



## Agenda

Oxford City Council

Court House

**TUESDAY, JANUARY 3, 2012**

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### EXECUTIVE SESSION

**7:15 p.m.**

1. Roll Call. Richard Keebler, Mayor; Ken Bogard, Vice-Mayor; Kevin McKeehan; Bob Blackburn; Kate Rousmaniere; John Harman; Steve Snyder

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**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.

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### REGULAR MEETING

**7:30 P.M.**

### PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

|                                                                                                                                                                                                                                                                   |
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| <p><b>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.</b></p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

3. Public Participation.

A. Appointments to Boards and Commissions.

B. Notice to Legislative Authority - Transfer permit from Fisher Lundgren & Slaughenaupt Inc. 10 E. Walnut Street 1st Floor Oxford, Ohio to Blazin Wings Inc DBA Buffalo Wild Wings Grill and Bar 10 E. Walnut Street 1st Floor Oxford, Ohio 45056.



Notice

C. Public Comments.

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

4. Consent Agenda.

A. Minutes of the December 6, 2011 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

B. Report regarding the December 7, 2011 Environmental Commission Meeting. (Mike Dreisbach, Service Director)



Report

C. Report regarding the December 13, 2011 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)



Report

D. Report regarding the December 14, 2011 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)



Report

E. A Resolution authorizing the City Manager to enter into a contract with Utility Service and Supply, Inc. for the purchase of materials to replace an existing ten inch water main under High Street between Main Street and Campus Avenue at a cost of \$143,553.85 plus a contingency amount of ten percent (10%) of the contract price or \$14,355.00 for a total cost not to exceed \$157,908.85. (Mike Dreisbach, Service Director)



Staff Report/Resolution

F. A Resolution authorizing the City Manager to enter into a contract with Greve Chrysler Jeep Dodge for the purchase of two (2) Dodge Chargers at State Contract pricing at a

cost not to exceed \$43,020.00. (Bob Holzworth, Interim Police Chief)



Staff Report/Resolution

5. Resolutions.

1. A Resolution establishing E. Rose Avenue from S. Poplar Street to S. Campus Avenue and the 500 and 600 blocks of S. Poplar Street as Residential Permitted Parking Areas, twenty-four (24) hours a day, seven (7) days a week. (Bob Holzworth, Interim Police Chief)



Staff Report/Resolution

2. A Resolution accepting the bid submitted by Fine Line Products and authorizing the City Manager to enter into a contract with Fine Line Products for the purchase of 4,400 Photoelectric Smoke Alarms at a cost of \$54,780.00. (John Detherage, Fire Chief)



Staff Report/Resolution

3. A Resolution of Council approving an application for a Transportation, Community and System Preservation grant on behalf of Miami University, in the amount of \$507,000 with a matching fund commitment of \$169,000 from Miami University, to the Federal Highway Administration for a project titled "Campus Life-Safety Improvements". (Mike Dreisbach, Service Director)



Staff Report/Resolution

6. Ordinances.

A. First Reading

1. An Ordinance Repealing Oxford Codified Ordinance Chapter 1133, Provisions For Zoning Districts, And Adopting New Oxford Codified Ordinance Chapter 1133, Provisions For Zoning Districts, To Add The Agricultural Open Space District. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

2. An Ordinance Amending Oxford Codified Ordinance Chapter 1143, Districts, To Add New Section 1143.15, Agricultural Open Space District. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

3. An Ordinance Repealing Oxford Codified Ordinance Chapter 1141, Accessory, Temporary, Supplemental and Environmental Regulations, And Adopting New Oxford Codified Ordinance Chapter 1141, Accessory, Temporary, Supplemental and Environmental Regulations. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

4. An Ordinance Amending Oxford Codified Ordinance Section 1159.04, Definitions (Beginning With The Letter "C") and Oxford Codified Ordinance Section 1159.07,

Definitions (Beginning With The Letter "F"). (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

- B. Second Reading - None.
7. A. Announcements & Communications. 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.
1. Remarks from City Council and City Staff.
- B. Future Meetings.
- WED - Jan 4 Historic and Architectural Preservation Commission Meeting 6:00 p.m.
- WED - Jan 4 Environmental Commission Meeting 7:00 p.m. Municipal Building
- MON - Jan 9 Housing Advisory Commission Meeting 7:00 p.m. Municipal Building
- TUES - Jan 10 Planning Commission Meeting 7:30 p.m.
- THUR - Jan 12 Police Advisory Board 7:00 p.m. Senior Citizens Center
- MON - Jan 16 Holiday - City Offices Closed
- TUES - Jan 17 Records Commission Meeting 5:30 p.m. Municipal Building
- TUES - Jan 17 City Council Work Session 6:30 p.m.
- TUES - Jan 17 City Council Meeting 7:30 p.m.
- WED - Jan 18 Board of Zoning Appeals Meeting 7:30 p.m.
- THUR - Jan 19 Recreation Board Meeting 4:00 p.m. Senior Citizens Center
- WED - Jan 25 Civil Service Commission Meeting 7:00 p.m.
- FRI - Jan 27 Community Improvement Corporation Meeting 12:00 p.m. LCNB
8. Adjourn.

**CITY OF OXFORD  
STAFF SUMMARY REPORT**

**Report to the City Manager**

Community Development Department  
**Originating Department**

**Council Meeting Of:** January 3, 2012

Jung-Han Chen

**Account Code No. #:**

**Prepared By:**

**Budgeted Amount:**

December 19, 2011

**Date Prepared:**

|                      |                                                                                                                                                                                                                  |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Agenda Title:</b> | <b>PC-08-2011 Zoning Code Text Amendment-Chapter 1159 Definitions, Section 1159.04(5)(C) and (D) Type A and B Family Day Care Home, Section 1159.07(10) Fraternity/Sorority House, City of Oxford, Applicant</b> |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                        |                 |
|------------------------|-----------------|
| <b>Recommendation:</b> | <b>Approval</b> |
|------------------------|-----------------|

**Discussion:**

The Planning Commission held a Public Hearing on December 13, 2011 for this Zoning Code Text Amendment to modify specific zoning definitions. These changes are minor in nature and will not alter the essence of the text.

Definition changes made to Family Day Care will now be in accordance with the language in the Ohio Administrative Code.

The second change is the definition of a Fraternity House. The proposal is to remove "good standing" from the definition, since "good standing" relates to a behavioral issue and is not related to the use of the land. Behavioral issues shall be directed by other City regulations, but not the Zoning Code.

The Planning Commission reviewed the Decision Standards and voted 7-0-0 to recommend **APPROVAL** to City Council.

|                     |                         |                    |                 |
|---------------------|-------------------------|--------------------|-----------------|
| <b>Approved By:</b> | <b>Department Head:</b> | <b>Initial</b>     | <b>Date</b>     |
|                     | <b>City Attorney:</b>   | <i>JHC</i>         | <i>12/20/11</i> |
|                     | <b>A. City Manager:</b> | <i>[Signature]</i> | <i>12/29/11</i> |

## ORDINANCE NO.

ORDINANCE AMENDING OXFORD CODIFIED ORDINANCE SECTION 1159.04, DEFINITIONS (BEGINNING WITH THE LETTER “C”) AND OXFORD CODIFIED ORDINANCE SECTION 1159.07, DEFINITIONS (BEGINNING WITH THE LETTER “F”)

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, OHIO, THAT:

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on December 13, 2011 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended that Oxford Codified Ordinance Section 1159.04, Definitions (Beginning with the letter “C”) and Oxford Codified Ordinance Section 1159.07, Definitions (Beginning with the letter “F”) be amended.

SECTION II: Council hereby amends Oxford Codified Ordinance Section 1159.04, Definitions (Beginning with the letter “C”) and Oxford Codified Ordinance Section 1159.07, Definitions (Beginning with the letter “F”) as follows: (additions are in bold/red and omissions are struck out)

### CHAPTER 1159 Definitions

|         |                                          |         |                                          |
|---------|------------------------------------------|---------|------------------------------------------|
| 1159.01 | Purpose and applicability.               |         | letter “N”).                             |
| 1159.02 | Definitions (beginning with letter “A”). | 1159.16 | Definitions (beginning with letter “O”). |
| 1159.03 | Definitions (beginning with letter “B”). | 1159.17 | Definitions (beginning with letter “P”). |
| 1159.04 | Definitions (beginning with letter “C”). | 1159.18 | Definitions (beginning with letter “Q”). |
| 1159.05 | Definitions (beginning with letter “D”). | 1159.19 | Definitions (beginning with letter “R”). |
| 1159.06 | Definitions (beginning with letter “E”). | 1159.20 | Definitions (beginning with letter “S”). |
| 1159.07 | Definitions (beginning with letter “F”). | 1159.21 | Definitions (beginning with letter “T”). |
| 1159.08 | Definitions (beginning with letter “G”). | 1159.22 | Definitions (beginning with letter “U”). |
| 1159.09 | Definitions (beginning with letter “H”). | 1159.23 | Definitions (beginning with letter “V”). |
| 1159.10 | Definitions (beginning with letter “I”). | 1159.24 | Definitions (beginning with letter “W”). |
| 1159.11 | Definitions (beginning with letter “J”). | 1159.25 | Definitions (beginning with letter “Y”). |
| 1159.12 | Definitions (beginning with letter “K”). | 1159.26 | Definitions (beginning with letter “Z”). |
| 1159.13 | Definitions (beginning with letter “L”). |         |                                          |
| 1159.14 | Definitions (beginning with letter M”).  |         |                                          |
| 1159.15 | Definitions (beginning with              |         |                                          |

## 1159.01 PURPOSE AND APPLICABILITY.

For the purposes of this Zoning Code, the following definitions for certain terms or words used herein shall be used in the interpretation of the provisions of this Zoning Code. Words used in the present tense shall include the future tense; the singular number shall include the plural and the plural the singular; the word "person" shall include a firm, association, organization, partnership, trust company or corporation; the words "used or occupied" include the words "intended, designed or arranged to be used or occupied". 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 as defined in a standard dictionary. (Ord. 2782. Passed 5-20-03.)

**1159.02 Definitions (beginning with letter "A").**

**No Amendments**

**1159.03 Definitions (beginning with letter "B").**

**No Amendments**

**1159.04 Definitions (beginning with letter "C").**

- (1) **CATERING**
- (2) **CELLAR**
- (3) **CELLULAR COMMUNICATIONS SERVICES**
- (4) **CEMETERY**
- (5) **CHILD DAY CARE TYPES**

A. **Child Day Care:** Administering to the needs of infants, toddlers, preschool children and school children outside of school hours by persons other than their parents or guardians, custodians or relatives by blood, marriage, or adoption, for any part of the 24-hour day in a place or residence other than a child's own home.

B. **Child Day Care Center:** Any place in which child day-care is provided, with or without compensation, for 13 or more children at one time or any place that is not the permanent residence of the holder of a day-care license from the Ohio Department of ~~Human Resources~~ **Job and Family Services** or the residence of the administrator in which child day-care is provided, with or without compensation, for seven to 12 children at one time. In counting children for the purpose of this definition, any children under six years of age who are related to a licensee, administrator or employee and who are on the premises of the center shall be counted.

C. **Type-A Family Day Care Home:** A permanent residence of the administrator in which child day-care is provided for seven to 12 children at one time or a permanent residence of the administrator in which child day-care is provided for four to 12 children at one time if four or more children at one time are under two years of age. In counting children for the purpose of this definition, any children under six years of age who are related to a day-care licensee, ~~of the Ohio Department of Human Resources~~ administrator or employee **registered with the Ohio Department of Job and Family Services**, and who are on the premises of the Type A home shall be counted. "Type A family day-care home" does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is in the home of the siblings. **Type A day-care facilities shall also be in accordance with the Ohio Administrative Code, Chapter 5101:2 Division of Social Services**

D. **Type-B Family Day Care Home:** A permanent residence of the provider in which the child day-care services are provided for one to six children at one time and in which no more than three children may be under two years of age **at one time. In counting children for the purpose of this definition, any children under six years of age** who are related to the provider **registered with the Ohio Department of Job and Family Services** and who are on the premises of the Type B home shall be counted. **Children six years of age or older who are related to the provider and who are on the premises of the Type B home shall not be included in this count. A "type B home" also includes a home which is the permanent residence of both the provider and the parent. Type B day-care facilities shall also be in accordance with the Ohio Administrative Code, Chapter 5101:2 Division of Social Services**

- (6) **CHURCH**
- (7) **CITY COUNCIL**
- (8) **CLEAR & CONVINCING EVIDENCE.**
- (9) **CLINIC**
- (10) **CLUB (LODGE)**
- (11) **CO-LOCATION / SITE SHARING**
- (12) **COLLECTOR**
- (13) **COMMERCIAL**

- (14) **COMMERCIAL TYPES**
- (15) **COMMERCIAL CENTER**
- (16) **COMMISSION**
- (17) **COMMUNITY RESIDENCE**
- (18) **COMPREHENSIVE PLAN**
- (19) **CONDITIONAL**
- (20) **CONDOMINIUM**
- (21) **CONGREGATE RESIDENCES**
- (22) **CONVALESCENT CENTER**
- (23) **COURT, COURT YARD**

|                |                                                 |                      |
|----------------|-------------------------------------------------|----------------------|
| <b>1159.05</b> | <b>Definitions (beginning with letter “D”).</b> | <b>No Amendments</b> |
| <b>1159.06</b> | <b>Definitions (beginning with letter “E”).</b> | <b>No Amendments</b> |

