelkova serrata 'Green Vase'	Green Vase Sawleaf Zelkova	B & B	2.5" Cal

EVERGREEN TREES	QTY	BOTANICAL NAME	COMMON NAME	TYPE	MIN. SIZE
JUN SUP	8	Juniperus virginiana 'Sute'	Sute Red Cedar	B & B	7' Ht.
PIC ABI	5	Picea abies	Norway Spruce	B & B	8' Ht.
PIN NIG	5	Pinus nigra 'Kordgaba'	Kordgaba White Pine	B & B	8' Ht.
THU LIG	17	Thuja occidentalis 'Degroot Bonna'	Degroot Bonna Arborvitae	B & B	8' Ht.
THU OCC	29	Thuja occ. 'Dark Green Giant'	Western Red Cedar	B & B	8' Ht.

ORNAMENTAL TREES	QTY	BOTANICAL NAME	COMMON NAME	TYPE	MIN. SIZE
AME GRA	12	Amelanchier x grandiflora 'Autumn Brilliance'	Autumn Brilliance Serviceberry Tree Form	B & B	1.5" Cal
COR VAR	12	Cornus mas 'Variegata'	Variegated Cornelian Cherry	B & B	1.5" Cal
GOT CCA	13	Gordonia lasianthus 'Northfield' TM	Gordon Camellia American Dream Tree	B & B	1.5" Cal
CRA HAW	10	Crataegus crus-galli 'Thornless' TM	Cockspur Hawthorn Inermis	B & B	1.5" Cal

PLANT SCHEDULE OPEN SPACE

DECIDUOUS TREES	QTY	BOTANICAL NAME	COMMON NAME	TYPE	MIN. SIZE
TILIA AMO	3	Tilia x flavescens 'Redmond' TM	Redmond Linden	B & B	2.5" Cal
ANNUALS AND PERENNIALS	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT
SAP CML	5	Salvia x 'Caradonna Mealycup'	Caradonna Mealycup Sage Indigo	1 gal	Clump
ECH SSP	25	Echinacea x 'Balsomsred' TM	Sombrero Salsa Red Coneflower	2 gal	Clump
NEP RAC	10	Nepeta racemosa 'Walker's Low'	Walker's Low Catmint	1 gal	Clump
DECIDUOUS SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT
ILE RED	4	Ilex verticillata 'Red Sprite'	Red Sprite Winterberry	3 gal	15" Ht.
ILE VER	2	Ilex verticillata 'Jim Dandy'	Jim Dandy Winterberry	B&B	24" Ht.
PHY OBO	4	Physocarpus opulifolius 'Obsidian'	Obsidian Ninebark	3 gal	24" Ht.
EVERGREEN SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT
CHA SYI	2	Chamaecyparis pisifera 'Golden Mop'	Golden Mop Threadleaf False Cypress	B & B	24" Ht.
JUN MED	4	Juniperus horizontalis 'Mother Lode'	Mother Lode Creeping Juniper	3 gal	12" Ht.
ORNAMENTAL GRASSES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT
CAL KAR	10	Calamagrostis x acutiflora 'Karl Foerster'	Feather Reed Grass	2 gal	Clump

Plotted: May 24, 2021 - 4:25pm
Drawing name: J:\2019\2019014.D\05Drawings\2019014 LA Drawings.dwg Layout Tab: L1 (1) P

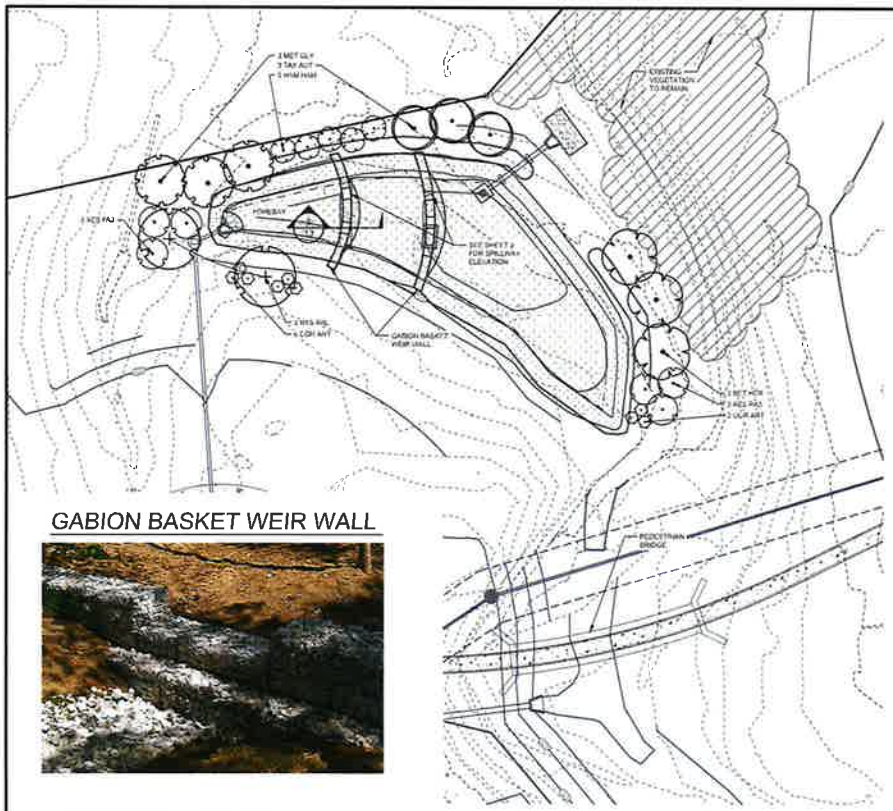
Rev. #	Description	Date	By	Chk.	Appr.
1	PRELIMINARY PLAN SUBMITTAL	5/25/21	LES	ADH	

SOUTH FOREST EDGE SECTION 1
AUTHORIZED AGENT
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 36, TOWN 5, RANGE 1
CITY OF OXFORD, BUTLER COUNTY, OHIO
PLANTING PLAN

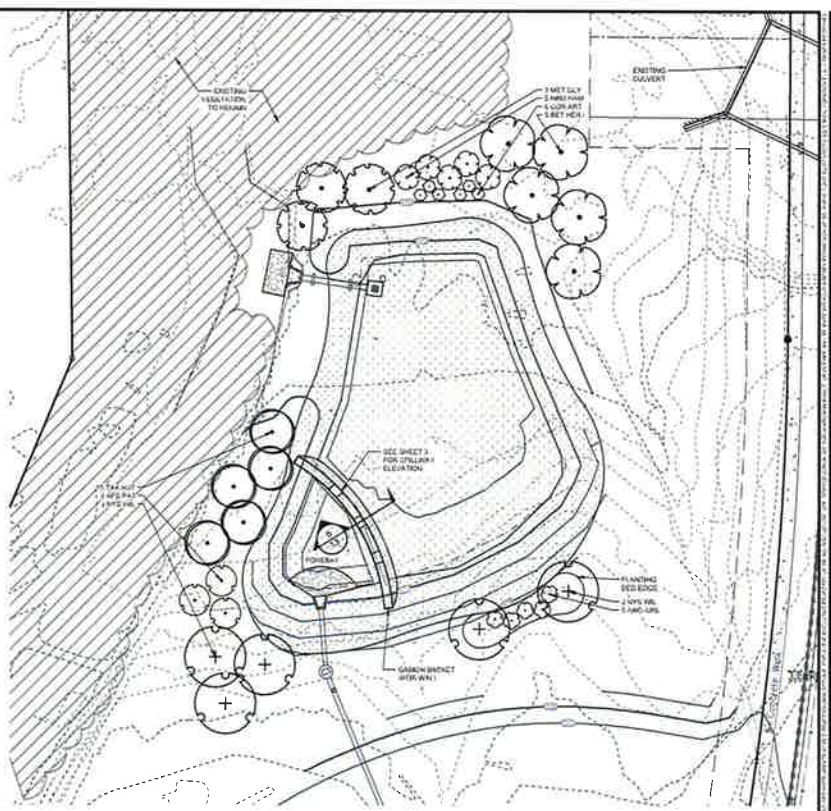
bayer becker
www.bayerbecker.com
119 E. College Avenue, Suite 301
Carmel, IN 46032 (317) 573-5210

Drawing: 2019014.LA.DWG05
Drawn By: LES
Checked By: ADH
Issue Date: 05/24/2021

Sheet
11/13



GABION BASKET WEIR WALL



SOUTH WQv BASIN

CONCEPT GRAPHICS SCHEDULE

VEGETATIVE BANK STABILIZATION
Wetland Edge Seed Mix to be seeded and hydromulched per manufacturer's recommended rate.
Takeoff: 3,000 sf

WQv BASIN PLANTING
Detention Basin Seed Mix shall consist of plants that can tolerate standing water and dry conditions. Seed mix to be seeded and hydromulched per manufacturer's recommended rate.
Takeoff: 4,000 sf

RIP RAP
4"-8" Diameter Limestone Aggregate
Takeoff: 250 sf

GABION BASKET WEIR WALLS
Bottom of wall: 9' L x 3' W x 3' H gabion baskets to form a wall from detention bed edge to detention bed edge. Top of wall: a. ONE 9' L x 3' W x 1.5' H gabion baskets with 3" gaps to create spillways. Baskets to be filled with 4"- 8" limestone aggregate stone.
Takeoff: 240 sf

SPILLWAY STABILIZATION
4"-8" diameter limestone aggregate directly under spillway.
Takeoff: 200 sf

PLANT SCHEDULE SOUTH WQv BASIN

DECIDUOUS TREES	QTY	BOTANICAL NAME	COMMON NAME	TYPE	MIN. SIZE
BET HOR	3	Betula nigra 'Heritage'	Heritage River Birch	B & B	2.5" Cal.
NYS SYL	2	Nyssa sylvatica 'Wildfire'	Black Gum	B & B	2.5" Cal.
TAX AUT	3	Taxodium distichum 'Autumn Gold'	Autumn Gold Bald Cypress	B & B	2.5" Cal.
DECIDUOUS SHRUBS	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**SIZE**	**HEIGHT**
ACE PAL	5	Aronia palmifolia	Bottlebrush Buckeye	5 gal	24" Ht.
COR ART	9	Cornus sericea 'Arctic Fire'	Arctic Fire Dogwood	5 gal	24" Ht.
HAM HAM	5	Hamamelis vernalis 'Amethyst'	Amethyst Vernal Witchhazel	B & B	48" Ht.

NORTH WQv BASIN

CONCEPT GRAPHICS SCHEDULE

VEGETATIVE BANK STABILIZATION
Wetland Edge Seed Mix to be seeded and hydromulched per manufacturer's recommended rate.
Takeoff: 14,500 sf

WQv BASIN PLANTING
Detention Basin Seed Mix shall consist of plants that can tolerate standing water and dry conditions. Seed mix to be seeded and hydromulched per manufacturer's recommended rate.
Takeoff: 9,000 sf

RIP RAP
4"-8" Diameter Limestone Aggregate
Takeoff: 200 sf

GABION BASKET WEIR WALLS
Bottom of wall: 9' L x 3' W x 3' H gabion baskets to form a wall from detention bed edge to detention bed edge. Top of wall: a. ONE 9' L x 3' W x 1.5' H gabion baskets with 3" gaps to create spillways. Baskets to be filled with 4"- 8" limestone aggregate stone.
Takeoff: 250 sf

SPILLWAY STABILIZATION
4"-8" diameter limestone aggregate directly under spillway.
Takeoff: 200 sf

PLANT SCHEDULE NORTH WQv BASIN

DECIDUOUS TREES	QTY	BOTANICAL NAME	COMMON NAME	TYPE	MIN. SIZE
BET HOR	3	Betula nigra 'Heritage'	Heritage River Birch	B & B	2.5" Cal.
MET OLY	3	Metasequoia glyptostroboides	Dawn Redwood	B & B	2.5" Cal.
NYS SYL	3	Nyssa sylvatica 'Wildfire'	Black Gum	B & B	2.5" Cal.
TAX AUT	3	Taxodium distichum 'Autumn Gold'	Autumn Gold Bald Cypress	B & B	2.5" Cal.
DECIDUOUS SHRUBS	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**SIZE**	**HEIGHT**
ACE PAL	3	Aronia palmifolia	Bottlebrush Buckeye	5 gal	24" Ht.
AMEL ARR	3	Amelanchier x 'Autumn Brilliance'	Autumn Brilliance Serviceberry	B & B	36" Ht.
COR ART	5	Cornus sericea 'Arctic Fire'	Arctic Fire Dogwood	5 gal	24" Ht.
HAM HAM	5	Hamamelis vernalis 'Amethyst'	Amethyst Vernal Witchhazel	B & B	48" Ht.

No.	Revision Description	Date	Drawn	Chkd
1	REVISED PER CITY COMMENTS	5/2021	LES	

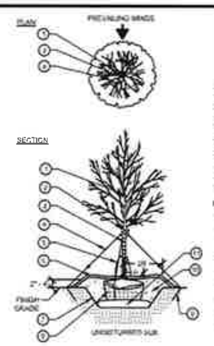
SOUTH FOREST EDGE
SECTION 1
LOT 1 OF LOT 1718
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 36, TOWN 5, RANGE 1
CITY OF OXFORD, BUTLER COUNTY, OHIO
BASIN PLANTING PLANS

bayer becker
www.bayerbecker.com
513 E. Calliope Avenue, Suite 101
Galena, OH 43021 • 513.525.4010

Drawing No.	20-0439.LA CONSOL
Drawn By	LES
Reviewed By	AEH
Issue Date	03/04/2021

Sheet
12/13

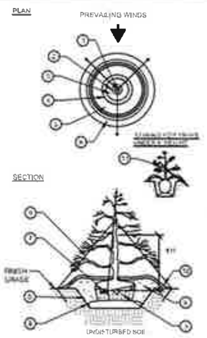
Plot Date: May 21, 2021 - 1:08pm
Drawing Name: J:\2020\20-0439.LA CONSOL\Drawings\20-0439 LA Forest Edge - Layout Tab - S 1 B Basins



1. CENTRAL LEADER
2. 1/2" RUBBER HOSE, REINFORCED, BLACK
3. TREE WRAP (STD. MANUFACTURER)
4. # 10, GALVANIZED, TWISTED DOUBLE STRAND GUY WIRE
5. 20 GAL. GATOR BAG (SEE NOTES)
6. MULCH
7. ROOTBALL PIT
8. ROOTBALL
9. 36" LONG #6 REBAR STAKE; DRIVE BELOW GRADE
10. EARTHEN SAUCER OF AMENDED TOPSOIL
11. TAMPED SETTING BED 6" MIN. DEPTH

NOTES:
A. ONLY TREES ON SLOPES 3:1 OR GREATER OR IN WINDY LOCATIONS SHALL BE GUYED.
B. 5" CALIPER TREES REQUIRE A 4" CORRUGATED PVC TUBING DOUBLE WRAPPED IN FILTER FABRIC SOCK PIPE.
C. REMOVE BURLAP FROM TOP ⅓ OF ROOTBALL - TOP OF ROOTBALL TO BE 2-4" ABOVE GRADE AFTER SETTLEMENT.
D. TREE PIT TO BE TWICE THE WIDTH OF THE ROOTBALL.
E. SCARIFY BOTTOM AND SIDES OF TREE PIT TO 4" MIN. DEPTH.
F. TOPSOIL AMENDED PER SOIL TESTING REPORT.
G. GATOR BAG TO BE INSTALLED & FILLED PER MANUFACTURER'S SPECIFICATIONS ON ALL TREES WHEN INSTALLED BETWEEN JUNE - AUG. SEE PLANTING & PREPARATION NOTES. 1"-4" CALIPER (1 BAG), 5"-8" CALIPER (2 BAGS).

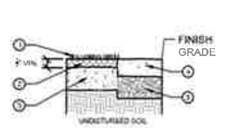
1 TREE PLANTING
NOT TO SCALE — 329343.46-46



1. CENTRAL LEADER
2. 12" RUBBER HOSE, REINFORCED, BLACK
3. ROOTBALL
4. 4" CORRUGATED PVC TUBING DOUBLE WRAPPED IN FILTER FABRIC SOCK PIPE (ONLY 5"+ CALIPER TREES)
5. ROOTBALL PIT
6. EARTHEN SAUCER OF AMENDED TOPSOIL
7. 36" LONG #6 REBAR STAKE (SEE NOTES)
8. TAMPED SETTING BED 6" MIN. DEPTH
9. # 10, GALVANIZED, TWISTED DOUBLE STRAND GUY WIRE
10. MULCH (SEE NOTES)
11. 1" x 24" WOOD STAKE TIED TO TREE WITH #9 GALVANIZED WIRE AND BLACK HOSE

NOTES
A. REMOVE BURLAP FROM TOP ⅓ OF ROOTBALL - TOP OF ROOTBALL TO BE 2-4" ABOVE GRADE AFTER SETTLEMENT.
B. TREE PIT TO BE TWICE THE WIDTH OF THE ROOTBALL.
C. SCARIFY BOTTOM AND SIDES OF TREE PIT TO 4" MIN. DEPTH.
D. TOPSOIL AMENDED PER SOIL TESTING REPORT.
E. ATTACH GUY WIRE AT ⅔ OF THE TREE HEIGHT. DRIVE STAKE BELOW GRADE AND WITHIN MULCHED AREAS IF POSSIBLE. WOOD STAKES MAY NOT CONTAIN CHROMATED COPPER ARSENATE (CCA).
F. MULCH-SEE TOPSOIL AMENDMENTS & MULCH NOTES, AND PLANT INSTALLATION NOTES.

