

ORDINANCE AMENDING SECTION 212 SITE PLAN REVIEW RELATING TO SITE RESTORATION PERFORMANCE BONDS AND THE LENGTH OF TIME AN APPROVED SITE PLAN IS VALID, LAND DEVELOPMENT CODE, OF THE CODE OF ORDINANCES OF THE CITY OF OXFORD, MISSISSIPPI

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF OXFORD, MISSISSIPPI AS FOLLOWS:

SECTION I. That Section 212.04 Conditions and General Considerations on Issuance of Site Plan Approval, Land Development Code, of the Code of Ordinances, Oxford Mississippi, is hereby amended to read as follows:

- 10.. Prior to the issuance of any development permits for all developments requiring site plan approval and exceeding \$250,000 in estimated construction costs, the developer/owner shall post and maintain a site restoration performance bond, certified check, or a letter of credit with no less than three years expiration date to the City of Oxford for an amount not less than 20% of the estimated cost of tree mitigation of all significant trees as shown on the tree inventory and 150% of the estimated cost to solid sod all disturbed areas as approved by the Director of Planning and Development. The site restoration performance bond, certified check or letter of credit shall guarantee to the city that after the city has declared the site or a portion of the site abandoned, the developer and/or the surety company will become obligated to restore the site in accordance with the stated minimum requirements. The minimum work required to restore the site shall be solid sodding of all disturbed areas and trees planted in accordance with the tree mitigation requirements as required by the Landscape Ordinance and approved by the Director of Planning and Development, but not to exceed the amount of the site restoration bond, certified check, or letter of credit.

Factors that are evidence of site abandonment, or portions of a site abandonment, include but are not limited to the following.

All factors do not have to be present for the city to declare the site or a portion of the site abandoned; however, "a" and "b" must apply:

- a. 18 months have elapsed since final site plan, development plan or subdivision plat approval;
- b. 6 months have elapsed since issuance of a building permit;
- c. no documented substantial work is being performed on the site and/or structures based on three separate visual site inspections by city staff occurring weekly for three consecutive weeks;
- d. within 45 days for a single family structure and within 6 months for all other structures from the issuance of a building permit and the foundation and slab are not completed;
- e. within 6 months for a single family residential structure and within 12 months for all other structures after the issuance of a building permit and the framing, electrical, and plumbing are not completed;
- f. within 12 months for a single family residential structure and within 18 months for all other structures after of the issuance of a building permit and the Certificate of Occupancy has not been issued.

After a determination has been made by the Building Official that a site has been abandoned, a certified letter will be sent by the City to the developer/owner/surety company notifying them that they have the opportunity to request within 30 days from the date of the certified letter one six month extension from the Building Official before the city initiates site restoration activities by contacting the surety company. The Building

Official will consider the factors listed above when considering if a six month extension is warranted and the extension is solely at the discretion of the Building Official.

Site restoration activities may also include, at the discretion of the Building Official: debris removal, seeding, sodding, tree and vegetation installation, correction of public safety hazards (including but not limited to: structures open to the elements, incomplete infrastructure improvements that pose a public safety hazard, and incomplete streets that cannot accommodate public safety vehicles), and as much as possible, re-establishment of the site's original topography. The site restoration performance bond, certified check, or letter of credit shall be in effect until a Certificate of Occupancy is issued by the City of Oxford. The developer/owner shall notify the Director of Planning and Development in writing within fifteen (15) days of any proposed changes in the status of the bond, certified check, or letter of credit. The Director of Planning and Development must approve any changes of the bond, certified check, or letter of credit.

SECTION II. That Section 212.06 Procedure, Land Development Code, of the Code of Ordinances, Oxford Mississippi, is hereby amended to read as follows:

4. Should the site development plan be approved and no permits have been issued to the developer, this approval shall be valid for 18 months from the time of approval, subject to the Director of Planning and Development's annual review.

SECTION III. REPEALING CLAUSE

All ordinances or parts of ordinances in conflict herein shall be, and the same are hereby repealed.

SECTION IV. EFFECTIVE DATE

The Board of Aldermen finds that due to the existence of a number of abandoned or partially abandoned development sites and the real potential for additional abandoned or partially abandoned development sites in the city and in the absence of city's ability to require a bond to restore abandoned development sites and the excessive length of time a site plan is valid constitute good cause for this Ordinance to become effective at once. Therefore, the effective date of this Ordinance shall be immediately from and after its passage by a unanimous vote of all members of the Board of Aldermen.

The above ordinance having being first reduced to writing and read and considered section by section at a public meeting or the governing authorities of the City of Oxford Mississippi on motion of Alderman _____, seconded by Alderman _____, and the roll being called, the same by the following votes:

Alderman Patterson	voted
Alderman Oliver	voted
Alderman Antonow	voted
Alderman Howell	voted
Alderman Taylor	voted
Alderman Fisher	voted
Alderman Baker	voted

10 acre site with 2,400 inches of significant trees as shown on the tree inventory with 95 trees to be mitigated as shown on the landscape plan

150% of tree mitigation as shown on landscape plan @ \$500 per tree	\$71,250
150% for sod @ \$3.50 yd.	\$254,100
Total	\$325,350

20% of tree mitigation of significant trees shown on tree inventory @ \$500	\$80,000
150% for sod @ \$3.50 yd.	\$254,100
Total	\$334,100