- |                |                                                 |
|----------------|-------------------------------------------------|
| <b>1159.07</b> | <b>Definitions (beginning with letter “F”).</b> |
| (1)            | <b>FAMILY</b>                                   |
| (2)            | <b>FAMILY COMMUNITY RESIDENCE</b>               |
| (3)            | <b>FARM ANIMALS</b>                             |
| (4)            | <b>FARM IMPLEMENT SALES</b>                     |
| (5)            | <b>FLOOD PLAIN</b>                              |
| (6)            | <b>FLOOR AREA, GROSS</b>                        |
| (7)            | <b>FLOOR AREA, NET</b>                          |
| (8)            | <b>FLOOR AREA RATIO (FAR)</b>                   |
| (9)            | <b>FOOTPRINT</b>                                |

(10) **FRATERNITY/SORORITY HOUSE** - A building that is occupied by a group of enrolled Miami University students who are active members of a fraternal organization recognized by Miami University. These organizations shall be limited to fraternities, sororities, and like groups ~~in good standing with, and~~ approved by Miami University for communal off-campus living on that site. Occupancy exception: may include employees or agents of the organization not to exceed three (3) persons.(Ord. 3061 Passed 07-07-09)

- (11) **FRONTAGE**

|                |                                                 |                      |
|----------------|-------------------------------------------------|----------------------|
| <b>1159.08</b> | <b>Definitions (beginning with letter “G”).</b> | <b>No Amendments</b> |
| <b>1159.09</b> | <b>Definitions (beginning with letter “H”).</b> | <b>No Amendments</b> |
| <b>1159.10</b> | <b>Definitions (beginning with letter “I”).</b> | <b>No Amendments</b> |
| <b>1159.11</b> | <b>Definitions (beginning with letter “J”).</b> | <b>No Amendments</b> |
| <b>1159.12</b> | <b>Definitions (beginning with letter “K”).</b> | <b>No Amendments</b> |
| <b>1159.13</b> | <b>Definitions (beginning with letter “L”).</b> | <b>No Amendments</b> |
| <b>1159.14</b> | <b>Definitions (beginning with letter M”).</b>  | <b>No Amendments</b> |
| <b>1159.15</b> | <b>Definitions (beginning with letter “N”).</b> | <b>No Amendments</b> |
| <b>1159.16</b> | <b>Definitions (beginning with letter “O”).</b> | <b>No Amendments</b> |
| <b>1159.17</b> | <b>Definitions (beginning with letter “P”).</b> | <b>No Amendments</b> |
| <b>1159.18</b> | <b>Definitions (beginning with letter “Q”).</b> | <b>No Amendments</b> |
| <b>1159.19</b> | <b>Definitions (beginning with letter “R”).</b> | <b>No Amendments</b> |
| <b>1159.20</b> | <b>Definitions (beginning with letter “S”).</b> | <b>No Amendments</b> |
| <b>1159.21</b> | <b>Definitions (beginning with letter “T”).</b> | <b>No Amendments</b> |
| <b>1159.22</b> | <b>Definitions (beginning with letter “U”).</b> | <b>No Amendments</b> |
| <b>1159.23</b> | <b>Definitions (beginning with letter “V”).</b> | <b>No Amendments</b> |
| <b>1159.24</b> | <b>Definitions (beginning with letter “W”).</b> | <b>No Amendments</b> |
| <b>1159.25</b> | <b>Definitions (beginning with letter “Y”).</b> | <b>No Amendments</b> |
| <b>1159.26</b> | <b>Definitions (beginning with letter “Z”).</b> | <b>No Amendments</b> |



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

CLERK OF OXFORD CITY COUNCIL

MAYOR

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

# **Certification of Action Oxford Planning Commission Recommendation to City Council**

|                                                    |                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Report Date</u></b>                          | January 3, 2012                                                                                                                                                                                                                                                                                                                                                                |
| <b><u>Case Number</u></b>                          | PC-08-2011                                                                                                                                                                                                                                                                                                                                                                     |
| <b><u>Applicant Information</u></b>                | City of Oxford, Applicant                                                                                                                                                                                                                                                                                                                                                      |
| <b><u>Requested Action</u></b>                     | Zoning Code Text Amendment                                                                                                                                                                                                                                                                                                                                                     |
| <b><u>Summary of Request</u></b>                   | Zoning Code Text Amendment to - Chapter 1159 Definitions, Section 1159.04(5)(C) and (D) Type A and B Family Day Care Home, Section 1159.07(10) Fraternity/Sorority House                                                                                                                                                                                                       |
| <b><u>Public Hearing Information</u></b>           | On December 13, 2011 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on November 11, 2011.                                                                                                                                                                                                                        |
| <b><u>Commission Action</u></b>                    | The Planning Commission voted 7-0-0 recommending approval to City Council.                                                                                                                                                                                                                                                                                                     |
| <b><u>Commission Findings and Conclusions</u></b>  | The Planning Commission revised the definition for Family Day Care to reference language in the Ohio Administrative Code and removed the verbiage "good standing" from the definition for Fraternity/Sorority as "good standing" relates to a behavioral issue and is not related to the use of the land. Behavioral issues are regulated by other City rules and regulations. |
| <b><u>Exhibits Submitted to the Commission</u></b> | <ol style="list-style-type: none"><li>1. Staff Report dated 11/18/11</li><li>2. Interoffice Review Transmittal Sheets</li><li>3. Zoning Code Text Amendment Application dated 10/12/11</li><li>4. Chapter 1159 Definitions, Section 1159.04(5)(C) and (D) Type A and B Family Day Care Home, Section 1159.07(10) Fraternity/Sorority House</li></ol>                           |

**City of Oxford**  
*Community Development Department*  
**STAFF REPORT**

**Planning Commission**

**Case # PC-08-2011**

**Date – December 13, 2011**

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**APPLICATION**

Applicant: City of Oxford  
Action Request: **Zoning Code Text Amendment-** Chapter 1159 Definitions, Section 1159.04(5)(C) and (D) Type A and B Family Day Care Home, Section 1159.07(10) Fraternity/Sorority House

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**DESCRIPTION**

This application is to amend the definition of the types of day care centers that are consistent with the State of Ohio Administrative Code and are licensed by the Department of Jobs and Family Services. The other change is to amend the definition of fraternity/sorority house, as discussed by the Planning Commission several months ago.

**SITE HISTORY**

None

**ZONING CODE**

Proposed amendments are attached.

**COMPREHENSIVE PLAN**

No applicable

**AGENCY REVIEWS**

Requests for review were made to the Police, Fire, Engineering and Economic Development Departments. The following comments have been received:

|               |                                     |
|---------------|-------------------------------------|
| Police:       | No comments returned.               |
| Fire:         | Comment returned without comments.  |
| Engineering:  | Comments returned without comments. |
| Economic Dev. | No comments returned.               |

**DECISION CRITERIA**

A copy of the Text Amendment Decision Criteria is attached.

**ANALYSIS**

The changes included in this report are mainly to clean up some discrepancies in the definitions. Local jurisdictions do not have any oversight as far as the operations of these types of day care; it is Ohio Department Jobs and Family Services that has the licensing authority. Therefore, changes to the definition are to ensure these requirements are included in order to operate a day care center.

The change to the definition of fraternity/sorority house is to merely strike out the "good standing" clause in the definition. The good standing issue relates only to a behavior approved by others and is not related to the use itself. Behavioral issues shall be regulated by other City's code and regulations, not the land use regulations.

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SUBMITTED

BY:

  
Jung-Han Chen,  
Community Development Director

DATE: November 18, 2011

## ATTACHMENT

(c) Planning Commission and Council Review. The Planning Commission shall base its recommendation on a proposed Zoning Code amendment 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.

If 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.

- (1) Decision standards. A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

### Text Amendments

- A. The proposed amendment will make the Code conform more closely with the Comprehensive Plan.
- B. The proposed amendment will improve the public health, safety, and general welfare of Oxford.
- C. The proposed amendment will clarify the intent of the Code.
- D. The proposed amendment will better implement the intent of the Code.
- E. The proposed amendment will improve enforcement of the Code.

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: 11/14/2011

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: **PC-08-2011**

Description:

**ZONING CODE TEXT AMENDMENT**, Chapter 1159 Definitions, Section 1159.04(5)(C)(D) Type A & B  
Family Daycare Home, Section 1159.07(10) Fraternity **City of Oxford, Applicant**

☒ Review ☐ Revisions ☐ Other

**ADDITIONAL LANGUAGE IS MARKED IN RED**

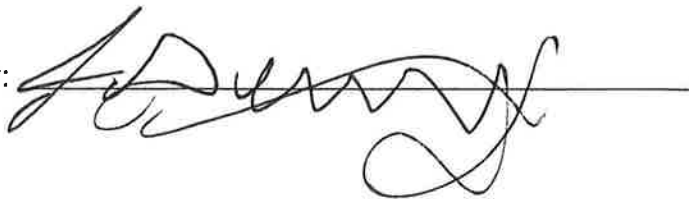
Comments or status update requested by: Lynn Taylor

Please return no later than: **12/6/2011** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:



Date: 11/14/11

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: 11/14/2011

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: **PC-08-2011**

Description:

**ZONING CODE TEXT AMENDMENT**, Chapter 1159 Definitions, Section 1159.04(5)(C)(D) Type A & B  
Family Daycare Home, Section 1159.07(10) Fraternity **City of Oxford, Applicant**

  X   Review               Revisions               Other

**ADDITIONAL LANGUAGE IS MARKED IN RED**

Comments or status update requested by: Lynn Taylor

Please return no later than: **12/6/2011** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned:    w/comments    without/comments

Drawings reviewed by:



VICTOR POPESCU

Date: 11-15-11

**Zoning Code Text Amendment Application**  
City of Oxford, Ohio

Chapter 1159 Definitions  
Fraternity: Type A: B  
daycare

**REQUIRED INFORMATION**

Name of Applicant: City of Oxford  
(Attach a Letter of Agency if the applicant is not the property owner.)  
Mailing Address: 101 E. High Street  
Telephone Number(s): (513) 524-5204  
Email Address: www.cityofoxford.org

**SUBMISSION REQUIREMENTS**

A written, detailed description, where applicable, is required for each subsection.

All applications must include:

- A general description of the proposed amendment.
- A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
- A statement that identifies potential negative consequences of the proposed amendment.
- Any existing section number and text that is proposed to be deleted or amended.
- Any new or amended text as it is proposed to be codified including its proposed location in the Code. (section numbers)
- A narrative statement that describes the expected effects of the proposed text.
- A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

**Planning Commission and Council Review** The Planning Commission shall base its recommendation on a proposed Zoning Code amendment 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 consider the Planning Commission recommendation. If 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.

**Decision Standards** A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls. The proposed amendment will:

- make the Code conform more closely with the Comprehensive Plan.
- improve the public health, safety, and general welfare of Oxford.
- clarify the intent of the Code.
- better implement the intent of the Code.
- improve enforcement of the Code.

All materials and the application fee in the amount of **\$150.00 plus actual postage**, payable to the City of Oxford must be delivered to the office of Community Development, 101 East High Street, Oxford, Ohio 45056 45 days prior to the proposed meeting date. Any questions should be directed to the Community Development Department at (513) 524-5204.

**NOTE: Incomplete applications will not be processed. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.**

SIGNATURE OF APPLICANT: \_\_\_\_\_

Date: 10/12/11

PRINTED NAME: Jung Han Chen, Comm. Dev. Dir.

**FEE / RECEIPT**

\$150 Fee plus Actual Postage Paid / Receipt Number: NA



**CITY OF OXFORD  
STAFF SUMMARY REPORT**

**Report to the City Manager**

Community Development Department  
**Originating Department**

**Council Meeting Of:** January 3, 2012

Jung-Han Chen

**Account Code No. #:**

**Prepared By:**

**Budgeted Amount:**

December 19, 2011

**Date Prepared:**

**Agenda Title:** PC-07-2011 ZONING CODE TEXT AMENDMENT Chapter 1141: Accessory, Temporary, Supplemental and Environmental Regulations, City of Oxford, Applicant

**Recommendation:** Approval

**Discussion:**

This application is to update the existing zoning code that was adopted in 2003. Through the years Staff has recognized that some sections were inconsistent, some sections needed strengthened, and other sections needed to be consolidated with other provisions of the code. This amendment attempts to clean up this particular Chapter of the Oxford Zoning Code thus making it much clearer and easier to follow.

The Planning Commission spent a great deal of time going over various elements in this Chapter, especially issues related to home occupations and temporary uses. The proposed amendment has been expanded a lot, but the essence remains the same. A great deal of effort was made to clarify the language and to provide illustrations to supplement the text. Several major changes to this Chapter include expanding home occupation, adding provisions to the accessory uses in nonresidential districts (including additional temporary uses) and last but not least adding alternative energy regulations.

The Zoning Code is an evolving document and can and should be amended as circumstances require. The Code must be reflective of the community and needs to be revisited on a regular basis. It is department policy to keep notes regarding inconsistencies in sections of the Zoning Code. Staff will then incorporate these topics into Planning Commission's future discussions. One item for discussion has been controlled substances and the Planning Commission has asked Staff to clarify this portion for City Council's consideration to reflect the Fire Department's concerns.

The Planning Commission reviewed the Decision Standards and voted 7-0-0 to recommend **APPROVAL** to City Council.