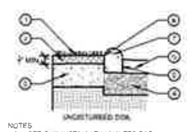
2 EVERGREEN TREE DETAIL
NOT TO SCALE — 329343.46-03



1. SOD AS SPECIFIED
2. SOD AND ROOT LAYER
3. 4" AMENDED TOPSOIL
4. PAVING SURFACE
5. PAVING BASE

NOTES
A. SOD SURFACE TO BE INSTALLED FLUSH WITH ADJACENT PAVING SURFACE.
B. SEE SOD INSTALLATION NOTES FOR INSTALLATION PROCEDURE.

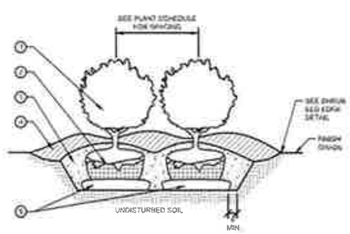
3 SIDEWALK/SOD INSTALLATION
NOT TO SCALE — 329223-01



1. SOD AS SPECIFIED
2. SOD & ROOT LAYER
3. AMENDED TOPSOIL
4. PAVING BASE - SEE SITE DETAILS FOR ADDITIONAL INFORMATION
5. EXPANSION JOINT
6. PAVING - SEE SITE DETAILS FOR ADDITIONAL INFORMATION
7. CURB
8. SOD SURFACE TO BE INSTALLED BETWEEN 1" TO FLUSH WITH ADJACENT PAVING SURFACE

NOTES
A. SEE SOD INSTALLATION NOTES FOR INSTALLATION PROCEDURE.

4 CURB/SOD INSTALLATION DETAIL
NOT TO SCALE — 329223.16-11



1. SHRUB
2. ROOTBALL
3. AMENDED TOPSOIL
4. MULCH
5. TAMPED SETTING BED

NOTES
A. REMOVE BURLAP FROM TOP ⅓ OF ROOTBALL - TOP OF ROOTBALL TO BE 2-4" ABOVE GRADE AFTER SETTLEMENT.
B. SCARIFY BOTTOM AND SIDES OF PLANTING BED TO 4" MIN. DEPTH.
C. TOPSOIL AMENDED PER SOIL TESTING REPORT.
D. MULCH-SEE TOPSOIL AMENDMENTS & MULCH NOTES AND PLANT INSTALLATION NOTES.

5 SHRUB BED PLANTING DETAIL
NOT TO SCALE — 329113.26-03

1. SHRUB
2. ROW

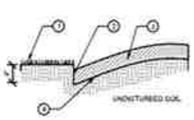
NOTE:
X = SHRUB SPACING (NOTED 1ST ON PLANT SCHEDULE)
Y = ROW SPACING (NOTED 2ND ON PLANT SCHEDULE)

USED FOR TWO DIMENSION O.C. (ON CENTER) SPACING. EXAMPLE: X' x Y'

NOTE
Z = ON CENTER DIMENSION

USED FOR MASS SHRUB PLANTINGS GIVEN ONE O.C. DIMENSION ON PLANT SCHEDULE.

6 SHRUB SPACING DETAIL (TYP.)
NOT TO SCALE — 329333-01



1. LAWN
2. VERTICAL EDGE
3. MULCH
4. EXISTING GRADE OF PLANTING AREA

NOTES
A. EDGE SHALL CREATE A CLEAN SEPARATION BETWEEN AREAS AND CREATE SMOOTH AND EVEN LINES AS INDICATED ON PLANS.
B. EDGE DETAIL SHALL BE USED AT ALL LAWN EDGES AND AT EDGES OF MULCHED AREAS FOR CONTAINMENT.
C. SEE TOPSOIL, AMENDMENTS, & MULCH AND PLANT INSTALLATION NOTES.

7 SHRUB BED EDGE DETAIL
NOT TO SCALE — 329113.26-02

WARRANTY
A. CONTRACTOR SHALL PROVIDE OWNER WITH A MINIMUM ONE YEAR WRITTEN WARRANTY FOR LABOR AND MATERIALS.
B. CONTRACTOR SHALL WARRANT EXTERIOR PLANTS AGAINST DEFECTS, INCLUDING DEATH AND UNSATISFACTORY GROWTH, EXCEPT FOR DEFECTS RESULTING FROM LACK OF ADEQUATE MAINTENANCE, NEGLECT OR ABUSE BY OWNER, OR INCIDENTS THAT ARE BEYOND CONTRACTOR'S CONTROL.
C. WARRANTY SHALL INCLUDE SPECIFIC WARRANTY PERIODS FROM DATE OF ACCEPTANCE FOR TREES AND SHRUBS, GROUND COVERS, AND OTHER EXTERIOR PLANTS.
D. WARRANTY SHALL BE LIMITED TO ONE REPLACEMENT OF EACH EXTERIOR PLANT, EXCEPT FOR LOSSES OR REPLACEMENTS DUE TO FAILURE OF CONTRACTOR TO COMPLY WITH REQUIREMENTS.
E. WARRANTY FOR IRRIGATION SERVICE, PLUMBING, & DRAINAGE SHALL BE GUARANTEED FOR A PERIOD OF 1 YEAR AND WILL INCLUDE START-UP, WINTERIZATION, AND SECOND SEASON START-UP. WARRANTY SHALL INCLUDE ALL LABOR, MATERIAL, TOOLS, AND EQUIPMENT AS NECESSARY TO PROVIDE A FUNCTIONING SYSTEM, FREE FROM DEFECTS AND ADJUSTED PROPERLY FOR APPROPRIATE WATER DELIVERY TO ALL PLANT MATERIAL.

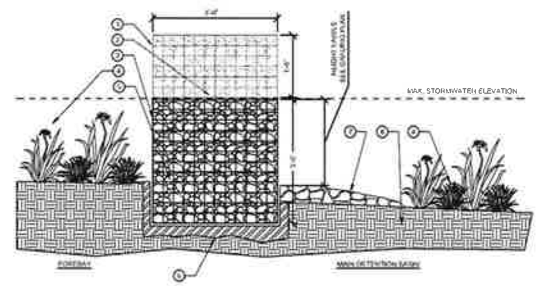
TRAFFIC & SAFETY
A. REFER TO BID DOCUMENTS AND COMPLY WITH ALL STATE & LOCAL REQUIREMENTS REGARDING APPROVED WORK TIMES, SCHEDULING OF INSTALLATION, AND ALL OTHER REQUIREMENTS.

PLANTING PREPARATION
A. EXAMINE AREAS TO RECEIVE PLANTS FOR COMPLIANCE WITH REQUIREMENTS AND CONDITIONS AFFECTING INSTALLATION AND PERFORMANCE. PROCEED WITH INSTALLATION ONLY AFTER UNSATISFACTORY CONDITIONS ARE CORRECTED.
B. PROTECT STRUCTURES, UTILITIES, SIDEWALKS, PAVEMENTS, AND OTHER FACILITIES AND TURF AREAS AND EXISTING PLANTS FROM DAMAGE CAUSED BY PLANTING OPERATIONS.
C. INSTALL EROSION-CONTROL MEASURES TO PREVENT EROSION OR DISPLACEMENT OF SOILS AND DISCHARGE OF SOIL-BEARING WATER RUNOFF OR AIRBORNE DUST TO ADJACENT PROPERTIES AND WALKWAYS.
D. APPLY ANTIDESICCANT TO TREES AND SHRUBS USING POWER SPRAY TO PROVIDE ADEQUATE FILM OVER TRUNKS (BEFORE WRAPPING), BRANCHES, STEMS, TWIGS, AND FOLIAGE TO PROTECT DURING HANDLING AND TRANSPORTATION. IF DECIDUOUS TREES OR SHRUBS ARE MOVED IN FULL LEAF, SPRAY ANTIDESICCANT AT NURSERY BEFORE MOVING AND AGAIN TWO (2) WEEKS AFTER PLANTING.
E. WRAP TREES AND SHRUBS WITH BURLAP FABRIC OVER TRUNKS, BRANCHES, STEMS, TWIGS, AND FOLIAGE TO PROTECT FROM WIND AND OTHER DAMAGE DURING DIGGING, HANDLING, AND TRANSPORTATION.
F. LAY OUT INDIVIDUAL TREE AND SHRUB LOCATIONS AND BED EDGES FOR ALL EXTERIOR PLANTINGS. STAKE LOCATIONS, OUTLINE AREAS, ADJUST LOCATIONS WHEN REQUESTED, AND OBTAIN LANDSCAPE ARCHITECT'S, OWNER'S, OR OWNER REPRESENTATIVE'S WRITTEN ACCEPTANCE OF LAYOUT PRIOR TO PLANTING. TREES SHALL BE SITED IN THE FIELD BY THE LANDSCAPE ARCHITECT WHERE NOTED ON THE PLAN. CONTACT THE LANDSCAPE ARCHITECT WITH ANY DISCREPANCIES OR ISSUES WITH PLACEMENT.

GENERAL LANDSCAPE NOTES
A. THE CONTRACTOR SHALL VISIT THE SITE AND COMPLETELY REVIEW THESE DOCUMENTS AND FULLY UNDERSTAND THE NATURE AND SCOPE OF WORK NEEDED TO ACHIEVE THE FINISHED PRODUCT INTENDED BY THE OWNER. IN ADDITION, THE CONTRACTOR SHALL AT ONCE REPORT TO THE LANDSCAPE ARCHITECT ANY DISCREPANCIES OR INCONSISTENCIES DISCOVERED. FAILURE TO REASONABLY RECOGNIZE OR NOTIFY THE LANDSCAPE ARCHITECT OF SUCH ITEMS SHALL RELEASE THE LANDSCAPE ARCHITECT AND OWNER OF ALL LIABILITY. ANY DEVIATIONS FROM THESE DOCUMENTS WITHOUT WRITTEN APPROVAL FROM THE LANDSCAPE ARCHITECT SHALL BE CORRECTED AT THE CONTRACTOR'S EXPENSE.
B. PROTECT ALL EXISTING VEGETATION TO REMAIN WITHIN AREAS OF CONSTRUCTION DISTURBANCE AS PER PLANS AND SPECIFICATIONS. INSTALL MINIMUM 4' TALL FENCE 5' OUTSIDE THE DRIP LINE OF TREES TO REMAIN. TREES AND VEGETATION TO REMAIN WITH ONE INCH OF RAIN ... [illegible]
C. PRIOR TO CONSTRUCTION, THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL PERMITS NECESSARY TO COMPLETE THE WORK, LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING INSTALLATION. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ALL DAMAGE TO UTILITIES, STRUCTURES, SITE APPURTENANCES, ETC. WHICH MAY OCCUR AS A RESULT OF LANDSCAPE CONSTRUCTION.
D. CONTRACTOR MUST CERTIFY THAT ITS SAFETY PROGRAM MEETS REGULATORY REQUIREMENTS AT A MINIMUM. CONTRACTOR TO PROVIDE DOCUMENTATION OF THE OSHA RECORD KEEPING SUMMARY.
E. LANDSCAPE ARCHITECT MAY OBSERVE TREES AND SHRUBS EITHER AT PLACE OF GROWTH OR SITE BEFORE PLANTING FOR COMPLIANCE WITH REQUIREMENTS FOR GENUS, SPECIES, VARIETY, SIZE, AND QUALITY. LANDSCAPE ARCHITECT RETAINS RIGHT TO OBSERVE TREES AND SHRUBS FURTHER FOR SIZE AND CONDITION OF BALLS, ROOT SYSTEMS, INSECTS, INJURIES, AND LATENT DEFECTS AND TO REJECT UNSATISFACTORY OR DEFECTIVE MATERIAL AT ANY TIME DURING PROGRESS OF WORK. LANDSCAPE CONTRACTOR SHALL REMOVE REJECTED TREES OR SHRUBS IMMEDIATELY FROM PROJECT SITE.
F. IF EXISTING ECOLOGY CAUSES ADJUSTMENTS OF LANDSCAPE PLANS TO FIT THE SITE CONDITIONS, A STAKE OUT BY LANDSCAPE CONTRACTOR AND ADJUSTMENTS BY LANDSCAPE ARCHITECT SHALL BE REQUIRED PRIOR TO INSTALLATION.
G. ALL PLANTING AREAS SHOWN ON PLANS SHALL BE TO WITHIN 2" OF FINAL GRADE BEFORE LANDSCAPE CONTRACTOR COMMENCES INSTALLATION.
H. LANDSCAPE CONTRACT IS RESPONSIBLE FOR COORDINATING WITH OTHER CONTRACTORS AND/OR LOCATING PROPOSED SITE UTILITIES, STORM STRUCTURES, EASEMENTS, ETC.
I. ALL PLANT MATERIAL MUST BE INSTALLED ACCORDING TO THE APPROVED LANDSCAPING PLAN BY NO LATER THAN THE NEXT PLANTING SEASON OR WITHIN 6 MONTHS FROM THE COMPLETION OF ALL SITE CONSTRUCTION.
J. CONTRACTOR TO VERIFY ALL PLANT QUANTITIES. ANY DISCREPANCY BETWEEN THE PLANTING LIST AND THE PLAN SHALL BE VERIFIED BY THE LANDSCAPE ARCHITECT. ALL SUBSTITUTIONS AND/OR CHANGES SHALL BE REQUESTED IN WRITING TO THE OWNER OR OWNER'S REPRESENTATIVE AND BE APPROVED BY THE LANDSCAPE ARCHITECT AND THE LOCAL MUNICIPALITY (IF REQUIRED) PRIOR TO INSTALLATION.
K. THE CONTRACTOR SHALL PROVIDE QUALITY, SIZE, GENUS, SPECIES, AND VARIETY OF EXTERIOR PLANTS INDICATED, COMPLYING WITH APPLICABLE REQUIREMENTS IN ANSI Z60.1 "AMERICAN STANDARD FOR NURSERY STOCK."
L. THE CONTRACTOR SHALL FURNISH NURSERY-GROWN TREES AND SHRUBS COMPLYING WITH ANSI Z60.1, WITH HEALTHY ROOT SYSTEMS DEVELOPED BY TRANSPLANTING OR ROOT PRUNING. PROVIDE WELL-SHAPED, FULLY BRANCHED, HEALTHY, VIGOROUS STOCK, FREE OF DISEASE, INSECTS, EGGS, LARVAE, AND DEFECTS SUCH AS KNOTS, SUN SCALD, INJURIES, ABRASIONS, AND DISFIGUREMENT.
M. TREES AND SHRUBS OF A LARGER SIZE MAY BE USED IF ACCEPTABLE TO LANDSCAPE ARCHITECT, WITH A PROPORTIONATE INCREASE IN SIZE OF ROOTS OR BALLS.
N. IF FORMAL ARRANGEMENTS OR CONSECUTIVE ORDER OF TREES OR SHRUBS IS SHOWN, SELECT STOCK FOR UNIFORM HEIGHT AND SPREAD, AND NUMBER LABEL TO ASSURE SYMMETRY IN PLANTING.
O. THE CONTRACTOR SHALL LABEL ONE TREE AND ONE SHRUB OF EACH VARIETY AND CALIPER WITH A SECURELY ATTACHED, WATERPROOF TAG BEARING LEGIBLE DESIGNATION OF BOTH THE BOTANICAL AND COMMON NAME.
P. PLANT TAGS SHALL REMAIN ON INSTALLED PLANT MATERIAL UNTIL THE WORK HAS BEEN APPROVED BY LOCAL INSPECTOR AND/OR THE OWNER OR OWNER'S REPRESENTATIVE.
Q. LANDSCAPE CONTRACTOR SHALL ASSURE POSITIVE DRAINAGE FROM ALL PLANT BEDS WITHOUT ADVERSELY AFFECTING SITE DRAINAGE. GRADES BEHIND CURBS FOR AREAS TO RECEIVE MULCH SHALL BE HELD 4 INCHES BELOW TOP OF CURB AND 2 INCHES BELOW TOP OF CURB FOR SOD.
R. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR FULLY MAINTAINING, INCLUDING, BUT NOT LIMITED TO, WATERING, SPRAYING, MULCHING, FERTILIZING, ETC. ALL PLANTING AREAS AND LAWN UNTIL THE WORK IS ACCEPTED BY THE OWNER OR THE OWNER'S REPRESENTATIVE.