**Approved By:**

**Initial Date**

**Department Head:**

**City Attorney:**

**A. City Manager:**

*JHC* 12/20/11  
1  
*[Signature]* 12/29/11

## ORDINANCE NO.

ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE CHAPTER 1141, ACCESSORY, TEMPORARY, SUPPLEMENTAL AND ENVIRONMENTAL REGULATIONS, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE CHAPTER 1141, ACCESSORY, TEMPORARY, SUPPLEMENTAL AND ENVIRONMENTAL REGULATIONS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, OHIO, THAT:

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on December 13, 2011 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Chapter 1141, Accessory, Temporary, Supplemental and Environmental Regulations and adopting new Oxford Codified Ordinance Chapter 1141, Accessory, Temporary, Supplemental and Environmental Regulations.

SECTION II: Council hereby repeals Chapter 1141 of the Oxford Code of Ordinances and adopts new Chapter 1141 as follows: (Additions are in bold/red, omissions and relocated text is struck out)

### CHAPTER 1141 Accessory, Temporary, Supplemental and Environmental Regulations

|                |                               |                |                                   |
|----------------|-------------------------------|----------------|-----------------------------------|
| <b>1141.01</b> | <b>Accessory regulations.</b> | <b>1141.03</b> | <b>Supplemental regulations.</b>  |
| <b>1141.02</b> | <b>Temporary regulations.</b> | <b>1141.04</b> | <b>Environmental regulations.</b> |

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#### 1141.01 ACCESSORY REGULATIONS.

This section shall apply to accessory uses and structures in all zoning districts, unless otherwise provided for in the development requirements of the district in which the property is located or the respective planned development text.

(a) Permitted Accessory Uses and Structures in Residential Districts. The following provisions pertain to accessory uses and structures when located in Residential Districts. Unless otherwise stated in this Section or exempted below, detached accessory buildings and uses shall be located in the rear yard.

(1) Accessory Buildings

- A. No accessory building shall be used as a dwelling unit, sleeping quarters, or business.
- B. There shall be no more than two detached accessory buildings on a lot in a Residential Zoning District. Only one of these accessory buildings can be a garage.
- C. The total square foot area of all accessory building on a lot shall not exceed 1,000 or 50% of the footprint of the principal structure whichever is smaller.
- D. A detached accessory building shall be at least ten feet from any dwelling or other accessory building or structure situated on the same lot or abutting.
- E. A detached accessory building shall not exceed 20 feet in height or the height of the principal structure whichever is less.
- F. All parts of a detached accessory building shall be at least three feet from all lot lines.
- G. Accessory buildings are not permitted in front of the principal structure or within a front yard.
- H. On a corner lot all accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

(2) Swimming pools, hot tubs, and tennis courts Private Residential Recreational Facilities. No private swimming pool, exclusive of pools less than two feet in depth and portable swimming pools with a diameter less than 12 feet or with an area of

~~accessory use, and unless it complies with the following conditions and requirements:~~

- ~~A. The pool is to be used only by the occupants and guests of the principal use on the property.~~
- ~~B. The pool shall only be located in the rear yard and shall be no closer to the side lot line than the side yard requirement for the district in which it is located.~~
- ~~C. A swimming pool located closer than 50 feet to a property line shall be screened by an obscuring fence, wall, hedge, or building not less than six feet in height and maintained in good condition.~~
- ~~D. A pool is exempt from the lot coverage regulations, except that an above ground pool shall not exceed 50% of the rear yard area.~~
- ~~E. Hot Tubs.~~
  - ~~1. A hot tub is intended to be and is used only by the occupants and guest of the principal use of the property.~~
  - ~~2. A hot tub shall not be located in a front yard and shall setback from the property lines in accordance with the district requirements.~~
- ~~F. Tennis courts and other similar playing courts may be located in any rear yard with the fence located no closer than five feet of any property line, provided the location of such courts are in accordance with all pertinent provisions of this Section. Such courts may be fenced with a chain link fence located around the perimeter of the court, but any fence over six feet in height shall be planted with large shrubs in sufficient quantities to screen and filter the view.~~

**A. Swimming Pools & Hot Tubs**

- 1. The pool and hot tub is to be used only by the occupants and guests of the principal use on the property.
- 2. The pool, including any ancillary sidewalk or decking surrounding said pool, shall be no closer to the side lot line than the side yard requirement for the district in which it is located; and may encroach into the rear yard setback but in no instance shall be closer than ten feet to the rear property line.
- 3. A swimming pool located closer than 50 feet to a property line shall be screened by an obscuring fence, wall, hedge, or building not less than six feet in height and maintained in good condition.
- 4. A pool is exempt from the lot coverage regulations, except that an above ground pool shall not exceed 50% of the rear yard area.
- 5. No private swimming pools, including inflatable pools, shall be located in the front yard.
- 6. A hot tub shall not be located in a front yard and shall setback from the side and rear property lines in accordance with the district requirements.

**B. Private Residential Recreational Facilities. (i.e. tennis courts, baseball field, skate ramps, basketball court)**

- 1. May only be used by the occupants and guests of the principal use on the property.
- 2. May be located only in the rear yard.
- 3. A fence is permitted in accordance to Sub-section (c)(4) below, except the fence shall be located no closer than five feet of any property line.
- 4. Such courts may be fenced with a chain link fence located around the perimeter of the court, except as regulated in the Mile Square, and any fence over six feet in height shall be planted with large shrubs in sufficient quantities to screen and filter the view.
- 5. A fence or wall shall not exceed eight feet in height.
- 6. No special lighting shall be erected for the recreational facility other than standard lighting typical for residential use.
- 7. A portable basketball hoop may be located off of a driveway in the front yard, but such hoops shall not be positioned in such a way that participants are playing in the public street.

~~(3) Accessory fences, walls and hedges. The intent of these provisions is to outline the regulations for accessory fences, walls and hedges. Such structures and plantings~~

~~shall generally improve the aesthetic appearance of a site. Where buffer yard or other screening requirements pursuant to the provisions of this Ordinance differ from the provisions of this section, the more stringent requirements shall apply.~~

~~A. Residential fences, walls, and hedges:~~

- ~~1. May not exceed four feet in height front yards.~~
- ~~2. Cannot exceed eight feet in height in side and rear yards.~~
- ~~3. Shall not obstruct visibility at intersections per Section 1141.03(c).~~
- ~~4. May not be located closer than two feet to the front lot lines.~~

~~B. Non residential fences, walls, and hedges are not subject to the height limitations or set back requirements, except at intersections per Section 1141.03(c).~~

~~C. A fence or wall not to exceed twelve feet in height may be permitted surrounding tennis courts in any rear yard.~~

~~D. Barbed wire and electrified fences are not permitted.~~

(3) Porches, Decks and Patios

A. All porches, decks and patios, attached to the principal structure or detached shall meet the setback requirements for the district in which it is located except when affiliated with a pool as regulated in Section 1141.01(a)(2) above.

B. Properties in the Mile Square are subject to the Mile Square Design Guidelines.

(4) Exemptions.

A. The following items are permitted in the side or rear yards, and do not require a permit:

1. Swings or play sets.
2. Sandboxes.
3. Gardens with garden type fencing.
4. Clotheslines.
5. Inflatable pools of less than 2 feet in depth.
6. Trellises.
7. Outdoor fire pits or chimneys.
8. Wood piles.

B. The following items are permitted in any yard, and do not require a permit:

1. Birdbaths or Fountains.
2. Flagpoles.
3. Statues.

(b) Accessory Use Provisions in Business and Industrial Districts. Permitted accessory uses in a Business or Industrial District include any use which is customarily found in conjunction with and required for the utilization and economic viability of the principal use, which meets the definition of accessory use as stated in this Ordinance, and which complies with the applicable standards of the district in which it is located.

~~(1) Outdoor Vending Machines, Facilities for Recycled Goods or Materials, etc. These facilities may be permitted in all business and industrial districts upon obtaining a certificate of use, subject to the following requirements:~~

~~A. No such use of facility shall be placed within the right of way, within an interior drive, or in a location that will interfere with required driveway site distance.~~

~~B. Placement of the facility will not result in the reduction of the number of parking spaces required to serve the principal use(s) on the site.~~

(1) Accessory Buildings.

A. The total square foot area of all accessory buildings on a lot shall not exceed 1,000 or 10% of the footprint of the principal structure whichever is greater.

B. A detached accessory building shall be at least ten feet from any other building or structure situated on the same lot or abutting.

C. A detached accessory building shall not exceed the height of the principal structure.

D. All parts of a detached accessory building shall be at least 10 feet from all lot lines.



- E. Accessory buildings are not permitted in front of the principal structure or within a front yard.
- F. On a corner lot all accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

(2) Outdoor Vending Machines, Facilities for Recycled Goods or Materials, Display and Storage Areas, etc.

- A. As used in this subsection, the term “vending facilities” includes:
  - 1. Self-service mechanical dispensers such as but not limited to soft drink machines, candy machines, news racks, movie kiosks, mechanical rides; and
  - 2. Freestanding container racks from which customers pick up merchandise to be purchased inside the buildings such as, but not limited to ice coolers/freezers, propane tanks, mulch, and;
  - 3. Dumpster styled containers for recycling materials or clothing donations; but
  - 4. Excludes motor fuel pumps.
- B. These facilities may be permitted in all business and industrial districts.
- C. Such facilities shall not occupy the following unless designated on a site development plan.
  - 1. Private sidewalks that impede pedestrian traffic.
  - 2. The public right-of-way,
  - 3. Within an interior drive or drive isles,
  - 4. Landscape areas or required parking areas,
  - 5. Any area that will interfere with required driveway sight distance,
  - 6. The front yard setback or side yard setback adjacent to the public right-of-way, except when located against the building.

(c) Accessory Use Provisions for All Zoning Districts.

(1) Handicap Ramps As regulated in the City of Oxford Buildings Codes.

(2) Home Occupations. Home occupations are subject to the following regulations. A home occupation is a business conducted entirely within a dwelling unit by the residents that meets the criteria set forth in this section.

~~A home occupation does not require a zoning permit. If the Zoning Administrator determines that a business is operating in a residential district and that it does not meet the regulations of this section, the property owner of the property on which the business is operating shall be guilty of a violation of the Zoning Code.~~

~~A home occupation shall:~~

- ~~A. Require the use of only office machines, electronic equipment, hand held tools, household kitchen appliances.~~
- ~~B. Occupy a maximum of 25 percent of the floor area of the residence, including all operations and storage.~~
- ~~C. Have no non resident employees.~~
- ~~D. Not change the outside appearance.~~
- ~~E. Have no deliveries or clients before 9 a.m. or after 9 p.m.~~
- ~~F. Have fewer than 10 visitors per week.~~
- ~~G. Have no more than 1 visitor at a time.~~
- ~~H. Have only 1 non-illuminated sign a maximum of two square feet, mounted flat against the wall of the principal building.~~
- ~~I. Not generate a greater volume of traffic or parking need than would normally be expected in a residential neighborhood.~~
- ~~J. Not generate noise, vibration, fumes, odors, electrical interference, or other offensive effects detectable outside of the dwelling unit (or off of the lot at single-family residences).~~

~~Home occupations include the following examples:~~

- ~~A. Domestic crafts such as sewing and artwork.~~
- ~~B. Professional services such as accountancy and writing.~~
- ~~C. Personal services such as counseling and musical instruction.~~

(3) Flag Poles. (See Chapter 1151, Signs for permitted flags)

- ~~A. Flag poles may be attached to any structure subject to the following~~

~~provisions:~~

- ~~1. All portions of the pole shall not extend more than 10 feet from the structure and shall be setback a minimum of ½ of the required setback in the zoning district in which it is located~~

~~B. Freestanding flag poles and similar structures may be installed in any location subject to the following provisions:~~

- ~~1. All portions of the structure shall be setback a minimum of 15 feet from all exterior lot lines~~
- ~~2. Maximum height of the structure shall be no more than 10 feet above the maximum building height permitting in the zoning district in which it is located~~

- (2) Accessory building or use shall be erected on the same lot which a principal structure already exists.
- (3) An accessory building or use which is attached to the main building shall comply with all the requirements of the zoning district regulations that are applicable to the principal building.
- (4) Fences, walls and hedges. The intent of these provisions is to outline the regulations for accessory fences, walls and hedges. Such structures and plantings shall generally improve the aesthetic appearance of a site. Where buffer yard or other screening requirements pursuant to the provisions of this Ordinance differ from the provisions of this section, the more stringent requirements shall apply.
- A. Residential fences, walls, and hedges:
1. May not exceed four feet in height front yards.
  2. Cannot exceed eight feet in height in side and rear yards.
  3. Shall not obstruct visibility at intersections per Section 1141.03(e).
  4. May not be located closer than two feet to the front lot lines.
- B. Non-residential fences, walls, and hedges:
1. May not exceed six feet in height in the front yards or four feet in height in the Uptown "UP" Zoning District.
  2. May not exceed twelve feet in height in side and rear yards.
  3. Shall not obstruct visibility at intersections per Section 1141.03(e).
  4. May not be located closer than two feet to the front lot lines, except in the Uptown district.
  5. If fencing or a gate blocks the access drive to the property, there shall be a sufficient queuing space provided.
- C. Barbed wire and electrified fences are not permitted.
- (5) Home Occupations. A home occupation does not require a zoning permit. If the Zoning Administrator determines that a business is operating in a residential or commercial district and that it does not meet the regulations of this section, the property owner of the property on which the business is operating shall be guilty of a violation of the Zoning Code. A home occupation shall:
- A. Have person(s) residing in the premises engaged in the business activity.
- B. Be conducted entirely within an existing dwelling unit and/or one enclosed accessory structure.
- C. Occupy a maximum of 25 percent of the floor area of the residence and/or enclosed accessory structure, including all operations and storage.
1. Attached garages as well as unfinished basements or attic areas shall not be counted towards the total floor area of the dwelling unit. In situations where there are two or more dwelling units attached, the calculation of the total floor area shall be limited to the area of the dwelling unit in which the operation will be located.
  2. Such accessory structure shall not be utilized for a home occupation if it is the required parking space for the principle use.
- D. Home Occupations located in the R1A, R1B, RO and GB zoning districts are permitted to have two (2) non-resident employees, however no more than one non-resident employee is permitted on the premises at one time. One (1) non-resident employee is permitted in the R1MS, R2A, R2MS, R3 and R3MS zoning districts.

- E. Any nonconforming residential use in the GB zoning district that exceeds the requirements herein for a home occupation shall lose its nonconforming status.
- F. Not change the outside appearance.
- G. Have no deliveries or clients before 9 a.m. or after 9 p.m.
- H. Have fewer than 10 business visitors per week.
- I. Have no more than 1 business visitor at a time.
- J. Have only 1 non-illuminated sign a maximum of two square feet, mounted flat against the wall of the principal building.
- K. Not generate a greater volume of traffic or parking need than would normally be expected in a residential neighborhood.
- L. Not generate noise, vibration, fumes, odors, electrical interference, or other offensive effects and noxious omissions generated by the home occupation detectable outside of the dwelling unit (or off of the lot at single-family residences).
- M. Prohibited Home Occupations.
  - 1. Homes that serve as a gathering point for employees engaged in the business operation that takes place off the premises. This may include, but it is not limited to, landscape and/or lawn care business offices, construction offices, or a trucking business where drivers or employees gather at the home before being dispatched from the home for the purposes of the home occupation.
  - 2. Operations that require fire safety inspections.
  - 3. Operations involving biohazard materials or hazardous waste that poses substantial or potential threats to public health or the environment.
  - 4. Operations that require the use of mechanical ventilation systems to exhaust the by-products of the home occupation; or
  - 5. Operations that involve the use of controlled substances.
  - 6. Any operation that is listed as a Conditional Use in Chapter 1147 of this zoning code.

#### 1141.02 TEMPORARY REGULATIONS.

(a) Purpose. Temporary uses shall be permitted in applicable zone districts by the grant of a Zoning Permit issued by the Zoning Administrator in accordance with the requirements of this section. Failure to obtain a zoning permit shall be a violation of this Ordinance.

(b) General Provisions.

- (1) The duration of the temporary period is stated hereinafter, provided, however, renewal of such permit may be requested.
- (2) Temporary uses shall be subject to all the site development regulations of the applicable zoning district.
- (3) No required off-street parking space(s) shall be occupied by the temporary use.

(c) Permitted Temporary Uses. Permits ~~may be issued~~ shall be required, unless otherwise exempted, for the following temporary uses, provided that they meet these requirements and are not otherwise in conflict with the provisions of this resolution:

(1) Uses.

- ~~A. Carnivals or circuses are permitted in any Commercial or Industrial District or public parking lot or playground/field; however, no structure or equipment shall be within 500 feet of any residential property line. Maximum length of permit shall be seven days.~~
- ~~B. Christmas tree sales are permitted in any district other than Residential Districts. Maximum length of permit for display and open lots sales shall be 45 days.~~
- ~~C. Contractor's office and construction facilities are permitted in any district where use is incidental to a construction project. The structure shall be located on the lot on which construction takes place and shall be removed once construction ceases.~~
- ~~D. Events of public interest shall be permitted in any district other than Residential Districts.~~

- ~~E. Real estate sales offices and/or model homes shall be permitted in any district provided that a preliminary plat for such development has been approved by Council. Any such unit shall conform to all requirements for residential uses for the district in which it is located. Maximum length of permit shall be one year. Offices shall be removed upon completion of the development of the subdivision.~~
- ~~F. Tent meetings are permitted in any district other than Residential Districts. Maximum length of permit shall be seven days.~~
- ~~G. Seasonal merchandise, such as plants, garden supplies, pumpkins, fruit, vegetables, etc., may be sold outdoors within the General Business, and Light Industrial District. Permits will be for a 60-day period and must be renewed if longer duration is desired, for a maximum of two renewals. Such activities shall be placed in such location that will not interfere with access drives into or within the site, nor will reduce space for required off-street parking facilities. Such facilities shall maintain a 30-foot setback from all adjacent thoroughfare rights-of-way.~~
- ~~H. Searchlights drawing attention to the event are prohibited.~~
- ~~I. The temporary outdoor sales of handcrafted items and artwork are allowed only in conjunction with a temporary event except as otherwise provided by this section.~~
- ~~J. Temporary Shelter: When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a mobile home located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional requirements.~~

  - ~~1. Required water and sanitary facilities must be provided.~~
  - ~~2. Maximum length of permit shall be six months, but the zoning office may extend the permit for periods not to exceed 60 days in the event of circumstances beyond the control of the owner. Application for extension shall be made at least 15 days prior to the expiration of the original permit.~~
  - ~~3. The mobile home shall be removed from the property upon issuance of any occupancy permit for the new or rehabilitated residence. The applicant shall be required to provide express consent and authorization to the City to remove the shelter at the owner's expense upon termination of the permit.~~
- ~~K. Any other use, temporary in nature, which the Zoning Administrator deems as beneficial to the public good and which does not impair the public health, safety and welfare.~~
- ~~L. Garage Sales. Temporary garage sales in residential districts in order to allow residents to sell excess personal property are permitted, provided that the following conditions are met:~~

  - ~~1. Each garage sale shall not exceed four days.~~
  - ~~2. Only two garage sales shall be permitted per calendar year at any individual location.~~
  - ~~3. No person conducting a garage sale under the provisions of this Article shall sell or offer for sale any food or beverage for consumption on the premises. Food or beverage may be provided for such consumption at no cost to the consumer, but only if a permit is obtained in advance from the Health Department.~~
  - ~~4. No fee or other charge shall be imposed upon members of the public attending any such sale.~~
  - ~~5. One non-illuminated sign not exceeding four square feet in size, no more than three feet in height above grade may be displayed on the property where the sale is being held.~~
  - ~~6. Special lighting and noise making devices or other similar advertising displays or notices shall not be used to call attention to the garage sale.~~
- ~~M. Auctions of used household goods and property may be conducted at any individual location in a Residential District no more than once per year.~~
- ~~N. Portable Storage Containers Containers designed for the temporary storage of property that can be moved by truck or trailer (including~~



intermodal storage units).

- ~~1. No zoning certificate is required if portable storage containers are to be placed on the premise no more than seven (7) days. The Zoning Administrator may permit any portable storage container to be placed on a property for up to thirty (30) days, provided the property owner has an active building permit or has demonstrated the need. An additional fourteen (14) day extension may be granted provided the property owner demonstrates extenuating circumstances.~~
- ~~2. Any portable storage container must be located on a driveway or other hard surfaced area. Portable storage containers shall be a minimum of eight (8) feet from the back of the curb and shall not extend onto the sidewalk.~~
- ~~3. Calamity Exception. If the portable storage container is being used to store personal property as a result of a major calamity (e.g. fire, flood or other event where there is significant property damage), the City Manager may extend the time period allowed in subsection N.1.~~

(1) Construction Facilities.

- A. Construction trailer, shed or staging yard area incidental to a construction project.
- B. The trailer, shed or staging yard area shall be located on the lot on which construction takes place unless otherwise approved by the City Manager.
- C. The trailer, shed or staging yard shall not be located within twenty-five (25) feet of any abutting residential or non-residential structure and shall meet the setbacks of the district in which it is located.
- D. A trailer shall be limited to one (1) in a residential district and two (2) in a non-residential district and only be used for a field office and for the temporary storage of building materials and equipment necessary for the construction site.
- E. A maximum of an eight foot high temporary fence is permitted around the boundaries of the construction site.
- F. Such fencing, trailer, shed or staging yard shall be removed within thirty (30) days once that construction ceases.
- G. On-site sanitary facility shall not be located within ten (10) feet of any property line or right-of-way line.

(2) Temporary Shelter.

- A. When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a mobile home located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted.
- B. Such temporary housing shall only be approved as part of the permit application for reconstruction and shown on a sketch plan.
- C. Required water and sanitary facilities must be provided.
- D. Maximum length of permit shall be six months, but the zoning office may extend the permit for periods not to exceed 60 days in the event of circumstances beyond the control of the owner. Application for extension shall be made at least 15 days prior to the expiration of the original permit.
- E. The mobile home shall be removed from the property upon issuance of any occupancy permit for the new or rehabilitated residence even if the temporary use permit is still valid.

(3) Real Estate Sales Offices and/or Model Home Offices.

- A. A Final plat for such development has been approved by Council.
- B. Any such unit shall conform to all requirements for residential uses for the district in which it is located.
- C. Infrastructure improvements to the lot for which a permit is being requested must be completed to the Engineering Divisions satisfaction for utilities and road access.

- D. Offices shall be removed within one year of the completion of the most recent phase of the subdivision.
- (4) Place of Worship or School Festivals.
- A. All temporary stands, tents or rides shall not be located within twenty-five (25) feet of any property line.
- B. Maximum length of permit shall be three days.
- C. Set-up for such festival shall not start more than 72 hours prior to the event and shall be completely removed within 48 hours after the event.
- (5) Carnivals or Circuses.
- A. Permitted in the General Business or Light Industrial zoning district and any property owned by the City of Oxford, Talawanda School District, or Miami University.
- B. No structure or equipment shall be within 250 feet of any residential property line.
- C. Maximum length of permit shall be seven days.
- D. Site plan, parking plan and any other health, fire, state or federal approvals required at time of request.
- E. The person responsible for the operation of any such carnival or circus shall provide the City Manager in advance of the event date(s), any contact information in the event of an emergency and requests for any other special arrangements (i.e road closures, police assistance or emergency personnel)
- F. Upon completion of the temporary use, the site shall be cleaned, all evidence of the use(s) removed, and left in a condition that minimizes adverse impacts to the site itself and to surrounding properties.
- (6) Auctions. (No permit required)
- A. Auctions for the sale of personal property or land may be conducted at any individual location no more than once per year.
- B. Every precaution shall be taken to control parking and keep attendees on the property being auctioned.
- C. Such auction held in a non-residential district must be related to the business conducted on the property or the contents of the premises.
- D. An auction house as the principle use is exempt from these requirements, but subject to the requirements of the district in which it is located.
- (7) Garage Sales. (No permit required)
- A. Garage sales are permitted in residential districts in order to allow residents to sell excess personal property.
- B. Each garage sale shall not exceed four days.
- C. Only two garage sales shall be permitted per calendar year at any individual location.
- D. No person conducting a garage sale under the provisions of this Article shall sell or offer for sale any food or beverage for consumption on the premises. Food or beverage may be provided for such consumption at no cost to the consumer, but only if a permit is obtained in advance from the Health Department.
- E. No fee or other charge shall be imposed upon members of the public attending any such sale.
- F. One non-illuminated sign not exceeding four square feet in size, no more than three feet in height above grade may be displayed on the property where the sale is being held.
- G. Special lighting and noise making devices or other similar advertising displays or notices shall not be used to call attention to the garage sale.
- (8) Temporary Fences.
- A. Temporary fences are permitted in the side or rear yard, not to exceed 4 feet in height, for the purpose of a garden or animal containment only.
- B. No permit shall be required.
- (9) Christmas Tree sales.
- A. Permitted in any Non-Residential district.
- B. Maximum length of permit for display and open lots sales shall be 45 days.
- (10) Tents (Residential).