PLANT INSTALLATION
A. LOOSEN SUBGRADE OF PLANTING AREAS TO A DEPTH OF TWELVE (12) INCHES. REMOVE STONES LARGER THAN ONE (1) INCH IN ANY DIMENSION, STICKS, RUBBISH, AND OTHER EXTRANEOUS MATTER AND LEGALLY DISPOSE OF THEM OFF OF THE OWNER'S PROPERTY.
B. APPLY FERTILIZER DIRECTLY TO THE SUBGRADE BEFORE LOOSENING.
C. SPREAD TOPSOIL, APPLY SOIL AMENDMENTS AND FERTILIZER ON SURFACE, AND THOROUGHLY BLEND PLANTING SOIL. APPLY TURFMATRIX SOIL AMENDMENT AT THE FOLLOWING RATES:
   - FOR 2" DEEP BEDS - 450 LBS / 1000 SF
   - FOR 4" DEEP BEDS - 900 LBS / 1000 SF
   - FOR 6" DEEP BEDS - 1,300 LBS / 1000 SF
   - FOR 8" DEEP BEDS - 1,750 LBS / 1000 SF
D. DELAY MIXING FERTILIZER WITH PLANTING SOIL IF PLANTING WILL NOT PROCEED WITHIN A FEW DAYS.
E. MIX LIME WITH DRY SOIL PRIOR TO MIXING FERTILIZER.
F. SPREAD TOPSOIL TO A DEPTH OF (6) SIX INCHES FOR LAWN OR (12) TWELVE INCHES FOR BEDS BUT NOT LESS THAN REQUIRED TO MEET FINISH GRADES AFTER NATURAL SETTLING. DO NOT SPREAD IF PLANTING SOIL IF SUBGRADE IS FROZEN, MUDDY, OR EXCESSIVELY WET.
G. GRADE PLANTING AREAS TO A SMOOTH, UNIFORM SURFACE PLANE WITH LOOSE, UNIFORMLY FINE TEXTURE. ROLL AND RAKE, REMOVE RIDGES, AND FILL DEPRESSION TO MEET FINISH GRADES.
H. RESTORE PLANTING AREAS IF ERODED OR OTHERWISE DISTURBED AFTER FINISH GRADING.
I. FOR PLANTING PITS AND TRENCHES, EXCAVATE CIRCULAR PLANTING PITS WITH SIDES SLOPING INWARD AT A FORTY-FIVE (45) DEGREE ANGLE. EXCAVATIONS WITH VERTICAL SIDES ARE NOT ACCEPTABLE. TRIM PERIMETER OF BOTTOM LEAVING THE CENTER AREA OF THE BOTTOM RAISED 6" TO SUPPORT THE ROOT BALL AND ASSIST WITH DRAINAGE AWAY FROM THE CENTER. DO NOT FURTHER DISTURB THE BASE. ENSURE THAT THE ROOT BALL WILL SIT ON UNDISTURBED BASE SOIL TO PREVENT SETTLING. SCARIFY SIDES OF THE PLANTING PIT SMEARED OR SMOOTHED DURING EXCAVATION.
   - EXCAVATE APPROXIMATELY TWO (2) TIMES THE DIAMETER OF THE ROOT BALL FOR BALLED AND BURLAPPED STOCK.
   - FOR BARE ROOT STOCK, EXCAVATE AT LEAST TWELVE (12) INCHES WIDER THAN THE ROOT SPREAD AND DEEP ENOUGH TO ACCOMMODATE VERTICAL ROOTS.
   - IF DRAIN TILE IS SHOWN ON DRAWINGS OR DETAILS, OR REQUIRED UNDER PLANTING AREAS, EXCAVATE TO TOP OF POROUS BACKFILL OVER TILE.
J. SUBSOIL AND TOPSOIL REMOVED FROM EXCAVATION MAY BE USED AS PLANTING SOIL PROVIDED IT IS FREE FROM ROCKS AND OTHER DELETERIOUS MATERIAL.
K. NOTIFY LANDSCAPE ARCHITECT IF UNEXPECTED ROCK OR OBSTRUCTIONS DETRIMENTAL TO TREES OR SHRUBS ARE ENCOUNTERED IN EXCAVATIONS.
L. NOTIFY LANDSCAPE ARCHITECT IF SUBSOIL CONDITIONS EVIDENCE UNEXPECTED WATER SEEPAGE OR RETENTION IN TREE OR SHRUB PLANTING PITS.
M. FILL EXCAVATIONS WITH WATER AND ALLOW TO PERCOLATE AWAY BEFORE POSITIONING TREES AND SHRUBS.
N. INSTALL PLANTS - REFER TO TYPICAL PLANTING DETAILS ON THIS SHEET FOR PLANT INSTALLATION.
O. IT IS THE CONTRACTOR'S OPTION WHETHER OR NOT TO STAKE A TREE UNDER 5" CALIPER, BUT IT IS ALSO THE CONTRACTOR'S RESPONSIBILITY TO ASSURE THAT PLANTS REMAIN IN AN UPRIGHT POSITION UNTIL THE END OF THE WARRANTY PERIOD, AT WHICH POINT ANY STAKES & WIRE ARE TO BE REMOVED BY THE CONTRACTOR.
P. ALL DECIDUOUS TREES SHALL BE WRAPPED WITH STANDARD MANUFACTURER'S TREE WRAP TO PREVENT WINTER DAMAGE. TREE WRAP TO BE REMOVED AFTER THE FIRST WINTER BY THE LANDSCAPE CONTRACTOR.
Q. LANDSCAPE CONTRACTOR SHALL INSTALL GATOR BAGS PER MANUFACTURER'S RECOMMENDATION FOR ALL TREES THAT ARE NOT OTHERWISE IRRIGATED.
R. PRIOR TO MULCHING, APPLY PRE-EMERGENT HERBICIDE (PREEN OR EQUIVALENT) PER MANUFACTURER'S RECOMMENDATION.
S. INSTALL WEED CONTROL BARRIERS BEFORE MULCHING ACCORDING TO MANUFACTURER'S WRITTEN INSTRUCTIONS. COMPLETELY COVER AREA TO BE MULCHED, OVERLAPPING EDGES A MINIMUM OF SIX (6) INCHES AND SECURE THE SEAMS WITH GALVANIZED PINS.
T. MULCH BACKFILLED SURFACES OF PLANTING AREAS AND OTHER AREAS AS INDICATED.
U. APPLY MULCH ACCORDING TO THE FOLLOWING:
   - TREES AND SHRUBS IN TURF AREAS - APPLY ORGANIC MULCH RING OF FOUR (4) INCH AVERAGE THICKNESS, WITH THIRTY-SIX (36) INCH RADIUS AROUND TRUNKS OR STEMS. DO NOT PLACE MULCH WITHIN THREE INCHES OF THE TRUNKS OR STEMS.
   - ORGANIC MULCH IN PLANTING AREAS - APPLY TWO (2) INCH AVERAGE THICKNESS OF ORGANIC MULCH EXTENDING TWELVE (12) INCHES BEYOND THE EDGES OF INDIVIDUAL PLANTING PIT OR TRENCH AND OVER THE WHOLE SURFACE OF THE PLANTING AREA, AND FINISH LEVEL WITH ADJACENT FINISH GRADES. DO NOT PLACE MULCH WITHIN THREE (3) INCHES OF TRUNKS OR STEMS.
V. THE LANDSCAPE CONTRACTOR SHALL INSTRUCT THE OWNER OR OWNER REPRESENTATIVE ON WATERING NEEDS OF INSTALLED PLANTINGS.

TOPSOIL, AMENDMENTS & MULCH
A. STRIP TOPSOIL TO ITS FULL DEPTH AT AREAS IMPACTED AND AT ALL AREAS TO BE RE-GRADED AND RESURFACED. STOP TOPSOIL STRIPPING OUTSIDE THE DRIP LINE OF TREES TO REMAIN / DO NOT STRIP AS TO IMPACT THE ROOD LINE OF TREES TO REMAIN.
B. COORDINATE WITH THE OWNER PRIOR TO ESTABLISHING TOPSOIL STORAGE AREAS. GRADE AND SLOPE STOCKPILES FOR PROPER DRAINAGE AND TO PREVENT EROSION. THE REUSE OF STOCKPILE TOPSOIL WITHIN THE PROJECT SITE MUST BE APPROVED FOR PLACEMENT BY THE LANDSCAPE ARCHITECT.
C. ALL TOPSOIL SHALL BE SHREDDED, CLEAN, AND UNIFORM IN QUALITY FREE FROM HARD CLODS, STIFF CLAY, PARTIALLY DISINTEGRATED STONE, LIME, CEMENT, SLAG, OR OTHER UNDESIRABLE MATERIAL. TOPSOIL SHALL CONFORM TO THE FOLLOWING:
   - ORGANIC CONTENT: BETWEEN 3% - 10% ORGANIC MATTER
   - pH: SHALL RANGE BETWEEN 6.0 - 7.0
   - SOIL TEXTURE - TOPSOIL SHALL CONSIST OF THE FOLLOWING PERCENTAGES OF SAND, SILT, AND CLAY PASSING THROUGH A 2.00 MM (#10) SIEVE
     a. SAND - 20%-75%
     b. SILT - 15%-70%
     c. CLAY - 10%-30%
D. TOPSOIL MUST BE APPROVED PRIOR TO PLACEMENT. TOPSOIL TEXT RESULTS SHALL SHOW RECOMMENDATION FOR SOIL ADDITIVES FOR FERTILIZERS TO CORRECT NUTRIENT DEFICIENCIES AS NECESSARY.
E. INORGANIC SOIL AMENDMENTS INCLUDE THE FOLLOWING:
   - LIME - ASTM C 602, AGRICULTURAL LIMING MATERIAL CONTAINING A MINIMUM OF 80% CALCIUM CARBONATE EQUIVALENT AS FOLLOWS:
     a. PROVIDE LIME IN FORM OF GROUND DOLOMITIC LIMESTONE PER ASTM 605, CONTAINING NO LESS THAN 85% OF TOTAL CARBONATES AND SHALL BE GROUND TO SUCH A FINENESS THAT 50% WILL PASS THROUGH A 100 MESH SIEVE AND 90% WILL PASS THROUGH A MESH SIEVE. COARSER MATERIAL WILL BE ACCEPTABLE, PROVIDED THE SPECIFIED RATES OF APPLICATION ARE INCREASED PROPORTIONALLY ON THE BASIS OF QUANTITIES PASSING THE 100 MESH SIEVE.
   - SULFUR - GRANULAR, BIODEGRADABLE, AND CONTAINING A MINIMUM OF 90% SULFUR WITH A MINIMUM OF 90% PASSING THROUGH NUMBER 6 SIEVE AND A MAXIMUM OF 10% PASSING THROUGH A NUMBER 40 SIEVE.
   - AXIS CALCINED DIATOMACEOUS EARTH SOIL AMENDMENT - SEE PREPARATION AND PLANTING NOTES FOR APPLICATION RATES.
F. ORGANIC MULCH - FREE FROM DELETERIOUS MATERIALS AND SUITABLE AS A TOP DRESSING OF TREES AND SHRUBS, CONSISTING OF ONE DOUBLE SHREDDED HARDWOOD BARK.



1. DURA-WELD GABION BASKET
2. SPILLWAY
3. DURA-WELD GABION BASKET
4. BASIN PLANTING: WETLAND DETENTION SEED MIX
5. 4"-8" DIAMETER LIMESTONE AGGREGATE FILL
6. CLAY LINER
7. SPILLWAY STABILIZATION ... AGGREGATE
8. BASIN BOTTOM

NOTES
A. BASIN PLANTING SEE SHEET 17 FOR PLANTING SPECIFICATIONS. SEED MIX TO BE SEEDED AND HYDROMULCHED PER MANUFACTURER'S RECOMMENDED RATE.
B. PROVIDE NEW CLAY LINER AND SOLID FOUNDATION FOR INSTALLATION OF THE GABION BASKETS.
C. CONNECT UPPER BASKETS TO LOWER BASKETS USING SPIRAL BINDER SEE MANUFACTURE'S SPECIFICATIONS.

8 GABION BASKET WEIR WALL SECTION
NOT TO SCALE — P-20-SDU-01

SOUTH FOREST EDGE
SECTION 1
PART OF LOT #3716
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 36, TOWN 5, RANGE 1
CITY OF OXFORD, BUTLER COUNTY, OHIO

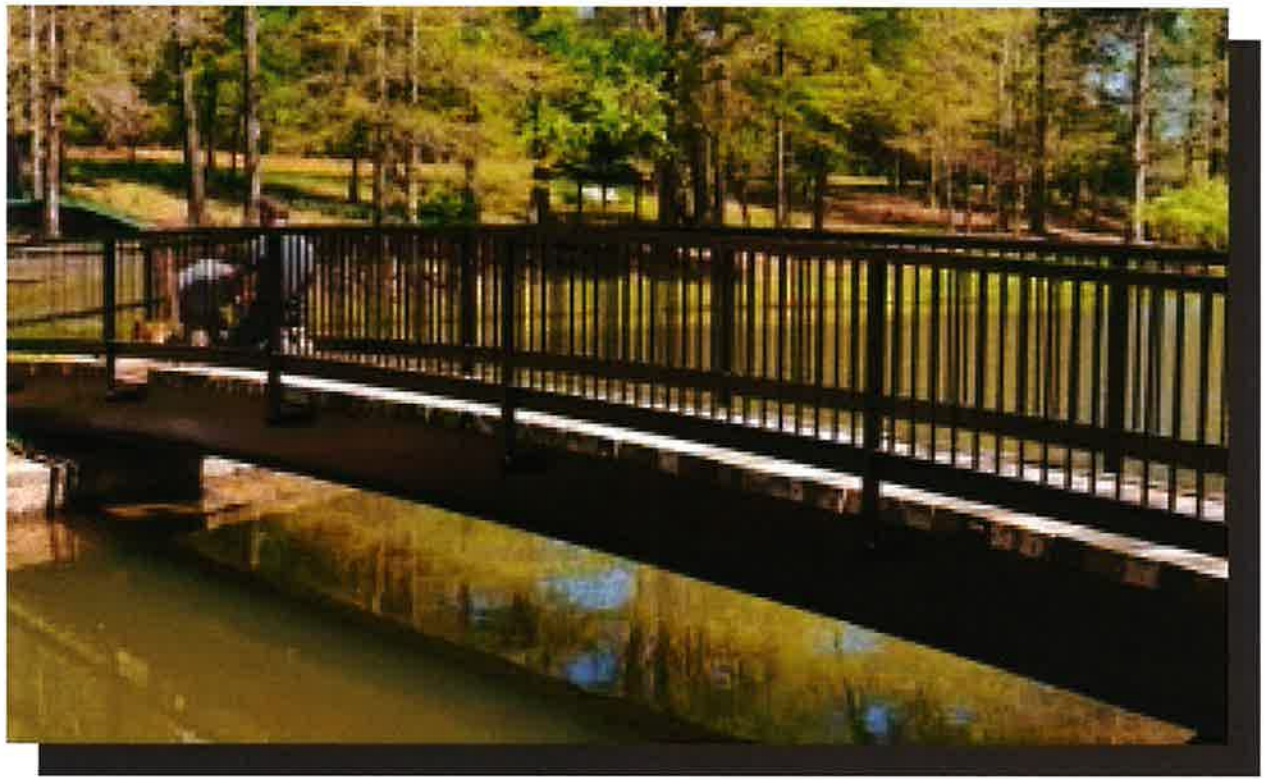
LANDSCAPE NOTES & DETAILS

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

Rev.	Revision Description	Date	Drawn	Chk
1	[illegible]	[illegible]	LES	ADH

Drawn: LES
Checked: ADH

Plot time: May 27, 2021 - 12:34pm
Drawing name: [illegible] Layout Tab: L2.0 Notes & Details



DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RESERVATION OF EASEMENTS FOR SOUTH FOREST EDGE, SECTION ONE

This will certify that the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for the South Forest Edge, Section One has been filed in the office of the County Auditor, Butler County, Ohio, this _____ day of _____, 2021.

BUTLER COUNTY AUDITOR

By: _____

This instrument prepared by:

Amy Schott Ferguson, Esq.
Cuni, Ferguson & LeVay Co., L.P.A.
10655 Springfield Pike
Cincinnati, Ohio 45215
(513) 771-6768 – *Telephone*
(513) 771-6781 – *Facsimile*
AFerguson@cfl-law.com – *Email*

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RESERVATION OF EASEMENTS FOR SOUTH FOREST EDGE, SECTION ONE

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RESERVATION OF EASEMENTS FOR SOUTH FOREST EDGE, SECTION ONE ("**Declaration**") is made this _____ day of _____, 2021, by **4-LEAF DEVELOPMENT LLC**, an Ohio Limited Liability Company ("**Owner**"), whose address is *125 West Spring Street, Oxford, Ohio 45056* under the following circumstances:

WHEREAS, Owner is the owner of certain real property located in the City of Oxford, Butler County, Ohio, more particularly described on Exhibit A attached to this Declaration (the "**Property**");

WHEREAS, the Owner desires to declare that the Property shall be held, sold, and conveyed subject to the provisions of this Declaration;

WHEREAS, Declarant has formed an Ohio non-profit corporation to be known as South Forest Edge Homeowners' Association, Inc. ("**Association**"), which shall be responsible for the administration and enforcement of the provisions of this Declaration;

NOW, THEREFORE, for the purposes of establishing and assuring a uniform plan for the development of the Property, and enhancing and protecting the value, desirability and attractiveness of the Property, the Owner declares that the Property shall be held, occupied, sold and conveyed subject to this Declaration.

ARTICLE I.
NAME, PURPOSE AND DEFINITIONS

Section 1.1. Name. The name of this Association shall **South Forest Edge Homeowners' Association, Inc. ("Association").**

Section 1.2. Purpose. The purpose of this Association shall be as stated in the Articles of Incorporation. The Association has been incorporated as a non-profit corporation to administer the community known as South Forest Edge in Butler County, Ohio. The Association is charged with enforcing the protective covenants and restrictions contained herein in order to establish and maintain a uniform plan for the use, enjoyment, and maintenance of the Lots located within the community, and thereby enhance and protect the value and desirability of the Lots.

Section 1.3. Definitions. As used herein or in the By-Laws, Rules, or amendments thereto, the following terms shall be defined as follows:

1.3.1 **"Additional Property"** shall mean the real estate described in Exhibit B attached hereto.

1.3.2 **"Articles"** shall mean those Articles, filed with the Ohio Secretary of State, incorporating South Forest Edge Homeowners' Association, Inc. as a non-profit corporation under the provisions of the Ohio Revised Code, as the same may be amended from time to time.

1.3.3 **"Assessment"** means a fee levied by the Board against an Owner pursuant to Article V.

1.3.4 **"Association"** shall mean and refer to South Forest Edge Homeowners' Association, Inc., its successors and assigns.

1.3.5 **"Board"** shall mean the Board of Directors of South Forest Edge Homeowners' Association, Inc., which shall also be known as the "Board of Directors".

1.3.6 **"By-Laws"** shall mean the By-Laws of the Association attached as Exhibit C in effect as of the date of recording of this Declaration, as the same may be amended from time to time by a vote of the Owners.

1.3.7 **"Common Areas"** shall mean and refer to the real estate owned by the Association either in fee or easement, which may include entrance walls, signs, landscape mounds, Storm Water Facilities, mailboxes, roads, a caretaker's shed, a pedestrian bridge, and landscaping constructed for the common use and enjoyment of the Owners, such areas designated as "common areas", "open space", or "green space" on the record plat or plats for the Property, and any additional areas annexed hereunder and designated as common area(s).

1.3.8 **"Common Expenses"** means the cost of:

Administration, maintenance, management, operation, repairs, replacements, restoration, and improvements to the Common Areas including utility service and insurance;

Management and administration of the Association, including, but not limited to, compensation paid by the Association to a managing agent, accountant, attorney, contractor or other service provider;

Any insurance required herein to be carried by the Association;

The establishment of a reasonable reserve fund to cover or defray the cost of construction, repair, or maintenance of any capital improvement or any unanticipated emergency cost for which the Association is responsible; and

Any other items specified in this Declaration or the By-Laws or otherwise determined by the Board to be defined as a common expense.

1.3.9 "Development Period" shall mean the period commencing on the date on which this Declaration is recorded and terminating on the earlier of: (a) December 31, 20____; or (b) the day next following the day on which the Declarant owns no part of the Property.

1.3.10 "Director" and "Directors" shall mean that person or those persons serving, at the time pertinent, as a director or directors of the Association, and shall mean that same person or those persons serving in the capacity of a member of the Board of Directors of the Association.

1.3.11 "Living Unit" shall mean and refer to a single-family residence designated and intended for use and occupancy as a residence.

1.3.12 "Lot" shall mean and refer to any parcel of land upon any recorded subdivision plat of the Properties containing a Living Unit.

1.3.13 "Member" shall mean any one of those Owners who are Members of the Association as provided in Article IV hereof.

1.3.14 "Owner" or "Lot Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

1.3.15 "Properties" or "Property" shall mean and refer to that certain real property hereinbefore described and such additions thereto as may hereafter be brought within the jurisdiction of the Association. The "Property" is described in Exhibit A.

1.3.16 "Rules and Regulations" mean the administrative rules and regulations enacted by the Board pursuant to the authority therefor in this Declaration.

1.3.17 "Storm Water Facilities" shall mean and refer to storm sewers, storm sewers swales, streams, ditches, catch basins, drainage lines, man holes and detention basins situated on Common Area property or storm sewer easements or drainage easements encumbering certain of the Lots as designated on the record plat or plats for the

Property and owned by the Association for the common use and enjoyment of the Owners.

1.3.18 "Turnover Date" is the date upon which the Declarant turns control of the Association over to the Members. The Turnover Date shall be the earlier of the date upon which all Lots have been sold by the Declarant or _____ (_____) years from the date this Declaration is recorded. Declarant may choose to turn control of the Association over to the Members at an earlier date of its choosing.

ARTICLE II.
PROPERTY DEVELOPMENT – ANNEXATION

Section 2.1. **Property Subject to Declaration.** The real property which is, and shall be held, conveyed, hypothecated or encumbered, sold, leased, rented, used, occupied and improved subject to this Declaration is located in the County of Butler, State of Ohio, and is more particularly described in Exhibit A attached hereto and by this reference made a part hereof.

Section 2.2. **Annexation of Additional Property.** Additional property may be annexed with the consent of fifty-one percent (51%) of the Members of the Association. Any additional property so annexed, however, must be adjacent to or in the immediate vicinity of the above-described Property. The scheme of the within Covenants and Restrictions shall not be extended to include any such additional property unless and until the same is annexed to the real property described in Exhibit A as hereinafter provided.

Any annexations made pursuant to this Article shall be made by recording a supplement to this Declaration with the Recorder of Butler County, Ohio, which supplementary Declaration shall extend the scheme of some or all of the within covenants and restrictions to such Additional Property. Such supplementary Declaration may contain such additional covenants, conditions, restrictions, easements, assessments, charges and liens as the Declarant shall deem appropriate.

Section 2.3. **Additional Common Areas.** Declarant shall have the right, from time to time, during the Development Period, to convey to the Association for nominal or other appropriate consideration, and the Association shall accept conveyance of, any property or interest in property owned by Declarant along with any structure, improvement, or other facility including related fixtures, equipment and furnishings located thereon. Upon conveyance of such property, the property shall constitute Common Areas.

ARTICLE III.
PROPERTY RIGHTS

Section 3.1. **Owner's Right of Enjoyment.** Every Owner and, in the case of rented Lots, such Owner's tenants, shall have a right to an easement for the enjoyment of, in, and to the Common

Areas, and such right and easement shall be appurtenant to and shall pass with title to every Lot, subject to the following:

3.1.1 The right of the Association, in accordance with its Articles of Incorporation and By-Laws, to borrow money for the purpose of maintaining, repairing, replacing, or improving the Common Areas. The Board of Directors may borrow money and pledge the collection of assessments or mortgage the Common Area as collateral.

3.1.2 The right of the Association to take such steps as are reasonably necessary to protect the Common Area against mortgage default and/or foreclosure.

3.1.3 The right of the Association to dedicate or transfer all or any part of the Common Areas to any public or municipal agency, authority or utility for purposes consistent with the purpose of this Declaration, provided, however, that no such dedication or transfer shall be effective unless an instrument signed by fifty-one percent (51%) of the total number of votes held by the Members has been recorded, agreeing to such dedication or transfer, and unless written notice of the proposed agreement and action thereunder is sent to each Member at least ninety (90) days prior to the taking of any action. Provided further, that the granting of easements for public utilities or for other public purposes consistent with the intended use of such Property by the Association should not be deemed a transfer within the meaning of this Article, and such action requires only the approval of the Board of Directors of the Association.

3.1.4 The rights of the Association and Owners of Lots to a perpetual easement over any Common Areas for such portions of their Living Units that may overhang or encroach on said Common Areas and for necessary pedestrian and automotive ingress and egress to and from such Living Unit over said streets, driveways and walkways of said Common Areas and for gas, electric, telephone, water, sewer, drain, cable television connections, and other utility conduits with rights to repair, maintain, and replace same, as they may be established over, upon, and through the said Common Areas or other Lots, which rights are hereby expressly established, granted, and reserved for the benefit of the individual Lots.

3.1.5 The right appurtenant to each Lot to a perpetual easement for reasonable ingress and egress over the Common Areas and from the Lot and Common Areas, for both pedestrians and vehicles, and the right appurtenant to each Lot to a perpetual easement over and through each Lot and Common Areas to maintain, repair and replace forever any improvements made to the Lot which encroach upon or overhang the Common Areas. Further, each Lot and all of the Common Areas are subject to a perpetual easement over and through such Lot and Common Areas in favor of the Association, its successors and assigns, for the performance of maintenance, repair

and replacement of improvements, and for which the Association is responsible, upon any Lot or Common Area.

3.1.6 The right of the Association to enter into any Living Unit at any time for the purpose of repairs or saving of property where there is an emergency which effects or threatens that Living Unit or any other Living Unit.

3.1.7 Easements and restrictions of record.

3.1.8 The right of the Association to grant additional easements over the Common Areas as provided herein.

3.1.9 The right of the Association, through its Board of Directors, to adopt rules and regulations pertaining to the use of the Common Area and the maintenance and use of the Lots and Living Units.

3.1.10 The right of the Association to suspend the voting rights and the rights to use the Common Areas for any period during which any assessment remains unpaid and for any period not to exceed sixty (60) days for any infraction of its published Rules and Regulations, provided that the rights set forth in Section 3.1.5 shall not be suspended.

3.1.11 The right of the individual Owners to the exclusive use of parking spaces as provided herein.

Section 3.2. **Parking Rights.** Ownership of each Lot on which is located a Living Unit shall entitle the Owner thereof to the exclusive automobile parking privilege in that portion of any driveway exclusively servicing such Lot. Ownership of each Lot includes the exclusive right to use the driveway and garage located upon the Lot. The Association, in its discretion, may designate additional vehicle parking spaces generally available for parking by Owners or specifically appurtenant and for exclusive use (temporarily or permanently) to any Lot or Lots or for the use of visitor or other parking.

Section 3.3. **Delegation of Use.** Any Owner may delegate, in accordance with the By-Laws, his right of enjoyment in and use of the Common Areas to the members of his family, guests, and his tenants or contract purchasers who reside on the Lot, provided that in the instance of a delegation to tenants or contract purchasers who reside on the Lot, the Owner's right of enjoyment and use of the Common Areas and that of his family and guests shall be suspended unless the Owner shall likewise reside on the Property, subject however to the provisions of Section 3.1.10.

Section 3.4. **Title to Common Areas.** The Association shall own fee simple title to the Common Areas.

Section 3.5. **Right to Grant Easements.** The Declarant and the Association, without the consent of any Owner, shall have the right at any time to grant easements, exclusive or non-exclusive, limited to utility easements (including cable television), green belt easements, sign easements, or access easements, roadway easements over the Common Areas and Lots which are reasonably beneficial to the Owners or the Association.

ARTICLE IV.
THE ASSOCIATION

Section 4.1. **Formation.** The Declarant has caused or will cause to be chartered, in accordance with Chapter 1702 of the Ohio Revised Code, a nonprofit corporation named South Forest Edge Homeowners' Association, Inc. The purposes of the Association are to provide for the administrative governance, maintenance and upkeep of the Property and to enforce the restrictive covenants.

Section 4.2. **Members.** Every Owner of a Lot shall be a Member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot.

Section 4.3. **Powers of the Association.** The Association may:

4.3.1 adopt and amend By-Laws for the government of the Association, the conduct of its affairs, and the management of the Property;

4.3.2 adopt rules and regulations for the use and enjoyment of the Common Area and to enforce violations of the Rules and Regulations and restrictions as against the Owners and occupants;

4.3.3 adopt and amend budgets for revenues, expenditures and reserves and levy and collect Assessments from Owners;

4.3.4 borrow money for the purpose of maintaining or improving the Common Areas;

4.3.5 hire and discharge managing agents and other employees, agents and independent contractors;

4.3.6 institute, defend or intervene in litigation or administrative proceedings in its own name on behalf of itself or two (2) or more Owners on matters affecting the Property;

4.3.7 make contracts and incur liabilities;

4.3.8 regulate the use, maintenance, repair, replacement and modification of the Common Areas and other rights as set forth herein;

4.3.9 cause additional improvements to be made as part of the Common Areas;

4.3.10 acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property;

4.3.11 impose charges for late payments of Assessments and, after notice and an opportunity to be heard, levy reasonable Enforcement Assessments for violations of the Declaration, By-Laws, and Rules and Regulations of the Association;

4.3.12 impose reasonable charges for the preparation and recording of amendments to the Declaration or for statements of unpaid Assessments;

4.3.13 provide for indemnification of its officers and Board of Directors and maintain directors' and officers' liability insurance;

4.3.14 assign its right to future income, including the right to receive Annual Assessments;

4.3.15 exercise any other powers conferred by the Declaration, By-Laws or Articles of Incorporation;

4.3.16 exercise all other powers that may be exercised in this state by nonprofit corporations;

4.3.17 exercise any other powers necessary and proper for the governance and operation of the Association;

4.3.18 enforce the terms of the Restrictions herein.

Section 4.4. **Classes of Members; Voting.** The Association shall have two classes of voting membership:

4.4.1 Class A Members shall be all Owners, with the exception of the Declarant, and shall be entitled to one vote for each Lot owned. When more than one person holds an interest in any Lot, all such persons shall be Members. The vote for such Lot shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Lot.

4.4.2 Class B Members shall be the Declarant and the Declarant shall be entitled to five (5) votes for each Lot owned; provided, however, that the Class B membership shall terminate after the Class A Members are entitled to elect all of the Board. At such time as Class B membership shall terminate, the Declarant, for any Lot owned, shall be deemed a Class A Member with reference to such Lot or Lots and entitled to the voting and all other rights of such Class A Member.

ARTICLE V.
ASSESSMENTS

Section 5.1. **Covenant for Assessments.** Each person, group of persons, or entity who becomes an Owner of a Lot, by acceptance of a deed therefor, whether or not it shall be so expressed in any such deed or other conveyance, shall be deemed to covenant and agree to pay to the Association: (1) Annual Assessments; (2) Individual Assessments; and (3) Special Assessments. Such assessments shall be fixed, established and collected from time to time as hereinafter provided. All assessments, together with interest thereon as hereafter provided and costs of collection thereof (including court costs and reasonable attorney's fees) shall be a charge on the land and shall be a continuing lien upon the Lot against which such assessment is made. Each such assessment, together with such interest thereon and cost of collection thereof, shall also be the personal obligation of the person, group of persons, or entity who was the Owner of such Lot at the time when the assessment fell due. The Board shall fix the amount of the assessment thirty (30) days before the assessment period begins. The Board shall promptly send reasonable notice to at least one (1) Owner of each Lot of the amount of the total assessment against the Lot for the particular assessment period.

Section 5.2. **Annual Assessments, Purposes.** The Annual Assessments levied by the Association are for the purpose of promoting the recreation, scenic enjoyment, health, welfare and safety of the residents and for protecting, advancing and promoting the environmental concept of the Property and preserving the aesthetic, scenic, and functional qualities of the development.

To carry out these purposes, an Annual General Assessment shall be levied by the Association to be used currently, and to provide an adequate reserve fund for future use, for the improvement, expansion and maintenance of the Common Areas, including, but not limited to, the payment of taxes, insurance and fidelity bonds, and for repairs, replacements and additions, and for the cost of labor, equipment, and materials, management and supervision, and including the maintenance, repair and landscaping of Storm Water Facilities as well as private streets and rights of way. Such assessment shall also be used for the purpose of maintenance as provided in Article IX, and for providing such additional matters, consistent with the general purposes of the Annual Assessment, as may be approved by the Board or in writing by not less than a two-thirds vote of the Members.

Section 5.3. **Annual Assessment.**

5.3.1 The amount of the Annual Assessment shall be levied by the Board on such Lots in such amount as may be necessary, in the determination of the Board, to carry out the purposes of the Annual Assessment.

5.3.2 The assessment shall be fixed at a uniform rate based upon the number of Living Units situated on the Lots and may be billed in advance on a monthly, quarterly or annual basis. Annual Assessments and any income derived therefrom shall be held

as a separate fund and shall be accounted for separately from the other assets coming under the control of the Association.

Section 5.4. **Negligence or Willful Neglect.** In the event that the need for the maintenance or repair of the Common Area or any portion of a Lot for which the Association has maintenance responsibility is caused through the willful or negligent act of the Owner, his family, tenants, guests or invitees, the cost of such maintenance or repairs (including costs incurred by the Association for attorney's fees, court costs, or other expenses incurred to obtain access to the subject Lot) shall be added to and become a part of the assessment against the individual Lot upon which the maintenance or repairs are performed.

Section 5.5. **Access to Lot.** For the purpose solely of performing the maintenance and repair required or authorized herein, the Association, through its duly authorized agents, employees, or subcontractors, shall have the right, without notice to the Owner, to enter upon any Lot at reasonable hours on any day.

Section 5.6. **Individual Assessments.** If an Owner of any Lot shall fail to repair and/or maintain the improvements on the Lot in a manner reasonably satisfactory to the Board of Directors, and the maintenance is not that to be provided by the Association for which assessments are levied, then the Association, after approval by sixty percent (60%) of all members of the Board, shall have the right, through its agents and employees, to enter upon the Lot and to repair and/or maintain the Lot and the exterior of the Living Unit and any other improvements. The cost of such exterior maintenance and repair (including charges incurred by the Association in gaining access to the Lot or Living Unit, including court costs and reasonable attorney's fees) shall be added to and become part of the total assessment on the Lot and shall be immediately due and payable to the Association upon demand. This remedy is in addition to any other remedy available to the Association.

Section 5.7. **Special Assessments.** In addition to the Annual Assessments authorized by this Article, the Association may levy in any assessment year Special Assessments, applicable to that year only, for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, unexpected repair, replacement or addition of a described capital improvement located upon the Common Areas, which cost has not otherwise been provided for in full as part of the Annual Assessment, including the necessary fixtures and personal property related thereto. Any Special Assessments levied by the Association pursuant to the provisions of this Section shall be fixed at a uniform rate based upon the number of Lots. All monies received by the Association as a Special Assessment shall be held in trust by the Association for the benefit of the Members, to be used solely for the purpose of the Special Assessment, and any income derived therefrom shall be held as a separate fund and shall be accounted for separately from the other assets coming under the control of the Association. The assessment may be billed in advance on a monthly, quarterly or annual basis.