- A. Tents for graduations, weddings or other similar events are permitted for a period not to exceed three (3) days and no more than two (2) times a year.
  - B. No permit is required except for tents over 200 square feet.
  - C. Such tent shall be placed in such location that will not interfere with access drives into or within the property, or will reduce required parking spaces.
- (11) Tents Sales (Non-Residential).
- A. Tent Sales are only permitted in relation to the business conducted on the property.
  - B. Tents and all display items shall maintain a 30-foot setback from all adjacent thoroughfare rights-of-ways.
  - C. Such activities shall be placed in such location that will not interfere with access drives into or within the site, nor will reduce required parking spaces.
  - D. Tents are permitted for a maximum 30-day period per calendar year. No permits are required except as required by the Ohio Basic Building Code.
- (12) Farmers Markets (No permit required)
- A. Seasonal merchandise, such as, but not limited to, plants, garden supplies, produce, pumpkins, fruit, vegetables, honey, maple syrup, may be sold outdoors within the General Business, and Light Industrial District.
  - B. Such activities shall be placed in such location that will not interfere with access drives into or within the site, nor will reduce space for required off-street parking facilities.
  - C. Such facilities and all display items shall maintain five (5') foot setback from the sidewalk or ten (10') foot setback from the back of curb, whichever is greater, so as not to impede traffic or affect sight visibility in and out of a parking area.
  - D. Typically held between March and October with the exception of Christmas tree sales.
  - E. One (1), 6 sq. ft. sign per vendor may be displayed at their respective stand.
  - F. One (1) ten foot by ten foot (10' x 10') tent or awning is permitted per vendor.
  - G. All tables, chairs and merchandise shall be loadable into a standard vehicle and shall be removed by dusk.
  - H. The following are exempted from these regulations:
    - 1. The Uptown Farmer's Market authorized by City Council.
    - 2. The Talawanda Farmer's Market authorized by Talawanda School Board on school property.
    - 3. Any Farmer's Market on University property, authorized by the University.
- (13) Temporary Sales, Roadside Stands or Transient Vendors.
- A. Temporary merchandise sales, such as books, mattresses, jewelry, art, crafts, rugs, food products etc. may be sold outdoors in the General Business and Light Industrial District.
  - B. Such activities shall be placed in such location that will not interfere with access drives into or within the site, nor will reduce space for required off-street parking facilities.
  - C. Such facilities and all display items shall maintain the underlying zoning districts front yard setback from all adjacent thoroughfare rights-of-ways so as not to impede traffic or affect sight visibility in and out of a parking area.
  - D. A maximum of one (1) twenty foot by twenty (20' x 20') tent or awning is permitted per vendor.
  - E. All tables, chairs and merchandise shall be secured within the tent upon the close of the operation hours.
  - F. Merchandise is prohibited from being sold directly out of a semi-trailer, box truck, moving van or other vehicle.
  - G. One (1) sign per vendor, not to exceed 30 sq. ft., may be displayed at



- their respective stand and are subject to the Temporary Sign Regulations in Section 1151.06 and the Vehicle Management Section 1149.05(c)(3).
- H. Permits will be issued for a maximum of 14-days per vendor and per property, per calendar year.
1. Proof of approval from the land owner must accompany the application.
  2. Proof of current vendors license in accordance with Chapter 705 of the Oxford Codified Ordinance.
- (14) Mobile Food Carts & Vendors.
1. Mobile Food Carts & Vendors are subject to Sections 337.01, 351.17, 705.02, 705.03, Chapter 729 and 735 of the City of Oxford Codified Ordinance.
  2. Mobile Food Carts & Vendors are specifically prohibited in any residential district and the Uptown District.
- (15) Portable Storage Containers- Containers designed for the temporary storage of property that can be moved by truck or trailer (including intermodal storage units).
- A. No zoning certificate is required if portable storage containers are to be placed on the premise no more than seven (7) days. The Zoning Administrator may permit any portable storage container to be placed on a property for up to thirty (30) days, provided the property owner has an active building permit or has demonstrated the need. An additional fourteen (14) day extension may be granted provided the property owner demonstrates extenuating circumstances.
  - B. Any portable storage container must be located on a driveway or other hard surfaced area. Portable storage containers shall be a minimum of eight (8) feet from the back of the curb and shall not extend onto the sidewalk.
  - C. Calamity Exception. If the portable storage container is being used to store personal property as a result of a major calamity (e.g. fire, flood or other event where there is significant property damage), the City Manager may extend the time period allowed in subsection A. above.

### **1141.03 SUPPLEMENTAL REGULATIONS.**

In addition to all regulations specified for the Zoning Districts and in other sections of this Ordinance, the provisions of this Section inclusive shall be used for interpretation and clarification.

- (a) One Principal Building Per Lot. In a Residential district there shall be no more than one principal building or use on one lot. In commercial or industrial districts, more than one building is permitted provided all other site development regulations of the district are satisfied.
- ~~(b) Setback Requirement for Corner Lots. On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right of way lines as required for the front yard in the district in which such structures are located. (See the definition of Yard front.)~~
- ~~(c) Visibility at Intersections. On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half and ten feet above the centerline grades of the intersecting streets in the area bounded by the right of way lines of such corner lots a line joining points along such street lines 20 feet from the point of intersection.~~
- ~~(d) Use of the Vacated Right of Way. On any lot, having as a portion of its area, land vacated by Ordinance No. 103, the use of that vacated portion shall be restricted to lawn, landscaping, sidewalks and authorized egress and ingress driveways, except that in the Uptown District such land vacated by Ordinance No. 103 may be used for municipally-owned parking or municipally regulated parking.~~
- ~~(e) Front Yards.~~
  - ~~(1) The width of a lot is measured at the setback line established under the zoning district or on a plat of record on file with the Butler County Recorder.~~
  - ~~(2) An average front yard may be established when more than 50% of the lots have been developed within that block face. The average front yard setback required shall, in no circumstances, be less than 16.5 feet, or more than 30 feet.~~
  - ~~(3) Buildings on lots having frontage on two streets, (double frontage lots) need not have a rear yard; however, the required front yard shall be provided on both~~

streets.

- ~~(4) Every building hereafter erected, converted, enlarged, reconstructed or structurally altered shall be located on a lot of record, and shall have its principal entrance upon a street bordering such lot.~~
- ~~(f) Yard Requirements for Multi Family Dwellings. Multi-family dwellings shall be considered as one building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one front, one rear and two side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.~~
- ~~(g) Exceptions to Height Regulations.~~

  - ~~(1) The height limitations contained in Chapter 1143 District Requirements do not apply to any farm structure provided they are located not less than 50 feet from a lot line of residentially zoned property, nor to church spires, belfries, cupolas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of an aircraft at an established airport.~~
  - ~~(2) Such height regulations shall not apply to fire towers, cooling towers, gasholders or other structures where the manufacturing process requires a greater height. All such structures shall not occupy more than 25 percent of the area of the lot and shall be at least 25 feet in all parts from every lot line.~~
- ~~(h) Projections into Required Yards. Every part of a required yard shall be open to the sky except for accessory buildings and ordinary projections of sills, belt courses, cornices and ornamental features which may project to a distance not to exceed eighteen inches into a required yard.~~

~~Architectural features may project into required yards or into courts as follows:~~

  - ~~(1) Into any required front or side yard adjoining a side street:~~

    - ~~A. Cornices, canopies, eaves, or the architectural features may project a distance not to exceed two feet, six inches.~~
    - ~~B. Fire escapes may project a distance not to exceed four feet, six inches.~~
    - ~~C. An open air ramp and necessary landing may project a distance not to exceed six feet.~~
    - ~~D. Bay windows, balconies, or chimneys may project into a yard a distance not to exceed three feet; provided however, that the aggregate width of such projection shall not exceed one-third of the length of the wall upon which they are located.~~
    - ~~E. A porte cochere or canopy may project into a required side yard provided every part of such porte cochere or canopy is unenclosed and shall not be less than five feet from the side lot line.~~
  - ~~(2) Subject to the limitations in the preceding paragraphs, the above named features may not project into any required side yard adjoining an interior side lot line, a distance not to exceed one-fifth of the required least width of such side yard, but not exceeding three feet in any case.~~
  - ~~(3) Rear Yard Exceptions.~~

    - ~~A. Rear yard depths may be varied where the rear wall of a building is not parallel with the rear lot line or is broken or otherwise irregular. In such cases, the average depth of the rear yard shall not be less than the required minimum or narrower than 20 feet.~~
    - ~~B. Open or lattice enclosed fire escapes, fire proof outside stairways, and balconies opening upon fire towers and the ordinary projections of chimneys and flues into the required rear yard may be permitted by the Zoning Administrator for a distance of not more than five feet, but only where the same are so placed as not to obstruct light and ventilation.~~
- ~~(i) Projection into Right of Way in the UP Uptown District. No part of a building shall project into the public right of way unless specifically allowed by the Oxford Codified Ordinance Chapter 1301, Building Code; or by Chapter 1151, Signs.~~
- ~~(j) Residential Building Additions. No addition to an existing residential building that results in or enables a new dwelling unit shall be approved, unless it is permitted by the underlying zoning district. The addition shall also be subject to the following requirements:~~

- ~~(1) Any addition shall reflect the character, material, style, mass and architectural features of the existing structure.~~
  - ~~(2) Any habitable addition must be physically attached and share a common wall with the existing structure. The common wall between the addition and the existing structure shall not be less than 50% of the total square footage of the exterior wall where the addition is to be attached. Such measurement shall be based on the total square footage of the existing wall and shall only include the wall that completely encloses the interior space of the existing structure. The square footage of a wall shall be the length of the wall, where the addition is to be attached, multiplied by the height of that wall, excluding the attic area.~~
  - ~~(k) Mixed Use Buildings. Where dwelling units are erected above commercial structures in commercial districts, no side yards are required, except such side yard as may be required in the district regulations for a commercial or industrial building on the side of a lot adjoining a residential district.~~
- (b) Every building hereafter erected, converted, enlarged, reconstructed or structurally altered shall be located on a lot of record, and shall have its principal entrance upon a street bordering such lot. For the purpose of this provision an alley is not considered as a street.
- (c) Setback and Yard Requirements.
- (1) Corner Lots.
    - A. On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located. (See the definition of Yard- front.)
    - B. On a corner lot, accessory buildings and uses may be located in the side yard with the most distance to the neighboring property or the side yard located at the rear of the house as illustrated in Figure 1. (Corner Lots)
  - (2) Double Frontage/ Through Lots.
    - A. Buildings on lots having frontage on two streets (double frontage lots) need not have a rear yard setback; however, the required front yard shall be provided on both streets as illustrated in Figure 2.
    - B. On a double frontage lot, accessory buildings may be located in the front yard located to the rear of the house as illustrated in Figure 2.
  - (3) Front Yards.
    - A. The width of a lot is measured at the setback line established under the zoning district or on a plat of record on file with the Butler County Recorder.
    - B. An average front yard setback may be established when more than 50% of the lots have been developed within that block face. The average front yard setback required shall, in no circumstances, be less than 16.5 feet.
    - C. Lots having frontage along a public street and one alley along the side of the property shall provide a side yard setback along the alley as illustrated in Figure 3.
    - D. Lots having frontage along a public street and one alley at the rear of the property shall provide a rear yard setback along the alley as illustrated in Figure 3.
    - E. Lots having frontage along a public street and two alleys' shall provide a side and rear yard setback along the alleys' as illustrated in Figure 3.
    - F. On any lot, having a portion of its land area vacated by Ordinance No. 103, and ownership of the vacated portion has not been obtained; the front yard setback shall be measured from the 16.5 foot vacated right-of-way line.
    - G. In any instance where the property line is in the center of the street and is not the same as the right-of-way line, the setback shall be taken from the right-of-way.
  - (4) Rear Yards.
    - A. Rear yard depths may be varied where the rear wall of a building is not parallel with the rear lot line or is broken or otherwise irregular. In such cases, the average depth of the rear yard shall not be less than the required minimum or narrower than 20 feet.

Figure 1: Corner Lots

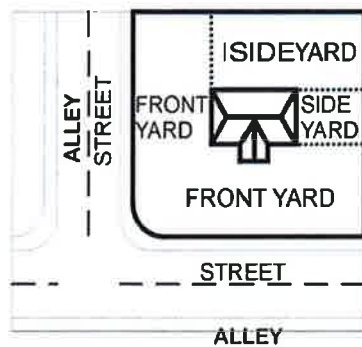


Figure 2: Double Frontage/Through Lots

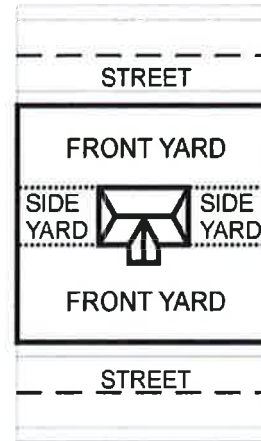
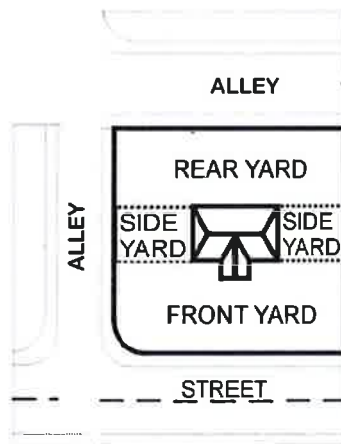


Figure 3: Alley Lots

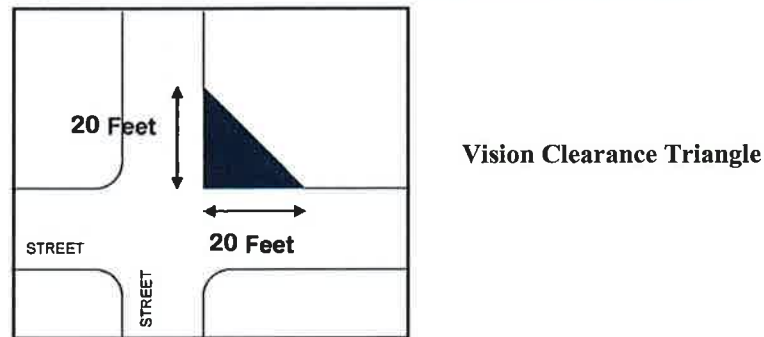


- (5) Mixed Use Buildings. Where dwelling units are erected above commercial structures in commercial districts, no side yards are required, except such side yard as may be required in the district regulations for a commercial or industrial building on the side of a lot adjoining a residential district.
- (6) Projections into Required Yards.
  - A. Every part of a required yard shall be open to the sky except for accessory buildings and ordinary projections of sills, belt courses, cornices, canopies, eaves, and architectural or ornamental features which may project a distance not to exceed two feet, six inches.
  - B. An open air ramp and necessary landing may project a distance not to exceed six feet.
  - C. Bay windows, balconies, or chimneys may project into a yard a distance not to exceed three feet; provided however, that the aggregate width of such projection shall not exceed one-third of the length of the wall upon which they are located.
  - D. A porte-cochere may project into a required side yard provided every part of such porte-cochere is unenclosed and shall not be less than five feet from the side lot line. No porte-cochere roof top may be utilized as a deck or outdoor living space unless it satisfies the setback requirements of the district in which it is located.





- E. Stoops or steps to a building entrance, covered or uncovered, may project a distance not to exceed four feet.
- (d) Projection into Right-of-Way in the UP Uptown District. No part of a building shall project into the public right-of-way unless specifically allowed by the Oxford Codified Ordinance Chapter 1301, Building Code; or by Chapter 1151, Signs.
- (e) Visibility at Intersections. On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half and ten feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots a line joining points along such street lines 20 feet from the point of intersection.



- (f) Use of the Vacated Right of Way. On any lot, having a portion of its land area, vacated by Ordinance No. 103, the use of that vacated portion shall be restricted to lawn, landscaping, sidewalks and authorized egress and ingress driveways, except that in the Uptown District such land vacated by Ordinance No. 103 may be used for municipally-owned parking or municipally-regulated parking and outdoor patio areas as regulated in Section 1143.10 Uptown District Regulations.
- (g) Exceptions to Height Regulations.
- (1) The height limitations contained in Chapter 1143 District Requirements do not apply to any agricultural farm structure provided they are located 50 feet or more from a lot line of residentially zoned property.
  - (2) Church spires, belfries, cupolas, water tanks, ventilators, chimneys, air conditioning units, elevator bulkheads or other necessary mechanical equipment appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of an aircraft at an established airport. Such appurtenances shall be positioned, to the extent possible, to minimize the visibility from street level.
  - (3) Such height regulations shall not apply to fire towers, cooling towers, gasholders or other structures where the manufacturing process requires a greater height. All such structures shall not occupy more than 25 percent of the area of the lot and shall be at least 25 feet in all parts from every lot line.
  - (4) The height of cell towers and other wireless telecommunication towers are subject to the use-specific regulations of this Ordinance.
- (h) Residential Building Additions. No addition to an existing residential building that results in or enables a new dwelling unit shall be approved, unless it is permitted by the underlying zoning district. The addition shall also be subject to the following requirements:
- (1) Any addition shall reflect the character, material, style, mass and architectural features of the existing structure.
  - (2) Any habitable addition must be physically attached and share a common wall with the existing structure. The common wall between the addition and the existing structure shall not be less than 50% of the total square footage of the exterior wall where the addition is to be attached. Such measurement shall be based on the total square footage of the existing wall and shall only include the wall that completely encloses the interior space of the existing structure. The square footage of a wall shall be the length of the wall, where the addition is to be attached, multiplied by the height of that wall, excluding the attic area
- (i) ADA Compliance Standards. Any additions to a nonconforming structure or use for ADA compliance (i.e. elevator, ramp) that does not expand the use shall be permitted, provided



the setbacks for the district in which it is located are satisfied.

#### **1141.04 ENVIRONMENTAL REGULATIONS.**

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, otherwise objectionable conditions that could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are taken to reduce dangerous and objectionable conditions to acceptable limits as established by the following requirements.

- (a) Air Pollution. Air pollution shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency, the Regional Air Pollution Control Agency, and the United States Environmental Protection Agency.
- (b) Erosion and Drainage.
  - (1) No erosion by either wind or water shall be permitted that will have a noticeable adverse impact on neighboring properties.
  - (2) The Oxford Engineering Division as part of the zoning permit review process shall review plans for proposed surface drainage.
- (c) Fire and Explosion Hazard. Adequate safety devices shall be provided at any point where there are activities involving burning or storage of flammable or explosive materials. Adequate safety devices against the hazards of fire and explosion and adequate fire fighting and fire suppression equipment and devices, standard in the industry, shall be provided. Otherwise, burning of waste materials in open fire is prohibited.
- (d) Hazardous Materials and Electrical Disturbance. No activities shall be permitted which utilize hazardous, fissionable or radioactive materials if their use results at any time in the release or emission of any such materials into the atmosphere, the ground, or sewerage systems, and no activities shall be permitted that emit electrical disturbance affecting the operation at any point of any equipment other than that of the creator of such disturbances.
- (e) Noise. No activity on private property shall emit noise in excess of sound levels that creates a nuisance to surrounding properties or in violation of the noise ordinances.
- (f) Light and Glare from Exterior Lights.
  - (1) The light source within a light fixture shall not be visible from a neighboring structure. Lights may be shielded or recessed and set on low poles to prevent light from shining onto neighboring properties and distracting drivers.
  - (2) No light used for illuminating a parking area shall shine onto property in a residential district.
  - (3) The intensity and direction of light shall not significantly disrupt the night habitat of any natural area larger than one-half acre, a stream and riparian corridor, or other similar natural areas.
  - (4) The foot-candle measurement at any property line shall not exceed 1.0 luminar.
  - (5) Lighting intensity shall be reduced after closing hours.
- (g) Exemptions.
  - (1) The following noise levels shall be exempt from the noise provisions during the daytime only: Firearms on authorized ranges, Legal blasting, Temporary construction activity and equipment, Installation of utility equipment, lawn mowers, chainsaws, garden and farming equipment.
  - (2) The following noise sources shall be exempt from the noise provisions at all times: Aircraft, Railroads, Emergency vehicles and equipment, Warning devices operating continuously for not more than five minutes, Bells, chimes or carillons operating continuously for not more than five minutes, The repair of essential utility services. Officially sanctioned parades or other events.
- (h) Prohibited Outdoor Storage of Inoperative Vehicles, Farm Equipment, Junk, Building Materials, And Trash.
  - (1) Outdoor storage, including, but not limited to junk, trash, salvage, building material, or parts thereof, including used tires, shall be prohibited anywhere within the City of Oxford except in an authorized junk yard or scrap processing facility.
  - (2) The parking of a currently licensed inoperative vehicle for a period of more than one week shall be prohibited, with the exception of those stored in an enclosed garage or other accessory building.
  - (3) Parking of inoperative farm equipment that has not been operative for more than one year shall be prohibited unless stored in an enclosed structure.
  - (4) After receipt of notice of any of the above violations, such violation shall be resolved within ten days or declared a nuisance, with each subsequent period of 30 days during which the violation exists, constituting a separate valuation of this

Ordinance and subject to the Nuisance Prevention provisions for the City of Oxford.

(i) Exotic Animals.

- (1) No person shall own, harbor, keep, breed, sell or import any exotic animals or reptiles. The term "exotic animal or reptiles" shall mean wild animals/reptiles not indigenous to Ohio. Example: lions, tigers, elephants, alligators, crocodiles.
- (2) Exemptions and special provisions:
  - A. Exotic animals purchased or adopted or housed on the subject property prior to the adoption of this Amendment provided:
    1. That a bill of sale or notarized statement verifying this date is provided.
    2. That such exotic animal be confined in a house, building, or other enclosure in such a way that human contact, other than with the owner(s), cannot occur.
  - B. Wild animals held for exhibit or use by research institutions and other governmental agencies having legal authority to process wild animals, publicly supported zoos, circuses, or extensions thereof.
  - C. Any animal which is commonly sold by a bona fide commercial pet shop which does not constitute a hazard to the health or safety of persons or household pets.

(j) Trash Collection Facility.

- (1) Adequate waste disposal on-site facilities shall be shown on the plans submitted for a zoning permit, including a change of use permit. The Zoning Administrator may accept an alternative plan that adequately provides for the disposal of all waste generated by the proposed use. If such facilities or alternative plan are not acceptable, the permit may be denied.
- (2) A trash collection facility shall include a large container such as a dumpster or a small container such as a garbage can, bag or other similar container. No trash collection facility shall be stored in the front yard and shall conform to side and rear yard pavement setbacks of the applicable zoning district.
- (3) A large trash collection facility shall be situated in a permanent location and placed on a concrete pad (4000 psi minimum). A dumpster pad shall be of a dimension that will allow a dumpster to sit entirely on the pad and to permit the front or rear wheels of a trash disposal truck to rest on the pad while emptying the dumpster. No part of the container shall overhang the limits of the pad.
- (4) If a site contains a large exterior trash collection facility such as a dumpster, this area shall be screened so as to not be visible from a public right-of-way or an adjacent property.
- (5) The Zoning Administrator may approve plans for shared dumpster facilities.

(k) Wind Turbines.

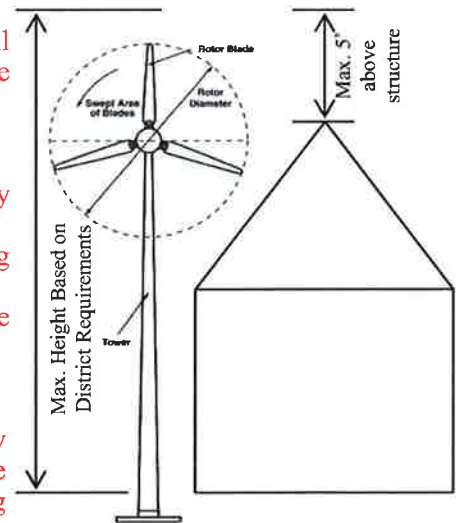
Wind energy conversion systems shall be allowed in all zoning districts as an accessory structure subject to the following conditions:

(1) General.

- A. Permit is required.
- B. No system shall be directly or indirectly lit, unless required by the FAA.
- C. No system shall be used for advertising of any kind.
- D. No system shall produce a detectable noise at the property lines.
- E. Turbines are prohibited in the front yard.
- F. Systems are subject to the Property Maintenance Code and shall be removed within six (6) months of being nonfunctional.
- G. The height of a wind system shall be measured from grade, base of tower or the lowest adjacent grade of the structure in which the system is attached, to the tip of the rotor blade in a 90 degree position.

(2) Requirements:

- A. For parcels less than one acre, no ground mounted systems are permitted. All systems shall be mounted to the principle or accessory structure and



shall not project more than five (5') feet above the roof of the structure and also shall not exceed the height requirement for accessory uses or of the zoning district in which it is located, dependent upon which structure it is attached.

B. For parcels one acre or greater, a ground mounted system is permitted and shall not exceed the height requirement of the zoning district in which it is located.

1. Ground mounted systems shall be setback from the rear and side property lines equal to the height of the turbine or satisfy the zoning district setback requirements, whichever is greater.
2. Any system mounted to the principle or accessory structure shall not project more than five (5') feet above the roof of the structure and also shall not exceed the height requirement for accessory uses or of the zoning district in which it is located, dependent upon which structure it is attached.

(I) Solar Panels.

Solar panels shall be allowed in all zoning district either attached to a permitted principal use or accessory building or as an accessory structure subject to the following regulations:

- (1) Freestanding solar panels are prohibited in the front yard.
- (2) Panels that are freestanding or attached shall satisfy the rear and side yard setback requirements of the zoning district in which they are located.
- (3) Solar Panels are permitted on the roof of the principal structure or accessory structure, provided that the addition of the panels does not cause the structure to exceed the height requirement for the zoning district in which it is located.
- (4) Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways.
- (5) Panel systems are subject to the Property Maintenance Code and shall be removed within six (6) months of being nonfunctional.
- (6) No panel shall be used for advertising of any kind.
- (7) Permit is required.

SECTION III:

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

\_\_\_\_\_  
MAYOR

ADOPTED:

ATTEST:

\_\_\_\_\_  
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

# **Certification of Action Oxford Planning Commission Recommendation to City Council**

|                                                    |                                                                                                                                                                                                                                                                                           |
|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Report Date</u></b>                          | January 3, 2012                                                                                                                                                                                                                                                                           |
| <b><u>Case Number</u></b>                          | PC-07-2011                                                                                                                                                                                                                                                                                |
| <b><u>Applicant Information</u></b>                | City of Oxford, Applicant                                                                                                                                                                                                                                                                 |
| <b><u>Requested Action</u></b>                     | Zoning Code Text Amendment                                                                                                                                                                                                                                                                |
| <b><u>Summary of Request</u></b>                   | Zoning Code Text Amendment to - Chapter 1141 Accessory, Temporary, Supplemental and Environmental Regulations                                                                                                                                                                             |
| <b><u>Public Hearing Information</u></b>           | On December 13, 2011 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on November 11, 2011.                                                                                                                                   |
| <b><u>Commission Action</u></b>                    | The Planning Commission voted 7-0-0 recommending approval to City Council.                                                                                                                                                                                                                |
| <b><u>Commission Findings and Conclusions</u></b>  | After meeting numerous times for work sessions, the Planning Commission developed a very thorough, clean document. Much effort was put into clarifying the language, especially issues related to home occupations and temporary uses.                                                    |
| <b><u>Exhibits Submitted to the Commission</u></b> | <ol style="list-style-type: none"><li>1. Staff Report dated 11/18/11</li><li>2. Interoffice Review Transmittal Sheets</li><li>3. Zoning Code Text Amendment Application dated 10/12/11</li><li>4. Chapter 1141 Accessory, Temporary, Supplemental and Environmental Regulations</li></ol> |

**City of Oxford**  
*Community Development Department*  
**STAFF REPORT**

**Planning Commission**

**Case # PC-07-2011**

**Date – December 13, 2011**

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**APPLICATION**

Applicant: City of Oxford  
Action Request: **Zoning Code Text Amendment-** Chapter 1141 Accessory,  
Temporary, Supplemental and Environmental Regulations

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**DESCRIPTION**

This application is to update the existing zoning code that was adopted in 2003. Through the years, Staff has recognized that some sections were inconsistent, some sections needed strengthened, and other sections needed to be consolidated with other provisions of the code. This amendment attempts to clean up this particular chapter of the Oxford Zoning Code thus making it much clearer and easier to follow.