Section 5.8. **Assessment of Declarant.** Any provision of this Declaration or of the Articles of Incorporation or By-Laws of the Association notwithstanding, the Declarant shall be required to pay

an assessment for any recorded Lot in which it has the interest otherwise required for Class A membership only in an amount equal to ten percent (10%) of the Annual Assessments and Special Assessments which the Association levies. The provisions of this Section shall not apply to the assessment of any Lot and Living Unit held by the Declarant for rental purposes and which is or has been occupied as a Living Unit, in which event the Declarant shall be required to pay the full amount of the assessments levied thereon.

Section 5.9. Enforcement Assessment. The Board shall have the authority to impose reasonable Enforcement Assessments for violations of the Declaration, the By-Laws, and the rules of the Association and reasonable Charges for Damage to the Common Areas or other property.

5.9.1 Prior to imposing a Charge for Damages or an Enforcement Assessment pursuant to this Section, the Board of Directors shall give the Owner a written notice that includes all of the following:

5.9.1.1 A description of the property damage or violation;

5.9.1.2 The amount of the proposed Charge or Assessment,

5.9.1.3 A statement that the Owner has a right to a hearing before the Board of Directors to contest the proposed Charge or Assessment;

5.9.1.4 A statement setting forth the procedures to request a hearing pursuant to this Section.

5.9.2 To request a hearing, an Owner shall deliver a written notice to the Board of Directors not later than the tenth (10^{th}) day after receiving the notice from the Board required by this Section. If the Owner fails to make a timely request for a hearing, the right to that hearing is waived, and the Board may immediately impose a Charge for Damages or an Enforcement Assessment pursuant to this Section.

If an Owner requests a hearing, at least seven (7) days prior to the hearing, the Board of Directors shall provide the Owner with a written notice that includes the date, time, and location of the hearing.

The Board of Directors shall not levy a Charge or Assessment before holding any hearing requested pursuant to this Section.

5.9.3 The Board of Directors may allow a reasonable time to cure a violation described in this Section before imposing a Charge or Assessment.

5.9.4 Within thirty (30) days following a hearing at which the Board of Directors imposes a Charge or Assessment, or, if the Owner does not request a hearing, within thirty (30)

days following the Board of Directors' decision to impose a Charge or Assessment, the Association shall deliver a written notice of the Charge or Assessment to the Owner.

5.9.5 Any written notice that this Section requires shall be delivered to the Owner or any occupant of the Living Unit by personal delivery, by certified mail, return receipt requested, or by regular mail.

Section 5.10. Annual Assessment Determination and Payments. The Board may from time to time determine the manner and schedule of payments. It shall be the duty of the Board to periodically fix the amount of the assessment against each Lot for such assessment period, and the Board shall make reasonable efforts to fix the amount of the assessment against each Lot for each assessment period at least thirty (30) days in advance of such date or period and shall, at the time, prepare a roster of the Lots and assessments applicable thereto which shall be kept in the office of the Association and shall be open to inspection by any Owner upon reasonable notice to the Board. Written notice of the assessment shall thereupon be sent to the Owner of any Lot subject thereto. Annual Assessments shall become a lien on January 1 of each year; Individual and Special Assessments shall become a lien at the time designated by the Board. Though this Declaration shall stand as notice and perfection of such lien, the Association may also record a separate notice of lien to confirm its security interest in a Lot.

5.10.1 Application of Payments. The Association shall credit any amount it receives from an Owner in the following order:

To interest owed to the Association;

To administrative late fees or Enforcement Assessments owed to the Association;

To collection costs, attorney's fees, and paralegal fees the Association incurred in collecting the assessment;

To the oldest principal amounts the Owner owes to the Association for the assessments chargeable against the Living Unit or Lot.

Section 5.11. Assessment Certificates. The Association shall, upon demand, at any reasonable time, furnish to the Owner liable for assessments a certificate in writing signed by an officer or other authorized agent of the Association, setting forth the status of said assessment, i.e., whether the same is paid or unpaid and the amount delinquent, if any. Such certificate shall be conclusive evidence of the status of the account. A reasonable charge may be levied in advance by the Association for each certificate so delivered.

Section 5.12. **Non-Payment of Assessment.** Any assessment levied pursuant to these covenants which is not paid on the date when due shall be delinquent and shall, together with interest, late fees, cost of collection, and other costs as set out elsewhere in this Declaration, thereupon become a continuing lien upon the Lot which shall bind the Lot in the hands of the then Owner and the Owner's successors and assigns. The personal obligation of the then Owner to pay such assessment, however, shall remain his personal obligation for the statutory period and shall not pass to his successors in title unless expressly assumed by them with the consent of the Association.

If a Special or Individual Assessment is not paid within thirty (30) days after the due date, or if the Annual General Assessment is not paid within fifteen (15) days after the due date, a reasonable late charge shall be levied of not less than Fifty Dollars ($50.00) per month in each month for which any installment of any Assessment is delinquent. The Association may bring an action at law against the Owner personally obligated to pay any such assessment, or foreclose the lien against the Lot, in either of which events reasonable attorney's fees shall be added to the amount of each assessment. No Owner shall waive or otherwise escape liability for the assessments by non-use of the Common Areas or abandonment of his Lot or Living Unit. The lien of the Association is against not only the Lot but also any funds held for the benefit of the Lot.

Section 5.13. **Priority of Association Lien.** The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any Lot pursuant to mortgage foreclosure, or any proceeding in lieu thereof, shall extinguish the lien of such assessments as to payment which becomes due prior to such sale or transfer with the exceptions that a) an Owner's personal liability therefor shall not be extinguished; and b) the Association shall be entitled to be paid its lawful share of any sale proceeds. The lien of the assessments provided herein may be foreclosed in the same manner as a mortgage on real estate in an action brought by the Association. In any such foreclosure action, the Association shall be entitled to become a purchaser at the foreclosure sale.

Section 5.14. **Subordination of Lien to Mortgage.** The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage. Sale or transfer of any Lot shall not affect the assessment lien. However, any first mortgagee who obtains title to a Lot pursuant to the remedies in the mortgage or through foreclosure shall not be liable for more than six (6) months of the Lot's unpaid assessments or charges accrued before the acquisition of title to the Lot by the mortgagee.

Section 5.15. **Capital Contribution and Assessment at Closing.** At the time of a closing on the purchase of a Lot, the purchaser of such Lot shall be required to pay a sum equal to two (2) months of the Annual General Assessment as such purchaser's initial capital contribution to the working capital of the Association. This assessment shall be used by the Association for its operating expenses. Such assessment is not an advance payment of assessments, and it will not be held in any sort of trust or reserve account. Additionally, at the time of such closing, each purchaser of a Lot shall be required to pay a pro-rata share of the Annual Assessment for the balance of the current year

to the extent that such assessment is not otherwise being collected by the Association. The Declarant shall be exempt from the assessments collected pursuant to this Section.

Section 5.16. Preparation of Budget. The Board of Directors must estimate the total amount necessary to pay the cost of all of the purposes of the Annual General Assessment required for the ensuing calendar year by December 1 of each calendar year, or another date as determined by the Board of Directors. The Board of Directors shall also determine the allotted amount necessary to be placed in the Association's capital fund for a reserve, contingency and replacements fund. If, during the course of the assessment year, it becomes evident to the Board that the adopted budget is insufficient to pay the expenses of the Association, the Board shall amend the budget and give all Owners notice thereof with at least thirty (30) days' notice of any change in the Annual General Assessment to be paid by the Owners. The failure or delay of the Board of Directors to prepare the annual budget shall not constitute a waiver or release of any Owner's obligation to pay any assessment due and owing to the Association. If the Board of Directors fails to timely prepare an annual budget, Owners shall continue to pay the Annual General Assessments at the existing rate established for the previous year until such time as a proper adjustment has been made.

Section 5.17. Non-Liability of Foreclosure Sale Purchaser for Past Due Common Expenses. When the mortgagee of a first mortgage of record or other purchaser of a Unit acquires title as a result of foreclosure of the first mortgage, such acquirer of title, its successors and assigns, shall not be solely liable for the share of the common expenses or other assessments by the Association chargeable to such Lot which became due prior to the acquisition of title to the Lot by such acquirer. Such unpaid share of common expenses or assessments shall be deemed to be common expenses collectible from all of the Lots, including that of such acquirer, its successors or assigns. However, the Association's lien rights may be asserted against surplus proceeds of any judicial sale or against any payments made by the mortgagee to the Owner in the case of a deed in lieu of foreclosure.

Section 5.18. Liability for Assessments upon Voluntary Conveyance. The personal obligation of each Owner to pay the assessment against the Lot shall pass to any subsequent grantee who takes title through contract, operation of law, or through any other method or instrument other than a court ordered deed in a foreclosure. The original Owner shall not be released from the obligation of the assessment, but instead will be jointly and severally liable with the subsequent grantee. However, any such grantee or proposed grantee shall be entitled to an assessment certificate as described elsewhere in this Article, and such grantee shall not be liable for, nor shall the Lot be conveyed subject to a lien for, any unpaid assessment made by the Association against the grantor in excess of the amount set forth in the assessment certificate for the period reflected in the assessment certificate. This Section shall not prejudice the right of the grantee to recover from the grantor the amounts paid by the grantee for the assessment which were also the obligation of the grantor.

Section 5.19. Miscellaneous.

5.19.1 The Owner has the sole responsibility of keeping the Association informed of the Owner's current address. Notice sent by the Association to the Owner at the address of the Lot shall always be considered sufficient.

5.19.2 The assessment lien includes all collection costs, including demand letters, preparation of documents, reasonable attorney's fees, court costs, filing fees, and any other expenses incurred by the Association in enforcing or collecting the assessment.

ARTICLE VI.
INSURANCE

Section 6.1. Property and Casualty Insurance. The Association shall purchase, for all Owners' benefit, an "all risk" or "special form" policy that includes blanket insurance coverage on all buildings and structures, fixtures and equipment, and Living Units equivalent to one hundred percent (100%) of the current replacement cost for fire, lightning, and extended coverage. This coverage shall include physical improvements and betterments, wall and floor coverings, fixtures, and built-in appliances and cabinetry. The Association's policy shall exclude the contents of the Living Unit. The Owners shall be responsible for insuring their personal contents, personal liability for events occurring within the Living Unit, dwelling expenses insurance, and the deductible portion of any claim covered by the Association's policy. The proceeds of the policy shall be used to restore or replace any building, Living Unit, or Common Area damaged or destroyed by any peril covered by the insurance. The policy shall have a reasonable deductible set at the discretion of the Board of Directors.

Such insurance shall be in such amounts at all times sufficient to prevent the Owners from becoming co-insurers under the terms of any applicable co-insurance clause or provision.

The cost of all insurance provided for herein shall be a Common Expense. Any and all potential insurance claims must be submitted to the Board of Directors.

The policy shall further provide that the insurer waives the right to subrogation against an Owner or a member of the Owner's household.

Section 6.2. Liability Insurance. The Association shall purchase a comprehensive policy of public liability insurance covering the Common Area, but not the Lots or Living Units, insuring the Association, Directors, and Owners and members of their respective families, tenants and occupants in an amount of not less than One Million Dollars ($1,000,000.00) per occurrence for personal injury and/or property damage. This insurance shall include protection against such risks as are customarily covered with respect to a development similar in construction, location, and use, as determined by the Board. The insurance shall contain a "severability of interest" endorsement which shall preclude

the insurer from denying the claim of an Owner, tenant or occupant because of negligent acts of the Association, the Board, or other Owners, tenants or occupants.

Section 6.3. **Other Insurance.** In addition, the Association shall purchase contractual liability insurance, Directors' and Officers' liability insurance, employee dishonesty and/or fidelity bond coverage in not less than the cash value of the reserve account, and such other insurance as the Board may deem desirable from time to time.

Section 6.4. **Owners Insurance.** Any Owner, tenant, or occupant must purchase insurance in addition to that provided by the Association consisting of an HO6 policy with **Dwelling Coverage (Improvements or Betterments; Additions and Alterations)** Special Form, which changes the policy form from Named Perils to "All Risk" subject to exclusions and with the Real Property Limit sufficient to cover the deductible on the Association's policy. However, no Owner, tenant, or occupant of any Living Unit may at any time purchase individual policies of insurance against loss by fire or other casualty covered by the insurance carried by the Association. Owners are responsible for any deductibles relating to their personal property insurance policies.

Section 6.5. **Insufficient Insurance.** In the event the property covered by the policy suffers damage or destruction from any cause or peril which is either not insured against or for which there are insufficient insurance proceeds, then the Association shall advance such costs in excess of available insurance proceeds. The amount advanced by the Association shall become a Special Assessment against all of the Lots, and this assessment shall have the same force and effect, and if not paid, may be enforced in the same manner as for the nonpayment of assessments. The action required to be taken by the Association under this Section shall not require any vote of the Members of the Association.

ARTICLE VII.
ARCHITECTURAL CONTROL

Section 7.1. **Approval Required.** No building, fence, wall, deck, structure or other exterior improvement or landscaping shall be commenced or erected upon the Properties by an Owner; nor shall any exterior addition to or change be made by an Owner until the plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing by the Board. Such plans and specifications shall be reviewed as to harmony of external design and location in relation to surrounding structures and topography in accordance with the requirements hereinafter set forth and the design review criteria established from time to time by the Board. Except as otherwise provided in the Declaration, in the event that the Board fails to approve or disapprove said plans and specifications within sixty (60) days after submission, approval will not be required and this Article shall be deemed fully complied with, provided such improvement complies with the General Requirements of Section 7.3.

The plans and specifications to be submitted shall be in such form and shall contain such information as the Board may reasonably require.

Section 7.2. **Approval - Not a Guarantee.** No approval of plans and specifications shall be construed as representing or implying that such plans, specifications or standards will, if followed, result in properly designed improvements. Such approvals shall in no event be construed as representing or guaranteeing that any improvement built in accordance therewith will be built in a good and workmanlike manner. The Association shall not be responsible or liable for (a) any defects in any plans or specifications submitted, revised, or approved pursuant to the terms of this Article; (b) any loss or damage to any person arising out of the approval or disapproval of any plans or specifications; (c) any loss or damage arising from the non-compliance of such plans and specifications; (d) any loss or damage arising from the non-compliance of such plans and specifications with any governmental ordinances and regulations; or (e) any defects in construction undertaken pursuant to such plans and specifications.

Section 7.3. **General Requirements.** The following requirements shall be applicable to the Owners' conduct upon the Properties:

7.3.1 **General Conditions.** Except for Lots designated as Common Area, no building shall be erected, altered, placed or be permitted to remain on any Lot other than one single-family dwelling with a private garage suitable for parking not less than two (2) cars which is to be attached to the principal dwelling.

No improvement of any kind shall be erected, altered, placed or permitted on the Common Areas by an Owner.

7.3.2 **House Placement and Yard Grading.** Living Units and Lots shall conform to existing grade and drainage patterns as set forth on the grading plan for the Property filed with the appropriate governmental authorities of the City of Oxford.

7.3.3 **Driveways.** All driveways shall be surfaced with concrete.

7.3.4 **Water Discharge.** Storm water must be disposed of in accordance with drainage plans established by the Declarant, the Association, or the City of Oxford.

7.3.5 **Radio and Television Antennas.** All television and radio antennas, including CB radio antennas, must be enclosed within the Living Unit located on the Lot. Satellite dishes shall be permitted on any Lot, provided they are installed in compliance with the following criteria: (a) the diameter of the dish does not exceed one (1) meter; (b) it is screened from view of all adjacent Lots; and (c) it is either (i) attached to the Living Unit; or (ii) located on the Lot.

7.3.6 Basketball Equipment. No permanent or temporary basketball hoops, goals, poles, brackets, or backboards, whether free-standing or attached to the Living Unit, are permitted.

7.3.7 Air Conditioning and Heat Pump Equipment. Such equipment shall be located only in side or rear yards. Window air conditioning units shall not be permitted.

7.3.8 Awnings. No metal or plastic awnings for windows or doors may be erected or used. Retractable canvas awnings may be used on any Lot over the deck area subject to prior written approval of the Association.

7.3.9 Fences. No fence or wall of any kind, specifically including the use of a hedge or other growing plants as a fence, and for any purpose, excepting a retaining wall, shall be erected, placed or suffered to remain upon any Lot. This Section shall not apply to decorative fences or retaining walls installed by the Declarant or a builder in connection with the development of the Property.

7.3.10 Exterior Carpeting. No exterior carpeting shall be allowed.

7.3.11 Lighting Exterior. Yard lights in excess of 50 watts are prohibited, except for street lights installed in a right-of-way.

7.3.12 Zoning. All improvements shall be constructed in accordance with and subject to all applicable zoning regulations and building codes, including all prior plans approved by the City of Oxford.

7.3.13 Variances. In order to avoid unnecessary hardship and/or to overcome practical difficulties in the application of certain provisions of the Declaration, the Board shall have the authority to grant reasonable variances from the provisions of Section 7.3. No variance shall materially injure or materially adversely affect any other part of the Property or any other Owner or occupant. No variance granted pursuant to the authority of this Section shall constitute a waiver of any provision of the Declaration as applied to any other party or other part of the Property, and no variance may be granted to permit anything that is prohibited by applicable law. All provisions of the Declaration not affected by the grant of a variance shall continue to apply with full force and effect to the Lot for which the variance is granted and to the balance of the Property.

ARTICLE VIII.
USE RESTRICTIONS AND MAINTENANCE

The Property shall be subject to the following restrictions:

Section 8.1. **Purpose of Property.** Except for Lots designated as Common Areas, the Property shall be used only for residential purposes and common recreational purposes auxiliary thereto. Notwithstanding the above, an occupant maintaining a personal or professional library, keeping personal business or professional records, or conducting personal business or professional telephone calls or correspondence, in or from a Living Unit, shall not be a violation of these restrictions. Garages shall be used only for the parking of vehicles and other customary uses and shall not be used for or converted into living area (e.g. family room, bedrooms, offices or recreational rooms).

Section 8.2. **Nuisance.** No noxious or offensive trade or activity of any kind shall be engaged in or carried on upon any Lot or within a Living Unit, nor shall any Owner or occupant thereof engage in any activities that interfere with the quiet enjoyment, comfort and health of the occupants of adjacent neighboring Lots, nor shall anything be done therein or thereon which may be or become an annoyance or nuisance to the neighborhood or the other Owners.

Section 8.3. **Animals and Pets.** No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except that dogs, cats or other household pets (excluding pot-belly pigs) may be kept, provided that they are not kept, bred or maintained for any commercial purpose. Dogs, cats and other household pets must be kept within the confines of the Owner's Living Unit, except when being held on a hand leash by the person attending the animal. A Lot Owner shall be responsible for cleaning up after his household pet. Notwithstanding the above, the Association shall have the right to promulgate rules and regulations pertaining to the size, number and type of such household pets and the right to levy Enforcement Assessments against persons who do not clean up after their pets. Additionally, the right of an occupant to maintain an animal in a Living Unit shall be subject to termination if the Board, in its full and complete discretion, determines that maintenance of the animal constitutes a nuisance or creates a detrimental effect on other Living Units or occupants.

Section 8.4. **Signage.** No sign of any kind shall be displayed to the public view on any Lot except one sign of not more than four (4) square feet advertising the Lot for sale.

Section 8.5. **Trash.** No burning of any trash and no accumulation or storage of litter, new or used building materials, or trash of any kind shall be permitted on any Lot. Trash, garbage, and recycling shall be placed in sanitary containers and shall not be permitted to remain in the public view except on days of trash collection. Notwithstanding the preceding provision, such containers must be set out at curbside for collection after 4:00 pm the evening prior to collection and be removed by 6:00 pm on the day of collection.

Section 8.6. **Prohibited Accessory Structures.** No permanent or temporary building, tent, storage shed, free standing greenhouse, or swimming pool shall be erected or permitted to remain upon a Lot or the Common Area. Decks are permitted provided they are located upon a Lot and approved by the Board pursuant to Article IX.

Section 8.7. **Automobiles, Recreational Vehicles, Boats, Travel Trailers.** No recreational vehicle, mobile home, boat, unlicensed vehicle, travel trailer, or commercial vehicle shall be parked or stored on any Lot for a period in excess of forty-eight (48) hours during any calendar month unless the same is in the garage and completely out of view. Trucks exceeding a three-quarter (3/4) ton rating are prohibited, unless such trucks are kept in the garage and completely out of view.

No vehicle in inoperable or unlicensed condition shall be stored on any Lot for a period in excess of five (5) days unless the same is in the garage and completely out of view.

Section 8.8. **Garage and Yard Sales and Holiday Decorations.** There shall be no more than two (2) garage or yard sales held by the Owner or residents of any Lot during any twelve (12) month period. Holiday lights and decorations shall be regulated by the Board of Directors by rules and regulations, which the Board is specifically empowered to enact.

Section 8.9. **Obstruction of Easements and Drainage.** No structure, planting or other material other than driveways or sidewalks shall be placed or permitted to remain upon any Lot which may damage or interfere with any easement or the installation or maintenance of utilities, or which may change, obstruct or retard the direction or flow of any drainage channels in the easement area.

Section 8.10. **Exterior Surfaces; Appearance.** Owners shall not cause or permit anything to be hung or displayed on the outside walls or windows of a Living Unit. Owners shall not permit any curtains, shades or other window coverings to be hung inside or outside any windows that will show any colors other than those approved by the Board.

Section 8.11. **Leasing.**

8.11.1 In order to (i) protect the equity of the individual property owners in South Forest Edge; (ii) to carry out the purposes for which South Forest Edge was formed by preserving its character as a homogeneous residential neighborhood of predominantly owner-occupied homes and by preventing the Property from assuming the character of a renter-occupied apartment complex; and (iii) to comply with the eligibility requirements for financing in the secondary mortgage market, insofar as such criteria provides that the project be substantially owner-occupied, leasing of the Lots shall be governed by the restrictions imposed by this Section.

8.11.2 Only three (3) Living Units may be leased at any given time.

8.11.3 Notwithstanding the limitation set forth in the preceding Section, the Board of Directors shall be empowered to allow reasonable leasing of any Lot to avoid undue hardship, including, but not limited to (i) where an Owner must relocate his or her residence and cannot, within ninety (90) days from the date the Lot was placed on the market, sell the Lot for the current appraised market value, after having made reasonable effort to do so; (ii) where the Owner dies and the Lot is being

administered by his or her estate; and (iii) where the Owner takes a leave of absence or temporarily relocates and intends to return to reside at the Living Unit, in which case the Owner must reapply at the end of each lease term for renewal of the hardship exception. In the event that the Board approves a hardship exception, the Board has the authority to approve the actual lease agreement. As a condition of the granting of an undue hardship leasing exception, the applying Owner must have resided in the Living Unit for the twenty-four (24) months prior to application.

8.11.4 With respect to those Owners who are permitted to rent their Living Units, the Board shall have the authority to make and enforce reasonable Rules and Regulations and to levy Enforcement Assessments, in accordance with the Declaration and By-Laws, for violation of those Rules and Regulations.

8.11.5 Any lessee or tenant of a Lot shall in all respects be subject to the Declaration, By-Laws, and all Rules and Regulations as are from time to time promulgated by the Association or Board of Directors as though such lessee or tenant were an Owner. The lease of any Lot shall be in writing and in a form approved by the Board, and a copy of the lease must be filed with the Board of Directors. Such lease shall provide that the violation of any provision of the Declaration, By-Laws, or the Rules and Regulations promulgated thereunder shall constitute a default under the lease, giving the Association the right to evict the lessee. In the event such lease does not include such provision, then, by means of this covenant on the Properties, such provision shall be deemed automatically included in such lease. Each Owner agrees, furthermore, to cause his or her lessee or persons living with such Owner or with his or her lessee to comply with the Declaration, By-Laws, and the Rules and Regulations promulgated thereunder and is responsible and liable for all violations and losses caused by such tenant or lessee, notwithstanding the fact that such occupants of the Lots are fully liable for any violation of the Declaration, By-Laws, and Rules and Regulations. Any Enforcement Assessments levied against a Lot and not paid by the Owner or lessee shall give rise to the Association's right to file a lien for non-payment.

8.11.6 Any lease shall be for a minimum period of not less than one (1) year. No Living Unit may be leased for transient or hotel purposes, which shall include, without limitation, any rental where the occupants of the Living Unit are provided customary hotel service, such as room service for food and beverage, maid service, laundry and linen service, or bellboy service, such as and including VRBO or Air B&B, all of which are strictly prohibited. Occupancy of a Living Unit by a guest for no consideration while an Owner is out of town temporarily shall not be prohibited by this Section.

8.11.7 The occupancy of a Living Unit by an immediate family member of the Owner(s) shall not be prohibited by this provision. "Immediate family member" shall mean father, mother, brother, sister, or children of the Owner(s). The occupancy of a Living Unit by the members of all of a limited liability company that owns the Lot shall not be prohibited by this provision. The occupancy of a Living Unit by the beneficiaries of a trust, the trustee of which holds title to the Lot, shall not be prohibited by this provision.

8.11.8 Any first mortgagee of a Lot who becomes the Owner of that Lot by foreclosure of its first mortgage or a deed in lieu of foreclosure on its first mortgage shall be permitted to lease the Living Unit without having to demonstrate undue hardship, but any subsequent purchaser from the first mortgagee is subject to this Section.

Section 8.12. **Association's Right to Grant Easements.** Notwithstanding any other provision of this Declaration, the Declarant and the Association are authorized, without consent of the Members, to grant across, through or under any Lot or Common Areas any utility easement deemed by the granting party to be necessary or convenient in the development or enjoyment of the Properties, provided that no easement shall be granted above, through or under any Lot which materially restricts ingress and egress to such Living Unit or Lot.

ARTICLE IX.
EASEMENTS AND MAINTENANCE

Section 9.1. **Access Easements.** All Lots shall be subject to an access easement in favor of the Association for the purposes of maintaining, cleaning, repairing, improving, regulating, operating, replacing and otherwise dealing with the Common Areas, Lots, and Living Units, including all improvements thereon. Such access easement shall also permit the Declarant or the Association to enter upon any Lot for the purpose of correcting grade and drainage patterns for the benefit of the entire Properties, provided that the Lot shall be restored with any pavement, grass or sod which shall have been removed.

Section 9.2. **Reservation of Easements.** The Declarant shall have and hereby reserves easements in favor of itself, the Association, and such other persons or entities as it may designate as follows:

In, on and over a twenty foot (20') wide strip of land on either side of all roadways on the Property for the purposes of access to construct, use and maintain, utilities, sidewalks, signage, lighting, landscaping and recreational uses and other uses deemed appropriate for or necessary to intergrade the Property into other real estate.

In, on and over all utility and drainage easements set forth on the Property for the installation and maintenance of utility and drainage systems.

Section 9.3. **Maintenance by Association.** The Association shall be responsible for the following care and maintenance of the Properties:

9.3.1 Maintenance, repair and general upkeep of Common Areas and the improvements located thereon, and the cost of electric and water, as required.

9.3.2 The Storm Water Facilities, in a manner satisfactory to the City of Oxford, Ohio Engineer, including the replacing of any piping and the maintaining of good appearance around these easement areas. The Association shall be responsible for any required maintenance of pipes, concrete gutters, fixtures or mechanical devices.

9.3.3 Grass cutting, landscaping, and snow removal upon the Lots and Common Areas, except in enclosed or semi-enclosed patio areas or decks.

9.3.4 Maintenance and replacement of all trees, whether located on the Common Area or the Lots.

9.3.5 Maintenance of the landscaping upon the Lots, in the front and along the sides of the Living Units, including the trimming but not the replacement of shrubs.

9.3.6 Snow removal from sidewalks, driveways, and private streets.

9.3.7 Exterior maintenance of the Living Units as follows:

9.3.7.1 Paint, caulk, repair and replace roofs, roof vents, chimneys, gutters, downspouts, exterior light fixtures, balconies and railings, stoops, patios and exterior wall surfaces, including tuckpointing of brick.

9.3.7.2 Paint and caulk where necessary on exterior surfaces of doors and window frames.

9.3.7.3 Perform other exterior maintenance as from time to time is determined by the Board of Directors of the Association to be reasonably necessary to maintain the Living Units consistent with funds available to the Association, such additional maintenance to be exercised uniformly for the benefit of all Living Units upon which it is being performed.

9.3.8 Repair and replacement of private streets, driveways, and walkways.

9.3.9 Maintenance of sewer lines serving the Living Units and Common Areas, but excluding individual service lines from the main line to each Living Unit.

9.3.10 Maintenance of all gas and electric service lines from the individual meters to the main gas or electric supply, but excluding individual service lines from the meters to each Living Unit.

9.3.11 Provide for disposal of trash/garbage with a central dumpster and/or municipal pick-up.

9.3.12 Provide and pay for the share of administrative and management expenses attributable to carrying out the purposes of the Assessments.

9.3.13 Provide for such additional matters, consistent with the general purposes of the Assessments, as may be approved in writing by not less than two-thirds (2/3) vote of the Members.

Section 9.4. **Exclusions.** Unless otherwise determined by the Board of Directors above, exterior maintenance shall not include:

9.4.1 Structural repairs/replacements and/or waterproofing of any portion of the buildings; or repair and replacement or care of basement walls and floors or foundations;

9.4.2 Repair, replacement or care of mechanical equipment and/or its pads and foundations, light bulbs, electric outlets, water sillcocks, window and door glass or screens;

9.4.3 Repair, replacement or care of water service lines serving the individual Living Unit;

9.4.4 Repair, replacement or care of operating parts of doors and windows;

9.4.5 Cleaning or replacement of doors and windows;

9.4.6 General cleaning or debris removal except upon the Common Area;

9.4.7 Any care whatsoever to improvements or additions made other than by the Declarant in constructing the Living Unit.

Section 9.5. **Maintenance by Owners.** The Owners shall be responsible for the following care and maintenance of the Property:

9.5.1 Additional landscaping in the front or sides of the Lots if installed by the Owner in the discretion of the Owner in addition to that provided by the Association.

9.5.2 Maintenance of the landscaping upon the Lots, in the rear of the Living Unit, including shrubs, as installed by the Declarant or by the Owner, which may include flowers, gardens, and any other vegetation other than trees.

9.5.3 Replacement of all shrubs on the Lot wherever located and by whomever planted.

9.5.4 All other maintenance of the Living Unit and Lot for which the Association is not responsible to maintain.

ARTICLE X.
SPECIAL DECLARANT RIGHTS

Section 10.1. Signs and Marketing. The Declarant reserves the right for itself and its successors and assigns to post signs and displays in the Common Areas to promote sales of Lots and to conduct general sales activities in a manner as will not unreasonably disturb the rights of Lot Owners.

Section 10.2. Control of the Association.

10.2.1 Appointment of Directors and Officers. The Declarant reserves the right to appoint and remove the members of the Board and the Officers of the Association until the sale of the last Lot to an Owner.

10.2.2 Early Termination of Control. The Declarant may voluntarily surrender the right to appoint and remove directors and officers before the termination of the period set forth above. In that event, the Declarant may require for the duration of that period that specified actions of the Association or the Board be approved by Declarant before they become effective. Such voluntary termination shall be evidenced by a recorded instrument executed by the Declarant setting forth the termination of the right to appoint and the actions which require Declarant's approval.

Section 10.3. Right of Association to Remove or Correct Violations. The Association may, in the interest of the general welfare of all of the Owners, enter upon any Lot or the exterior of any Living Unit at reasonable hours on any day for the purpose of removing or correcting any violation or breach of any attempted violation of any of the covenants and restrictions contained in this Declaration, or for the purpose of abating anything herein defined as a prohibited use or nuisance; provided, however, that no such action shall be taken without a resolution of the Board authorizing access to any Lot or property covered under this Section and reasonable prior notice to the Owner. Any charges incurred by the Association in correcting the violation hereunder (including court costs and reasonable attorney's fees) shall constitute a charge against the Lot and a personal obligation of the Owner thereof, and the Association shall have a lien upon the Lot for such expenses, including costs of collection of said lien amount, which lien shall be subordinate to first mortgages.

Section 10.4. **Declarant's Personal Property.** The Declarant reserves the right to retain all personal property and equipment used in sales, management, construction, and maintenance of the premises that has not been represented as property of the Association. The Declarant reserves the right to remove, within one (1) year after the sale of the last Lot, from the Property any and all goods and improvements used in development, marketing, and construction, whether or not they have become fixtures.

Section 10.5. **Additional Property.** For a period of twenty (20) years from and after the date this Declaration is filed for record, additional property, not limited to the Property described in Exhibit "B", may be annexed to the above-described Property by the Declarant without the assent of the Members of the Association, if any. Thereafter, such additional property may be annexed only with the consent of fifty-one percent (51%) of the Members of the Association. Any additional property so annexed, however, must be adjacent to or in the immediate vicinity of the above-described Property. The scheme of the within Covenants and Restrictions shall not, however, be extended to include any such additional property unless and until the same is annexed to the real property described in Exhibit "A" as hereinafter provided.

ARTICLE XI.
FEDERAL HOME LOAN MORTGAGE CORPORATION PROVISIONS

Section 11.1. **"FHLMC".** The following provisions are included herein for the benefit of the holders of first mortgages on any Lot within that portion of South Forest Edge, Section One which is subject to the provisions of this Declaration, in order to permit compliance with the requirements of Federal Home Loan Mortgage Corporation (FHLMC) as a condition to the purchase of loans on Living Units. The covenants and provisions hereinafter set forth shall run in favor only of the first mortgage holders, and they may be altered, amended, revised or rescinded by actions of the Board, without approval of the Members of the Association, but only without such approval to the extent that such alteration, amendment, revision or rescission is necessary to comply with the requirements of FHLMC.

Section 11.2. **"FHLMC RIGHTS".** It is provided as follows:

Unless at least sixty-six and two-thirds percent (66-2/3%) of the first mortgagees (based upon one vote for each first mortgage owned) or Owners of the Living Units have given their prior written approval, the Association shall not be entitled to:

11.2.1 By act or omission seek to abandon, partition, subdivide, encumber, sell or transfer the Common Area owned, directly or indirectly, by the Association for the benefit of the Living Units (the granting of easements for public utilities or for other public purposes consistent with the intended use of such Common Area by the Association shall not be deemed a transfer within the meaning of this clause);

11.2.2 change the method of determining the obligations, assessments, dues or other charges which may be levied against an Owner;

11.2.3 by act or omission change, waive or abandon any scheme of regulations, or enforcement thereof, pertaining to the architectural design or the exterior appearance of Living Units, or the exterior maintenance of Living Units or the Common Area;

11.2.4 fail to maintain fire and extended coverage on insurable Common Area on a current replacement cost basis in an amount not less than one hundred percent (100%) of the insurable value (based on current replacement cost);

11.2.5 use hazard insurance proceeds for losses to any Common Area for other than the repair, replacement or reconstruction of such Common Area.