**SITE HISTORY**

None

**ZONING CODE**

Proposed amendments are attached for your review.

**AGENCY REVIEWS**

Requests for review were made to the Police, Fire, Engineering and Economic Development Departments. The following comments have been received:

|               |                                    |
|---------------|------------------------------------|
| Police:       | No comments returned.              |
| Fire:         | Comment returned with comments.    |
| Engineering:  | Comments returned with no comment. |
| Economic Dev. | No comments returned.              |

**DECISION CRITERIA**

A copy of the Text Amendment Decision Criteria is attached.

**ANALYSIS**

Chapter 1141 of the Oxford Zoning Code deals specifically with temporary and supplementary regulations in various zoning districts. This chapter is a catch-all document that provides a central place for zoning regulations covering multiple districts. It is the place where readers can find out what additional regulations are in place above and beyond the dimensional regulations in each district. Additionally, this chapter also governs temporary uses/structures that are temporary in nature and occur only for a short period of time, like tents for special events, garage sales.

Throughout the years, different issues have been brought to the staff's attention due to the fact that regulations may be inconsistent or unclear and in some instances completely missing. Based on these experiences, staff began tallying the topics that needed to be addressed. Recently, an issue related to home occupation surfaced that prompted staff to consult with the Planning Commission to deal with the issue of reworking the entire chapter.

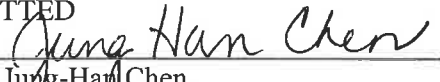
The Planning Commission spent a great deal of time going over various elements in this chapter, especially issues related to home occupations and temporary uses. The proposed amendment has been expanded a lot, but the essence remains the same. A great deal of effort was made to clarify the language and to provide illustrations to supplement the text. Several major changes to this chapter include expanding home occupation, adding provisions to the accessory uses in nonresidential districts (including additional temporary uses) and last but not least adding alternative energy regulations.

The zoning code is an evolving document and can and should be amended as circumstances require. The code must be reflective of the community and needs to be revisited on a regular basis. It is department policy to keep notes regarding inconsistencies in sections of the Zoning Code. Staff will then incorporate these topics into Planning Commission's future discussions.

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SUBMITTED

BY:

  
Jung-Han Chen,  
Community Development Director

DATE: November 18, 2011



## ATTACHMENT

(c) Planning Commission and Council Review. The Planning Commission shall base its recommendation on a proposed Zoning Code amendment 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.

If 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.

- (1) Decision standards. A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

### Text Amendments

- A. The proposed amendment will make the Code conform more closely with the Comprehensive Plan.
- B. The proposed amendment will improve the public health, safety, and general welfare of Oxford.
- C. The proposed amendment will clarify the intent of the Code.
- D. The proposed amendment will better implement the intent of the Code.
- E. The proposed amendment will improve enforcement of the Code.

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: 11/14/2011

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: **PC-07-2011**

Description:

**ZONING CODE TEXT AMENDMENT, Chapter 1141: Accessory, Temporary, Supplemental and Environmental Regulations, City of Oxford, Applicant**

☒ Review ☐ Revisions ☐ Other

**ADDITIONAL LANGUAGE IS MARKED IN RED**

Comments or status update requested by: Lynn Taylor

Please return no later than: **12/6/2011** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

I would suggest that a definition for "Controlled Substance" be added to clarify 1141.01(c)(5)M 5.

"Any substance that is regulated by a State or Federal Law or Agency"  
May also consider adding "operations that involve Flammable substances" to this section.

Drawings reviewed by:



Date: 11-15-11

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: 11/14/2011

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: **PC-07-2011**

Description:

**ZONING CODE TEXT AMENDMENT**, Chapter 1141: Accessory, Temporary, Supplemental and Environmental Regulations, **City of Oxford, Applicant**

  X   Review             Revisions             Other

**ADDITIONAL LANGUAGE IS MARKED IN RED**

Comments or status update requested by: Lynn Taylor

Please return no later than: **12/6/2011** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned:    w/comments    without/comments

Drawings reviewed by: \_\_\_\_\_

  
VICTOR POPESCU

Date: 11-16-11

CEIVED  
11-16-11

RECEIVED  
11-16-11

**Zoning Code Text Amendment Application**  
City of Oxford, Ohio

**REQUIRED INFORMATION**

Name of Applicant: City of Oxford  
(Attach a Letter of Agency if the applicant is not the property owner.)  
Mailing Address: 101 E. High Street  
Telephone Number(s): (513) 524-5204  
Email Address: www.cityofoxford.org

Chapter 1141: Accession  
Temp., Supplemental?  
Enviro  
Reg's

**SUBMISSION REQUIREMENTS**

A written, detailed description, where applicable, is required for each subsection.

All applications must include:

- A general description of the proposed amendment.
- A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
- A statement that identifies potential negative consequences of the proposed amendment.
- Any existing section number and text that is proposed to be deleted or amended.
- Any new or amended text as it is proposed to be codified including its proposed location in the Code. (section numbers)
- A narrative statement that describes the expected effects of the proposed text.
- A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

**Planning Commission and Council Review** The Planning Commission shall base its recommendation on a proposed Zoning Code amendment 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 consider the Planning Commission recommendation. If 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.

**Decision Standards** A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls. The proposed amendment will:

- make the Code conform more closely with the Comprehensive Plan.
- improve the public health, safety, and general welfare of Oxford.
- clarify the intent of the Code.
- better implement the intent of the Code.
- improve enforcement of the Code.

All materials and the application fee in the amount of **\$150.00 plus actual postage**, payable to the City of Oxford must be delivered to the office of Community Development, 101 East High Street, Oxford, Ohio 45056 45 days prior to the proposed meeting date. Any questions should be directed to the Community Development Department at (513) 524-5204.

**NOTE: Incomplete applications will not be processed. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.**

SIGNATURE OF APPLICANT

*Jung Han Chen*

Date: 10/12/11

PRINTED NAME: Jung Han Chen, Comm. Dev. Dir.

**FEE / RECEIPT**

\$150 Fee plus Actual Postage Paid / Receipt Number: NA

**CITY OF OXFORD  
STAFF SUMMARY REPORT**

**Report to the City Manager**

Community Development Department  
**Originating Department**

**Council Meeting Of:** January 3, 2012

Jung-Han Chen

**Account Code No. #:**

**Prepared By:**

**Budgeted Amount:**

December 19, 2011

**Date Prepared:**

|                      |                                                                                                                                                                                                                                                  |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Agenda Title:</b> | <b>PC-06-2011 Zoning Code Text Amendment</b> -Chapter 1133 Provisions for Zoning Districts, Adding a New Zoning District and a New Section to Chapter 1143 Districts, 1143.15 Agricultural Open Space District, <b>City of Oxford, Applicant</b> |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                        |                 |
|------------------------|-----------------|
| <b>Recommendation:</b> | <b>Approval</b> |
|------------------------|-----------------|

**Discussion:**

The Planning Commission held a Public Hearing for this Zoning Code Text Amendment to add a new zoning district - Agricultural Open Space District (AOS).

Creating an Agricultural District was first discussed in 2007 and again during the Comprehensive Plan rewrite in 2008. This District will allow agricultural use to continue, but will also maintain the environmental sensitive areas prior to any future development decisions. Furthermore, this District would be used as a holding zone when land is not under any kind of development pressure. Past discussions have also dealt with creating future nonconformities and how to address the issue.

The Planning Commission reviewed the Decision Standards and voted 7-0-0 to recommend **APPROVAL** to City Council.

|                         |                                                                                                                                                                                                                                                                  |                         |                |             |                       |            |          |                      |                    |          |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|----------------|-------------|-----------------------|------------|----------|----------------------|--------------------|----------|
| <b>Approved By:</b>     | <table><tr><td><b>Department Head:</b></td><td><b>Initial</b></td><td><b>Date</b></td></tr><tr><td><b>City Attorney:</b></td><td><i>JHC</i></td><td>12/20/11</td></tr><tr><td><b>City Manager:</b></td><td><i>[Signature]</i></td><td>12/29/11</td></tr></table> | <b>Department Head:</b> | <b>Initial</b> | <b>Date</b> | <b>City Attorney:</b> | <i>JHC</i> | 12/20/11 | <b>City Manager:</b> | <i>[Signature]</i> | 12/29/11 |
| <b>Department Head:</b> | <b>Initial</b>                                                                                                                                                                                                                                                   | <b>Date</b>             |                |             |                       |            |          |                      |                    |          |
| <b>City Attorney:</b>   | <i>JHC</i>                                                                                                                                                                                                                                                       | 12/20/11                |                |             |                       |            |          |                      |                    |          |
| <b>City Manager:</b>    | <i>[Signature]</i>                                                                                                                                                                                                                                               | 12/29/11                |                |             |                       |            |          |                      |                    |          |

## **ORDINANCE NO.**

ORDINANCE AMENDING OXFORD CODIFIED ORDINANCE CHAPTER 1143, DISTRICTS, TO ADD NEW SECTION 1143.15, AGRICULTURAL OPEN SPACE DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, OHIO, THAT:

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on December 13, 2011 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended that Chapter 1143 of the Oxford Code of Ordinances be amended to add new Section 1143.15, Agricultural Open Space District.

SECTION II: Council hereby amends Chapter 1143 of the Oxford Code of Ordinances to add new Section 1143.15, Agricultural Open Space District as follows:

### **CHAPTER 1143 Districts**

|                                                                               |                                                                                |
|-------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| <b>1143.01 R-1A Single-Family Low-Density Residential District.</b>           | <b>1143.07 R3MS Single- and Two-Family Mile-Square Residential District.</b>   |
| <b>1143.02 R-1B Single-Family Medium-Density Residential District.</b>        | <b>1143.08 R-MH Planned Mobile and Manufactured Home Residential District.</b> |
| <b>1143.03 R-1MS Single-Family Residential Mile- Square District.</b>         | <b>1143.09 RO Office Residential District.</b>                                 |
| <b>1143.04 R-2A Single- and Two-Family Residential District.</b>              | <b>1143.10 UP Uptown District.</b>                                             |
| <b>1143.05 R-2MS Single- and Two-Family Mile-Square Residential District.</b> | <b>1143.11 MU University District.</b>                                         |
| <b>1143.06 R-3 Multi-Family Residential District.</b>                         | <b>1143.12 GB General Business District.</b>                                   |
|                                                                               | <b>1143.13 OI Office &amp; Light Industrial District.</b>                      |
|                                                                               | <b>1143.14 LI Light Industrial District.</b>                                   |
|                                                                               | <b>1143.15 Agricultural Open Space District</b>                                |

#### **1143.15 AGRICULTURAL OPEN SPACE DISTRICT**

(a) Purpose. This district is intended to provide areas within the City that: allow properties to continuously be used for agricultural purposes which have no future land use purpose at this time, or that may be in a transitional stage with regard to development; will conserve areas that have value as open space; and will incorporate conservation practices by preserving and enhancing the natural environment, rural character and areas that may have development constraints.

(b) Uses.

(1) Permitted Uses.

A. The conduct of agricultural operation such as: farming, apiculture, horticulture, viticulture.

- B. Horse ranches, horse boarding stables, riding stables and academies, and structures normally associated with such as; stables and training facilities.
- C. Single-family dwelling.
- D. Accessory building and uses incidental to the principal use that do not include any activity conducted as a business.
- E. 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. Dairying, pasturage and animal and poultry husbandry.
- B. Kennel.
- C. Community-Oriented Residential Social Service Facilities (CORSSF's).
- D. Shared Housing and Congregate Housing for the Elderly.
- E. Government owned and/or operated parks and recreation facilities.
- F. Bed and Breakfast homes.
- G. Open space recreation areas that are privately or publicly owned, such as golf courses, tennis courts, parks, forests, or wildlife preserves.
- H. Cemeteries.
- I. Day care facilities, including Child Day Care, Child Day Care Center, and Day Care Home Type A family.
- J. Schools; primary, intermediate, and secondary, both public and private.
- K. Places of Worship.

(c) Site Development Regulations. (unless superseded by Conditional Use Requirements)

(1) Lot requirements.

- A. Minimum lot area 20 acres
- B. Minimum lot width 200 feet

(2) Yard Requirements.

- A. Minimum front yard depth 50 feet
- B. Minimum rear yard depth 200 feet
- C. Minimum side yard width 50 feet

(3) Structural requirements.

- A. Maximum building height 35 feet

(4) Maximum Lot coverage shall not exceed 10 percent of the lot area.

(d) When the Agricultural Open Space District is used as a "holding zone" upon an annexation, the use, lot size and dimension requirements shall be as it existed upon annexation.