Section 11.3. First mortgagees of Living Units may, jointly or singly, pay taxes or other charges which are in default and which may or have become a charge against any Common Area and may pay overdue premiums on hazard insurance policies, or secure new hazard insurance coverage on the lapse of a policy, for such Common Area, and first mortgagees making such payments shall be owed immediate reimbursement therefor from the Association. All first mortgagees of Living Units shall be entitled to such reimbursement.

Section 11.4. No Owner, or any other party, has priority over any rights of any first mortgagee of a Living Unit pursuant to its mortgage in the case of a distribution to such Owner of insurance proceeds or condemnation awards for losses to or taking of Common Area.

Section 11.5. A first mortgagee, upon request, is entitled to written notification from the Association of any default in the performance by the individual borrower of any obligation under the Declaration which is not cured within sixty (60) days.

ARTICLE XII.
GENERAL PROVISIONS

Section 12.1. **Enforcement.** The Association or any Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. In the event that the Association must take any action to enforce a restriction, covenant, lien, or rule, the Association shall be entitled to recover all of its attorney's fees and court costs. Failure by the Association or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 12.2. **Severability.** Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions, which shall remain in full force and effect.

Section 12.3. Duration. The covenants and restrictions of this Declaration shall run with and bind the land in perpetuity.

Section 12.4. Amendment or Termination. Except as provided in this Declaration, any provision of this Declaration may be amended in whole or in part by the Members representing at least seventy-five percent (75%) of the voting power of the Association.

The President of the Board shall determine whether the persons who have approved of any amendments this Declaration constitute the required percentage of Members. Promptly after the approval of any amendment or termination of any part of this Declaration, the President of the Board shall cause to be recorded (a) the written instrument of amendment or termination executed in properly recordable form by the President of the Association; and (b) the certificate of the President of the Association that the Members representing at least seventy-five percent (75%) of the voting power of the Association have approved such instrument.

Notwithstanding the above, this Declaration may be amended at any time either during the Development Period by the Declarant or after the Development Period by the Board, without the vote of Owners, by a written instrument executed by the Declarant for any of the following purposes: eliminating or correcting any typographical or other inadvertent errors; eliminating or resolving any ambiguity; making minor or non-substantial changes; clarifying or modifying the use restrictions; clarifying Declarant's original intent; and/or making any changes necessary or desirable to meet the requirements of any institutional lender, the Veteran's Administration, the Federal Housing Administration, the Federal National Mortgage Association, the Mortgage Corporation, or any other agency that may insure or purchase loans on a Lot. No amendment for these purposes shall materially adversely affect any Owner's interest in his or her Lot, the Association or the Common Areas without that Owner's written consent. Each Owner and his or her mortgagees, by acceptance of a deed to a Lot or a mortgage encumbering a Lot, shall be deemed to have consented to and approved of the provisions of this paragraph and the amendment of this Declaration by Declarant as provided in the immediately preceding sentence. All such Owners and their mortgagees, upon request of Declarant, shall execute and deliver from time to time all such instruments and perform all such acts as may be deemed by the Declarant to be necessary or proper to effectuate the provisions of this paragraph.

Section 12.5. Professional Management Contracts and Other Contracts. The Association may delegate all or any portion of its authority to discharge its responsibilities herein to a manager or managing agent. Any management agreement shall not exceed three (3) years and shall provide for termination by either party without cause or without payment of a termination fee on ninety (90) days or less written notice.

IN WITNESS WHEREOF, _____, President of South Forest Edge Homeowners' Association, Inc., an Ohio non-profit corporation, executes this Declaration.

4-LEAF DEVELOPMENT LLC,
An Ohio Limited Liability Company

By: _____
Printed: _____
Its: Member

STATE OF OHIO

COUNTY OF BUTLER

The foregoing instrument was acknowledged before me this ____ day of _____, 2021 by _____, Member of **4-Leaf Development LLC**, an Ohio Limited Liability Company, by and on behalf of the corporation.

_____
NOTARY PUBLIC

This instrument prepared by:

Amy Schott Ferguson, Esq.
Cuni, Ferguson & LeVay Co., L.P.A.
10655 Springfield Pike
Cincinnati, Ohio 45215
(513) 771-6768 – *Telephone*
(513) 771-6781 – *Facsimile*
AFerguson@cfl-law.com – *Email*

The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45215

STAFF REPORT

ORIGINATING DEPARTMENT:	City Manager
PREPARED BY:	Doug Elliott
DATE PREPARED:	July 12, 2021
COUNCIL MEETING DATE:	July 20, 2021
AGENDA TITLE:	Hotel & Convention Tax
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	
CITY MANAGER/DEPT HEAD APPROVAL:	Approve DRE 7-16-21

DISCUSSION:

City Council has discussed the need to expand the City's Convention and Hotel Tax to include Short-Term Rentals or Transient Lodging. The City began a registration requirement in 2019 for Short-Term Rentals. The Business Regulation Code was updated in 2020 to account for Short-Term Rentals or Transient Lodging. A Short-Term Rental or Transient Lodging is defined as a dwelling unit or portion thereof where sleeping accommodations are offered for compensation to transient users occupying a room or rooms for a period of less than thirty (30) days duration. The attached Ordinance expands the city's Hotel and Convention Tax to include Short-Term Rentals or Transient Lodging. The amount of the excise tax is 6% which includes a 3% Convention Tax and a 3% Hotel Tax. The proposed disposition of the Convention Tax at 3% will go to Enjoy Oxford (Oxford's Visitors and Convention Bureau) and the Hotel Tax at 3% to the City's Housing Trust Fund. The tax will be effective January 1, 2022 in order to provide sufficient time to publicize this new tax requirement.

ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE CHAPTER 183, ENTITLED "HOTEL AND CONVENTION TAX," AND ADOPTING NEW OXFORD CODIFIED ORDINANCE CHAPTER 183, ENTITLED "HOTEL, SHORT-TERM RENTAL AND CONVENTION TAX".

WHEREAS, Chapter 5739 of the Ohio Revised Code grants municipal corporations the authority to levy lodging excise taxes; and

WHEREAS, the City of Oxford, Ohio enacted Oxford Codified Ordinance Chapter 183, entitled "Hotel and Convention Tax," to implement a lodging excise tax on persons engaged in the business of owning, operating, or managing a hotel equal to three percent (3.00%) of the transactions by which hotel accommodations are furnished to transient guests; and

WHEREAS, Oxford Codified Ordinance Chapter 183, entitled "Hotel and Convention Tax," implements a lodging excise tax on "hotels," which are defined as places where sleeping accommodations are offered to guests in which five or more rooms are used for the accommodation of such guests; and

WHEREAS, Ohio Revised Code Section 5739.01(M) defines "hotel" as "every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered to guests, in which five or more rooms are used for the accommodations of such guests, whether the rooms are in one or several structures …"; and

WHEREAS, Ohio Revised Code Section 5739.091, allows municipal corporations to define "hotel" to include "establishments in which fewer than five rooms are used for the accommodations of guests" for the purpose of levying a lodging excise tax; and

WHEREAS, City Council has determined that it wishes to levy a lodging excise tax in the amount of three percent (3.00%) on establishments at which fewer than five rooms are used for the accommodation of guests, defined as "short-term rentals"; and

WHEREAS, City Council has determined that it would be in the best interest of the City of Oxford, Ohio to repeal Chapter 183 and enact a new Chapter 183 entitled "Hotel, Short-Term Rental and Convention Tax" of the Codified Ordinances of the City of Oxford, Ohio in order to levy a lodging excise tax of 3.00% on hotels and short-term rentals, in order to provide additional funds to the City.

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

SECTION 1: Chapter 183 of the Codified Ordinances of the City of Oxford, Ohio, entitled "Hotel and Convention Tax," regulates the City of Oxford's ability to levy a lodging excise tax equal to three percent (3.00%) on persons engaged in the business of owning, operating, or managing a hotel, defined as an establishment where sleeping accommodations are offered to guests in which five or more rooms are used for the accommodation of guests.

SECTION 2: City Council wishes to amend Chapter 183 to allow for the levy of a lodging excise tax equal to three percent (3.00%) to include establishments at which fewer than five rooms are used for the accommodation of guests, which shall be defined as "short-term rentals."

SECTION 3: Current Chapter 183 of the Codified Ordinances of the City of Oxford, Ohio, entitled Hotel and Convention Tax," is hereby repealed and new Chapter 183 is adopted to read as set forth in Exhibit A, which is attached hereto and incorporated herein, with additions **bolded** and deletions ~~struck through~~.

SECTION 4: 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

CHAPTER 183 HOTEL, **SHORT-TERM RENTAL** AND CONVENTION TAX

183.01 DEFINITIONS.

For the purpose of this chapter the following definitions for certain terms or words used herein shall be used in the interpretation of the provisions of this chapter. Words used in the present tense shall include the future tense, the singular number shall include the plural and the plural shall include the singular. The word "shall" or "will" is mandatory and the word "may" is permissive. Any other words used and not defined herein shall be construed as having the commonly-accepted meaning defined in a standard dictionary.

(a) "Guests" means persons occupying a room or rooms for sleeping accommodations for less than thirty consecutive days.

(b) "Hotel" means every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered to guests in which five or more rooms are used for the accommodation of such guests, whether such rooms are in one or several structures.

(c) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations and combinations of individuals in any form.

(d) "Transient guests" means the same as guests defined herein.

(e) "Short-term rental" means any establishment offering at least one but less than five rooms for the accommodation of guests, which is rented for a fee for less than thirty (30) consecutive days, whether such rooms are in one or several structures.

183.02 AMOUNT OF CONVENTION TAX.

Every person engaged in the business of owning, operating or managing a hotel **or short-term rental** as defined in this chapter shall pay to the City an excise tax equal to three percent (3%) of the transactions by which hotel **or short-term rental** accommodations are furnished to transient guests.

183.03 DISPOSITION OF CONVENTION TAX FUNDS.

(a) Calculation of Disposition of Funds:

(1) The Finance Director shall prepare a yearly estimate, used in the preparation of the annual budget, of three percent (3%) convention tax funds to be received by the City pursuant to Oxford Codified Ordinance Section 183.02.

(2) The City shall distribute 100% of the convention tax funds received in a calendar year to Enjoy Oxford.

(b) Council may authorize the City Manager to enter into a written contract, on behalf of the City, with one or more convention and visitors' bureaus operating within Butler County, Ohio, that provides for the City's contribution of funds to such bureaus subject to the conditions contained within the contract.

(c) All interest earned on the convention tax funds collected pursuant to Section 183.02 shall be retained by the City and deposited in the general fund.

(d) Notwithstanding any other provision of this section, the City shall fully comply with the minimum State of Ohio convention tax requirements.

183.04 AMOUNT OF HOTEL **AND SHORT-TERM RENTAL** TAX.

(a) Every person engaged in the business of owning, operating, or managing a hotel **or short-term rental** as defined in this chapter shall pay to the City a tax equal to three percent (3%) of the transactions by which hotel **or short-term rental** accommodations are furnished to transient guests.

(b) The tax imposed in this section shall be in addition to the tax imposed in Section 183.02 (Convention Tax).

183.05 DISPOSITION OF HOTEL **AND SHORT-TERM RENTAL** TAX FUNDS.

All of the hotel tax funds received from hotels by the City pursuant to Section 183.04 shall be deposited in the **City's General Fund. The 3% hotel tax funds received from short-term rentals shall be deposited in the City's Housing Trust Fund.**

183.06 REPORTS REQUIRED.

The owner, operator or manager of a hotel **or short-term rental** shall make true and accurate reports to the Finance Director on forms prescribed by the Finance Director, giving such information as may be necessary to determine the amounts to which the tax applies for all gross daily rental receipts for each one-month period.

183.07 PAYMENT BY GUESTS.

The taxes imposed hereby shall be collected by the owner, operator or manager of the hotel **or short-term rental** from the paying guests and shown as a tax charge on the bill for occupancy of the rooms. The owner, operator or manager is liable to the City for such taxes whether or not they are actually collected from the paying guest. Such taxes shall be paid to the Finance Department of the City of Oxford on or before the fifteenth day of the month following the month in which the taxes accrued and the report required by Section 183.06 hereof shall accompany such payment.

183.08 EXAMINATION OF BOOKS, RECORDS AND AUDITING PROCEDURES.

(a) The Finance Director or authorized representative shall have the right at all reasonable times during business hours to make such examinations and inspections of books and records of the hotel **or short-term rental** as may be necessary to determine the correctness of the required reports and the taxes paid. The right of the Finance Director or authorized representative to inspect, audit and make copies of books and records of the hotel **or short-term rental** shall include, but not be limited to, the following: books of accounts, daily cash receipt records and hotel **or short-term rental** registration forms.

(b) The Finance Director shall further have the right to order a special purpose audit of the hotel **or short-term rental** books and records upon determining there exists the lesser of a three percent (3%) or one hundred dollars ($100.00) underpayment of the hotel **or short-term rental** tax. The cost of the special purpose audit shall be assessed and paid for by the hotel **or short-term rental**. Any deficiency in payment shall be deemed a nonpayment and shall be immediately paid by the hotel **or short-term rental** and shall further be subject to penalty for nonpayment as provided in Section 183.10.

183.09 UNLAWFUL TO PROHIBIT INSPECTION.

It shall be unlawful for any hotel **or short-term rental** through its owner, operator or manager to prohibit or hinder the Finance Director or authorized representative from making any examination or audit as authorized by Section 183.08 hereof.

183.10 PENALTY FOR NONPAYMENT.

For each and every month, or part thereof, any tax provided for under this Chapter shall remain unpaid after the fifteenth or next business day of the month during which the same becomes payable, there shall be added to such tax as a penalty ten percent (10%) of the amount of such tax for the first month, or part thereof, that the amount is unpaid, and for each and every month thereafter one percent (1%) of the amount of such tax shall be added until the same is paid in full. In no case shall the total penalty provided herein exceed one hundred percent (100%) of the tax due and these penalties shall not preclude criminal prosecution for violation of this Chapter. Criminal prosecution for violation of any of the provisions of this chapter shall not release or discharge the owner, operator or manager of a hotel **or short-term rental** from civil liability for full payment of any and all tax or penalties due.

183.11 ADDITIONAL RULES AND REGULATIONS.

The Finance Director is authorized to issue and promulgate additional written rules and regulations to assist in the administration and enforcement of this chapter and comply with the same provided that they have received written copies thereof at least thirty days prior to the effective date of such rules and regulations.

183.12 DETERMINATION OF CONTRIBUTIONS.
Council shall have the sole power, authority and discretion to determine the extent and nature of contributions to convention and visitors bureaus and to determine which convention and visitors bureaus shall receive contributions and these determinations shall thereafter be administered by and through the City Manager and the Finance Director. The City may elect to maintain and operate a convention and visitors bureau as part of City government. The tax funds so collected in Section 183.04 shall be placed in the General Fund.

183.13 EXEMPTION.

(a) The owner, operator or manager of a hotel **or short-term rental** shall be exempt from collections of the taxes imposed by this Chapter, provided the payor of the hotel room charge **or short-term rental room charge** is an exempt organization under Section 501(C) of the Internal Revenue Code and the payor provides proof of exemption by providing either an IRS ruling or determination letter under Internal Revenue Regulation Section 1.508-1(a)(4), proof of exemption as a subordinate organization exempted under a group exemption notice of the parent organization as provided by Internal Revenue Regulation Section 1.508-1(a)(3), or a letter from an authorized official of the payor which attests to the organization's exempt status under Internal Revenue Regulation Section 1.508-1(a)(4).

(b) The owner, operator or manager of a hotel **or short-term rental** shall make true and accurate reports to the Finance Director on forms prescribed by the Finance Director providing proof of exemption and such other information as requested by the Finance Director for each one month period.

The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45215

STAFF REPORT

ORIGINATING DEPARTMENT:	City Manager
PREPARED BY:	Doug Elliott
DATE PREPARED:	June 18, 2021
COUNCIL MEETING DATE:	July 20, 2021
AGENDA TITLE:	Accepting the Annexation of 22.014 Acres
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	Approve
CITY MANAGER/DEPT HEAD APPROVAL:	DRE 7-16-21

DISCUSSION:

This is the final legislation necessary to annex 22.014 acres of land (3 parcels) off of Brookville Road bordering the Oxford Community Park and Autumn Drive. The annexation petition was filed with the Butler County Commissioners on March 12, 2021. An Expedited Type II process was utilized for this annexation. The City Manager served as the statutory agent for the petitioners. After the property is annexed to the City, the current Township zoning will continue (A-1 Agricultural) until it is rezoned by the City.

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE ANNEXATION PETITION FROM DOUGLAS R. ELLIOTT, JR. FOR 22.014 ACRES OF LAND IN THE TOWNSHIP OF OXFORD, BUTLER COUNTY OHIO, AND ACCEPTING SAID TERRITORY TO BE ANNEXED.

WHEREAS, on March 12, 2021 Douglas R. Elliott, Jr., Agent for the petitioners, filed a petition with the Board of County Commissioners of Butler County, Ohio, to obtain annexation to the City of Oxford, Butler County, Ohio, territories consisting of 22.014 acres of land contiguous to the City of Oxford and the existing corporation line of the Township of Oxford, Ohio. Said petition was filed with the consent of all parties utilizing the annexation procedure set forth in Section 709.023 of the Ohio Revised Code.

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

SECTION 1: The Board of County Commissioners did, by Resolution No.21-05-00647 adopted on May 17, 2021, approve the annexation of the proposed territory to the City of Oxford as hereinafter described. Such approval was subject to the terms and conditions contained in the Statement of Services Resolution No. 7269 a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 2: The Board of County Commissioners did, through the Clerk of the Board of County Commissioners, Butler County, Ohio, certify a transcript of the proceedings in connection with the map and petition required herein to the Clerk of Oxford City Council who received the same on or about May 19, 2021.

SECTION 3: A certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for annexation and the papers relating to all proceedings heretofore with the County Commissioners, are all on file with the Clerk of the City of Oxford and have been for sixty days.

SECTION 4: The proposed annexation, as applied for in the petition of the owners of the real estate in the territory sought to be annexed and filed with the Board of County Commissioners, Butler County, Ohio, in which the petition prayed for annexation to the City of Oxford, Ohio, of certain territory adjacent thereto as hereinafter described, be and the same is hereby accepted and deemed annexed to the City of Oxford, subject to all the terms and conditions provided herein and contained within the Statement of Services Resolution No. 7269 attached hereto and incorporated herein as Exhibit "A". The territory to be annexed is more particularly described in Exhibits "B" and "C," attached hereto and incorporated herein.

SECTION 5: The Clerk of the City of Oxford be and is hereby authorized and directed to make five copies of this ordinance, to each of which shall be attached a copy of the map accompanying this petition for annexation, a copy of the transcript of the proceedings of the Board of County Commissioners of Butler County, Ohio, related thereto, and certified as to the correctness thereof. The Clerk shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder, one copy to the County Engineer, and one copy to the Ohio Secretary of State and shall file notice of this annexation with the Board of Elections within thirty (30) days after it becomes effective and the Clerk shall do all other things as required by law.

SECTION 6: 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"

RESOLUTION NO. 7269

A RESOLUTION ADOPTING A STATEMENT INDICATING THE SERVICES THE CITY OF OXFORD, OHIO WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF OXFORD, OHIO PURSUANT TO A PETITION FILED WITH THE BOARD OF COUNTY COMMISSIONERS OF BUTLER COUNTY, OHIO, AS PROVIDED BY OHIO REVISED CODE SECTION 709.023(C).

WHEREAS, a petition for annexation has been filed with the Board of County Commissioners of Butler County, Ohio of 22.014 acres of land in Oxford Township, Butler County, Ohio; and

WHEREAS, Oxford Codified Ordinance Section 921.39 E. states in part "The property or properties served by the extension of a municipal utility shall be required to annex into the City upon the official request of the City".

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

SECTION 1: Council, having received the notification of a petition for annexation from Gregory B. Smith, Rebecca A. Smith, and Cassandra K. McCartney for 22.014 acres of land in the Township of Oxford, Butler County, Ohio hereby accepts said petition.

SECTION 2: Council hereby adopts this resolution indicating what services the City will provide to the land to be annexed to the City in accordance with Ohio Revised Code Section 709.023(C).

SECTION 3: The City of Oxford, Ohio hereby states that it will provide, upon the finalization of the annexation, the following services to the Territory: law enforcement, recreation programming, maintenance of any and all public streets and alleyways, keeping the same open, in repair and free from nuisance, and professional planning staff; which said services shall be available immediately or as required thereafter upon finalization of the annexation. In addition, the facilitation of public utility services which include potable water, sanitary and storm sewerage, solid waste collection and disposal, street lighting and fire inspection, fire protection, paramedic and ambulance services, and any and all other services provided to or made available to the citizens of the City of Oxford, Ohio, as appropriate shall be available as the Territory is developed and such services become appropriate. Extension of all public utility services shall be subject to such regulations, conditions and fees as the City deems appropriate.

SECTION 4: The Clerk is hereby directed to forward a certified copy of this resolution to the Board of County Commissioners of Butler County, Ohio.

SECTION 5: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED: March 16, 2021

ATTEST:
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MIKE SMITH

PREPARED BY: LAW (STAFF)

Date: February 16, 2021

Description: 22.014 Acres
Annexation

Location: Oxford Township
Butler County, Ohio

Situated in the State of Ohio, Congress Lands West of the Miami River and being 22.014 acres of land in Part of Lot #5 located in Section 28, Town 5, Range 1 East, Oxford Township, Butler County, Ohio and being the lands of Gregory B. and Rebecca A. Smith (11.000 Acres) as recorded in Official Record 8155, Page 1895 and the lands of Rebecca A. Smith and Cassandra K. McCartney (5.103 Acres and 5.911 Acres) as recorded in Official Record 8325, Page 282 of the Butler County, Ohio Recorder's Office and being further described as follows;

Beginning at the southeast corner of Lot #3436 and being the lands of City of Oxford (113.663 Acres) as recorded in Official Record 6270, Page 477 of the Butler County, Ohio Recorder's Office and being the northeast corner of said lands of Rebecca A. Smith and Cassandra K. McCartney (5.911 Acres) and being on the westerly boundary of Muskopf Farms as recorded in Plat Envelope 3272, Pages A-B. of the Butler County, Ohio Recorder's Office and being the **True Point of Beginning**;

thence, leaving the southeast corner of said Lot #3436 and with the westerly boundary of said Muskopf Farms, South 02° 01' 10" West, 643.88 feet to the northerly boundary of the lands of Bowling Estates, Ltd. (78.327 Acres) as recorded in Official Record 6017, Page 154 of the Butler County, Ohio Recorder's Office;

thence, leaving the westerly boundary of said Muskopf Farms and with the northerly boundary of said Bowling Estates, Ltd. (78.327 Acres), South 82° 47' 40" West, 100.94 feet;

thence, continuing with the northerly boundary extended of said lands of Bowling Estates, Ltd. and with the northerly boundary of Bowling Estates, Ltd. (1.525 Acres) as recorded in Official Record 6017, Page 148 of the Butler County, Ohio Recorder's Office, South 85° 23' 40" West, 1134.29 feet;

thence, continuing with the northerly boundary of said lands of Bowling Estates, Ltd. (1.525 Acres), South 84° 36' 40" West, 99.18 feet to the southeast corner of the lands of Michael H. and Jeanne M. Glaser (11.000 Acres) as recorded in Official Record 8033, Page 540 of the Butler County, Ohio Recorder's Office;

thence, leaving the northerly boundary of Bowling Estates, Ltd. (1.525 Acres) and with the easterly boundary of said lands of Michael H. and Jeanne M. Glaser (11.000 Acres), North 02° 27' 40" East, 804.70 feet to the southerly boundary of said Lot #3436;

thence, leaving the easterly boundary of said lands of Michael H. and Jeanne M. Glaser (11.000 Acres) and with the southerly boundary of said Lot #3436, South 87° 56' 20" East, 1318.10 feet to the **True Point of Beginning,** containing 958,945 square feet or 22.014 acres of land more or less and being subject to all easements, legal highways, restrictions and rights-of-way of record.

2/16/2021

STATE OF OHIO
BRIAN R. JOHNSON
S-8484
REGISTERED
PROFESSIONAL SURVEYOR

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

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

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

209 Grandview Drive
Fort Mitchell, KY 41017
859-261-1111

http://www.bayerbecker.com

EXHIBIT "B"

EXHIBIT "C"

AREA SUMMARY (PER DEED)

PARCEL #H3610-031-000-012 - 11.000 ACRES (DEED)
PARCEL #H3610-031-000-021 - 5.103 ACRES (DEED)
PARCEL #H3610-031-000-020 - 5.911 ACRES (DEED)

Basis of Bearing:
ASSUMED MERIDIAN

0 200 300

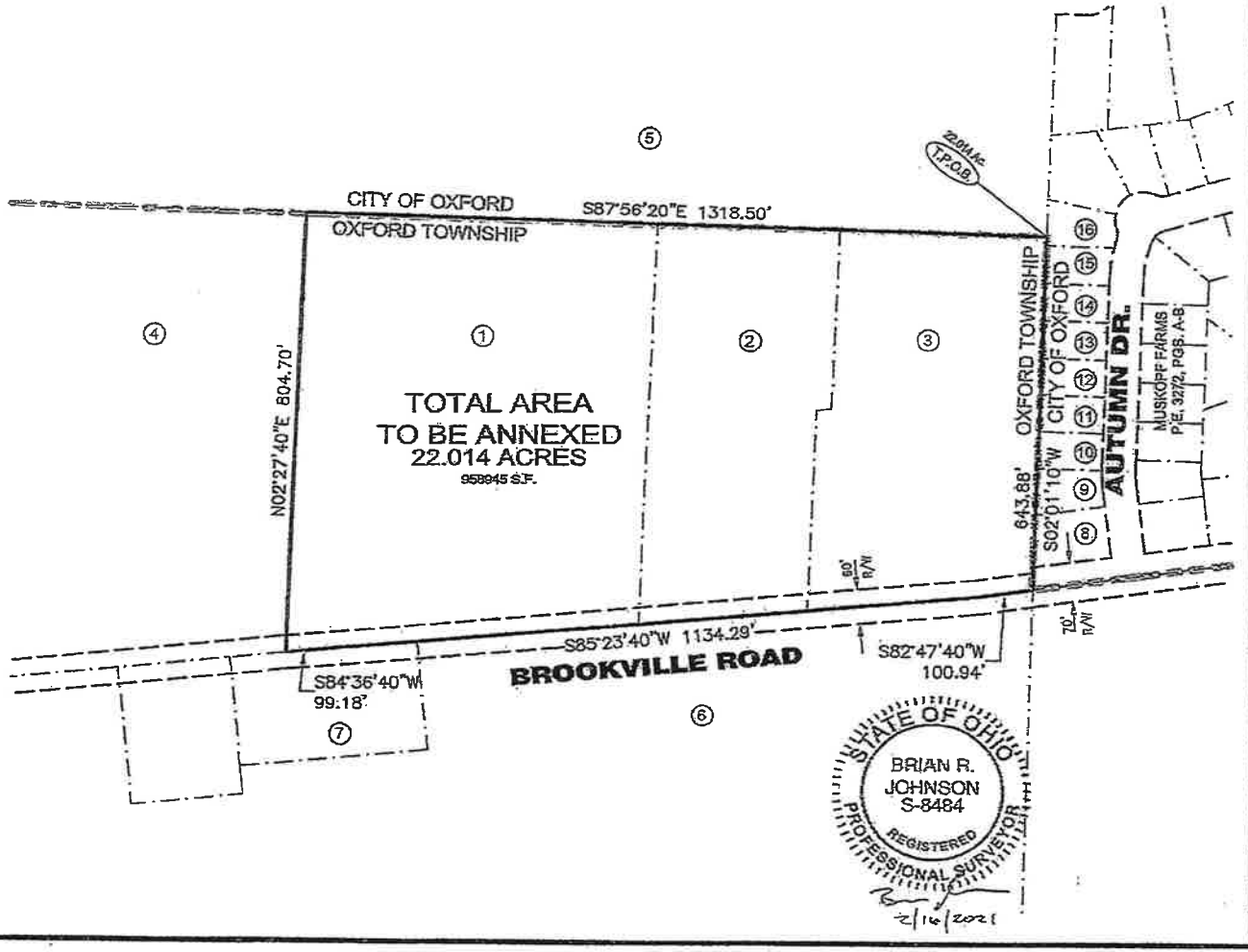
SCALE: 1" = 200'

SURVEY REFERENCES:

PLAT ENVELOPE 3272 PAGES A-B
SURVEY VOLUME 24, PAGE 147
SURVEY VOLUME 26, PAGE 229
SURVEY VOLUME 28, PAGE 219
SURVEY VOLUME 30, PAGE 115
SURVEY VOLUME 30, PAGE 116
SURVEY VOLUME 30, PAGE 117
SURVEY VOLUME 34, PAGE 181
SURVEY VOLUME 35, PAGE 112
SURVEY VOLUME 37, PAGE 23
SURVEY VOLUME 38, PAGE 170
SURVEY VOLUME 42, PAGE 42
SURVEY VOLUME 47, PAGE 187
SURVEY VOLUME 53, PAGE 34

① OWNERSHIP REFERENCE INFORMATION (SEE SHEET 2)

THIS ANNEXATION PLAT IS BASED UPON DEEDS OF RECORD AND OTHER SOURCE DOCUMENTS. THIS PLAT IS NOT THE RESULT OF A FIELD BOUNDARY SURVEY.



STATE OF OHIO
BRIAN R. JOHNSON
S-8484
REGISTERED
PROFESSIONAL SURVEYOR
2/16/2021

bayer becker
110 S. College Avenue, Suite 101
Oxford, OH 45056 - 513.523.4270

22.014 ACRES

GREGORY B. AND REBECCA A. SMITH (11.000 ACRES) AND
REBECCA A. SMITH AND CASSANDRA K. MCCARTNEY (5.103 ACRES AND 5.911 ACRES)
PART OF LOT #8 OF THE MIAMI UNIVERSITY LANDS
SECTION 26, TOWN 5, RANGE 1 EAST
CONGRESS LANDS WEST OF THE MIAMI RIVER
OXFORD TOWNSHIP, BUTLER COUNTY, OHIO

ANNEXATION PLAT

Drawing:	20-0233 AX
SHEET	1/2
Drawn by:	DDS
Checked By:	BRJ
Issue Date:	02-15-21

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT FOR 22.014 ACRES OF LAND LOCATED AT 6600 BROOKVILLE ROAD, OXFORD, OHIO, AND REZONING THE PROPERTY FROM OXFORD TOWNSHIP A-1 (ARGRICULTURAL) DISTRICT TO CITY OF OXFORD R-1B (SINGLE-FAMILY MEDIUM DENSITY RESIDENTIAL) DISTRICT.

WHEREAS, in accordance with Section 1135 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on July 13, 2021, on the application of Sam Perry, Community Development Director on behalf of Becki Smith and Cassie McCartney, owners, for a Zoning Map Amendment for 22.014 acres of land located at 6600 Brookville Road, Oxford, Ohio, rezoning the property from Oxford Township A-1 (Agricultural) District to City of Oxford R-1B (Single-Family Medium Density Residential) District.

WHEREAS, the Oxford Planning Commission, after due deliberation, recommended granting the Zoning Map Amendment, and found that the request does comply with the Decision Standard requirements of Oxford Codified Ordinance Chapter 1135.

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

SECTION 1: Council hereby accepts the recommendation of the Oxford Planning Commission, and after due deliberation, finds for the granting of the Zoning Map Amendment rezoning 22.014 acres of land located at 6600 Brookville Road, Oxford, Ohio, rezoning the property from Oxford Township A-1 (Agricultural) District to City of Oxford R-1B (Single-Family Medium Density Residential) District.

SECTION 2: Council hereby grants the rezoning request to R-1B (Single-Family Medium Density Residential) District as requested by the Applicant, incorporating the application and documents submitted by the Applicant as a term and condition of the granting of this Rezoning Request.

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)

The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Finance
PREPARED BY:	Joe Newlin
DATE PREPARED:	7/27/2021
COUNCIL MEETING DATE:	8/3/2021
AGENDA TITLE:	Supplemental Budget Ordinance
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	Approval
CITY MANAGER/DEPT HEAD APPROVAL:	7/27/21

DISCUSSION:

Issue 1
To make adjustment to budget appropriations for the repair of a City traffic signal contorl boxes at OCP & Mary Day from the unencumbered balance

Action Needed:

Revenue Side

Street Fund (122)	11,679.00

Expense Side

Street Fund (122)	11,679.00
Net Effect on Fund Balance/(s) Increase/(Decrease)	-

City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

Issue 2
To make adjustment to transfer remaining funds back to the General Fund from the unencumbered balance

Action Needed:

Revenue Side

General Fund (110)	50.24
Small Business Loan Fund (427)	**50.24**

Expense Side

Small Business Loan Fund (427)	50.24

Net Effect on Fund Balance/(s) Increase/(Decrease)	50.24
Total Net Effect on Fund Balance/(s) Increase/(Decrease)	-

Breakdown by Fund

General Fund (110)	50.24
Street Fund (122)	-
Small Business Loan Fund (427)	-
Net Effect on Fund Balance/(s) Increase/(Decrease)	50.24

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO.3600 SUPPLEMENTAL BUDGET ORDINANCE NUMBER 5 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2021.

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

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

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

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

Street Fund 122	11,679.00
Small Business Loan Fund 427	**50.24**

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

Street Fund 122	11,679.00
Small Business Loan Fund 427	50.24

SECTION 4: The following transfer(s) be executed:

Transfer from:

Small Business Loan Fund 427	50.24

Transfer to:

General Fund	50.24

SECTION 5: The following increase/(decrease)in revenues be made:

General Fund	50.24

SECTION 6: In all other respects, Ordinance No. 3600 shall remain in full force and effect.

SECTION 7: This ordinance shall take effect immediately upon its adoption.

_____
MAYOR

ADOPTED: _____

ATTEST:

_____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MIKE SMITH

PREPARED BY: LAW (STAFF)