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

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD  
STAFF SUMMARY REPORT**

**Report to the City Manager**

Community Development Department  
**Originating Department**

**Council Meeting Of:** January 3, 2012

Jung-Han Chen

**Account Code No. #:**

**Prepared By:**

**Budgeted Amount:**

December 19, 2011

**Date Prepared:**

|                      |                                                                                                                                                                                                                                          |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Agenda Title:</b> | <b>PC-06-2011 Zoning Code Text Amendment-Chapter 1133 Provisions for Zoning Districts, Adding a New Zoning District and a New Section to Chapter 1143 Districts, 1143.15 Agricultural Open Space District, City of Oxford, Applicant</b> |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                        |                 |
|------------------------|-----------------|
| <b>Recommendation:</b> | <b>Approval</b> |
|------------------------|-----------------|

**Discussion:**

The Planning Commission held a Public Hearing for this Zoning Code Text Amendment to add a new zoning district - Agricultural Open Space District (AOS).

Creating an Agricultural District was first discussed in 2007 and again during the Comprehensive Plan rewrite in 2008. This District will allow agricultural use to continue, but will also maintain the environmental sensitive areas prior to any future development decisions. Furthermore, this District would be used as a holding zone when land is not under any kind of development pressure. Past discussions have also dealt with creating future nonconformities and how to address the issue.

The Planning Commission reviewed the Decision Standards and voted 7-0-0 to recommend **APPROVAL** to City Council.

|                     |                         |                    |             |
|---------------------|-------------------------|--------------------|-------------|
| <b>Approved By:</b> | <b>Department Head:</b> | <b>Initial</b>     | <b>Date</b> |
|                     | <b>City Attorney:</b>   | <i>JHC</i>         | 12/20/11    |
|                     | <b>A. City Manager:</b> | <i>[Signature]</i> | 12/29/11    |

## ORDINANCE NO.

ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE CHAPTER 1133, PROVISIONS FOR ZONING DISTRICTS, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE CHAPTER 1133, PROVISIONS FOR ZONING DISTRICTS, TO ADD THE AGRICULTURAL OPEN SPACE DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, OHIO, THAT:

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on December 13, 2011 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Chapter 1133 Provisions for Zoning Districts, and adopting new Oxford Codified Ordinance Chapter 1133, Provisions for Zoning Districts, to add the Agricultural Open Space District.

SECTION II: Council hereby repeals Chapter 1133 of the Oxford Code of Ordinances and adopts new Chapter 1133 as follows:

### CHAPTER 1133 Provisions for Zoning Districts

|                |                                           |                |                                                      |
|----------------|-------------------------------------------|----------------|------------------------------------------------------|
| <b>1133.01</b> | <b>Establishment of Zoning Districts.</b> | <b>1133.03</b> | <b>Essential services Exempted.</b>                  |
| <b>1133.02</b> | <b>Compliance with regulations.</b>       | <b>1133.04</b> | <b>Zoning districts for newly annexed territory.</b> |

#### 1133.01 ESTABLISHMENT OF ZONING DISTRICTS.

(a) For the purpose of promoting the public health, safety and general welfare of the City of Oxford, Ohio the following districts are hereby established:

| <b><u>Abbreviated</u></b> | <b><u>Term District Name</u></b>                            | <b><u>District Type</u></b> |
|---------------------------|-------------------------------------------------------------|-----------------------------|
| <b>AOS</b>                | <b>Agricultural Open Space</b>                              | <b>Residential</b>          |
| R-1A                      | Single-Family Low Density Residential                       | Residential                 |
| R-1B                      | Single-Family Medium Density Residential                    | Residential                 |
| R-2A                      | Single- and Two-Family Residential                          | Residential                 |
| R-3                       | Multi-Family Residential                                    | Residential                 |
| R-1MS                     | Single-Family Mile-Square Residential                       | Residential                 |
| R-2MS                     | Single- and Two-Family Mile-Square Residential              | Residential                 |
| R-3MS                     | Single-, Two-Family, & Three-Family Mile-Square Residential | Residential                 |
| RMH                       | Planned Mobile & Manufactured Home                          | Residential                 |
| RO                        | Office Residential                                          | Residential                 |
| MU                        | University                                                  | Residential                 |
| UP                        | Uptown                                                      | Commercial                  |
| GB                        | General Business                                            | Commercial                  |
| OI                        | Office & Light Industrial                                   | Industrial                  |
| LI                        | Light Industrial                                            | Industrial                  |
| FP                        | Flood Plain                                                 | Overlay                     |
| MSO                       | Mile Square Overlay                                         | Overlay                     |
| HDO                       | Historic District Overlay                                   | Overlay                     |

(b) In this Code and in all matters relating to this Code, the abbreviated terms shall be construed to have the same meaning as their corresponding district titles.

### **1133.02 COMPLIANCE WITH REGULATIONS.**

The regulations for each district set forth by this Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- (a) A use not listed within the use provisions of a zoning district shall be prohibited.
- (b) A use not provided for in a zoning district shall be prohibited unless the activity is deemed to be like in kind and similar to the uses allowed in the district and consistent with the intent of the district as interpreted by the Zoning Administrator.
- (c) No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, moved, converted, enlarged, reconstructed, structurally altered except in conformity with all of the regulations for the district in which it is located.
- (d) No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, except for a purpose permitted in the district in which the building or land is located to provide for greater lot coverage, height or bulk.
- (e) No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements set forth herein.
- (f) No land, building or structure in any district shall be used or occupied in any manner as to create or maintain a nuisance. Any structure or use that is in violation of this Code and that is established after the adoption of this Ordinance shall be considered a public nuisance.
- (g) In any district, no more than one primary structure and its customary accessory use shall be located on a single recorded lot except as specifically provided elsewhere in this Ordinance.
- (h) Any parcel, property or structure that is within the Historic District Overlay shall consult the current design guidelines of the Historical Architectural Preservation Commission and Chapter 1331 of the Oxford Codified Ordinance and shall follow the procedures for approval contained therein.

### **1133.03 ESSENTIAL SERVICES EXEMPTED.**

- (a) Agencies providing essential services shall make reasonable efforts to comply with the standards of this Zoning Code. If compliance with this code prevents the efficient and effective provision of the service, the standards of this Code may be waived by the City Manager.
- (b) The location of such facilities shall be approved by the City Engineer. In residential subdivision and Planned Developments, such facilities shall be shown on the plans.

### **1133.04 ZONING DISTRICTS FOR NEWLY ANNEXED TERRITORY.**

The zoning district for the property annexed to the City shall be subject to the annexation agreement between the City and the applicant.

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

---

CLERK OF OXFORD CITY COUNCIL

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MAYOR

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

# **Certification of Action Oxford Planning Commission Recommendation to City Council**

|                                                    |                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Report Date</u></b>                          | January 3, 2012                                                                                                                                                                                                                                                                                                                                |
| <b><u>Case Number</u></b>                          | PC-06-2011                                                                                                                                                                                                                                                                                                                                     |
| <b><u>Applicant Information</u></b>                | City of Oxford, Applicant                                                                                                                                                                                                                                                                                                                      |
| <b><u>Requested Action</u></b>                     | Zoning Code Text Amendment                                                                                                                                                                                                                                                                                                                     |
| <b><u>Summary of Request</u></b>                   | Zoning Code Text Amendment to Chapter 1133 Provisions for Zoning Districts, Adding a New Zoning District and a New Section to Chapter 1143 Districts, 1143.15, Agricultural Open Space District                                                                                                                                                |
| <b><u>Public Hearing Information</u></b>           | On December 13, 2011 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on November 11, 2011.                                                                                                                                                                                        |
| <b><u>Commission Action</u></b>                    | The Planning Commission voted 7-0-0 recommending approval to City Council.                                                                                                                                                                                                                                                                     |
| <b><u>Commission Findings and Conclusions</u></b>  | Creating an Agricultural District has been discussed by the Planning Commission for several years. The creation of this District will allow agricultural use to continue, but will also maintain an environmentally sensitive area prior to any future development. This District was discussed during the Comprehensive Plan rewrite in 2008. |
| <b><u>Exhibits Submitted to the Commission</u></b> | <ol style="list-style-type: none"><li>1. Staff Report dated 11/18/11</li><li>2. Interoffice Review Transmittal Sheets</li><li>3. Zoning Code Text Amendment Application dated 10/12/11</li><li>4. Chapter 1133 Provisions for Zoning Districts</li><li>5. Chapter 1143 Districts, 1143.15 Agricultural Open Space District</li></ol>           |

**City of Oxford**  
*Community Development Department*  
**STAFF REPORT**

**Planning Commission**

**Case # PC-06-2011**

**Date – December 13, 2011**

---

**APPLICATION**

Applicant: City of Oxford  
Action Request: **Zoning Code Text Amendment-** Chapter 1133 Provisions for Zoning Districts, Adding a New Zoning District and a New Section to Chapter 1143 Districts, 1143.15 Agricultural Open Space District

---

**DESCRIPTION**

This application is to create a new zoning district that would allow for agricultural activities in the City and conserve open spaces that have distinctive value as open space, preserving environmental sensitive areas that may have development constraints. This district can also serve as a transitional zone between urbanized developments and predominately rural characters in the township territory.

**SITE HISTORY**

None

**ZONING CODE**

Proposed amendments are attached.

**COMPREHENSIVE PLAN**

The key direction of the Comprehensive Plan are as follows:

- Preserve the small town character
- Enhance the Mile Square to preserve the traditional character of Oxford
- Give priority to infill and redevelopment
- Conserve agricultural land and natural areas
- Create new jobs and services in the community
- Provide a variety of transportation options including walking, biking and public transit
- Cooperate with neighboring jurisdictions to preserve the rural character

Land use objectives:

1. Manage growth  
LU 1.7 Work towards a compatible zoning district with the County and Township to manage rural development.
7. Preserve open space and farmland, and expand existing open space areas  
LU 7.4 Work toward adopting and promoting a new zoning designation to protect agricultural land.  
LU7.6 Implement alternative cluster style subdivision development to encourage preservation of natural areas and farmlands as areas are developed.

Land use principals (page 3.10)

5. Green space and public spaces will be incorporated as part of future developments.
6. Future growth at the edge of the City will preserve open space, protect the area's rural character, and be consistent with other principals.

10. Environmentally sensitive and sustainable practices will be encouraged in future development.

### **AGENCY REVIEWS**

Requests for review were made to the Police, Fire, Engineering and Economic Development Departments. The following comments have been received:

|              |                                     |
|--------------|-------------------------------------|
| Police:      | No comments returned.               |
| Fire:        | Comment returned without comments.  |
| Engineering: | Comments returned without comments. |
| Econ. Dev.   | No comments returned.               |

### **DECISION CRITERIA**

A copy of the Text Amendment Decision Criteria is attached.

### **ANALYSIS**

During the Comp Plan process, the topic of having an agricultural open space district was brought up by many participants for several reasons: preservation of environmental sensitive areas; to allow agricultural activities to continue; to create a district that is compatible with Township land use based on the County's zoning resolution; to allow the development of the site adhere to the City's standards when the development takes place.

During that time, staff did some research and began with some language for an agricultural district. Due to other pending issues and resource constraints, the idea of formalizing the district did not move forward. Some recent developments prompted the Planning Commission to look into this issue as they felt it time to develop language for consideration

This proposed language reflects the vision of the Comp Plan and makes comparison with Township zoning language so that there is consistent transition between the different jurisdictions.

---

SUBMITTED

BY:

  
Jung-Han Chen,  
Community Development Director

DATE: November 18, 2011



## ATTACHMENT

(c) Planning Commission and Council Review. The Planning Commission shall base its recommendation on a proposed Zoning Code amendment 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.

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### Text Amendments

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- B. The proposed amendment will improve the public health, safety, and general welfare of Oxford.
- C. The proposed amendment will clarify the intent of the Code.
- D. The proposed amendment will better implement the intent of the Code.
- E. The proposed amendment will improve enforcement of the Code.

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: 11/14/2011

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: **PC-06-2011**

Description:

**ZONING CODE TEXT AMENDMENT**, Chapter 1133 Provisions for Zoning Districts, Addition of a New Zoning District and a New Section to Chapter 1143 Districts, 1143.15, Agricultural Open Space District, **City of Oxford, Applicant**

☒ Review ☐ Revisions ☐ Other

**ADDITIONAL LANGUAGE IS MARKED IN RED**

Comments or status update requested by: Lynn Taylor

Please return no later than: **12/6/2011** Note: If no comments are received, we will assume the project meets your department's standards.

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

Drawings reviewed by:   
VICTOR POPESCU

Date: 11-15-11

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: 11/14/2011

To: Fire Department Engineering Division Police Department Economic Development

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  X   Review             Revisions             Other

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Please return no later than: **12/6/2011** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned:    w/comments    without/comments

Drawings reviewed by:



Date: 11-14-11

# **Zoning Code Text Amendment Application**

City of Oxford, Ohio

Chapt. 1133 Addition of new District  
New Section 1143.15

## **REQUIRED INFORMATION**

Name of Applicant:

City of Oxford

(Attach a Letter of Agency if the applicant is not the property owner.)

Mailing Address:

101 E. High Street

Telephone Number(s)

(513) 524-5204

Email Address

www.cityofoxford.org

## **SUBMISSION REQUIREMENTS**

A written, detailed description, where applicable, is required for each subsection.

All applications must include:

- A general description of the proposed amendment.
- A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
- A statement that identifies potential negative consequences of the proposed amendment.
- Any existing section number and text that is proposed to be deleted or amended.
- Any new or amended text as it is proposed to be codified including its proposed location in the Code. (section numbers)
- A narrative statement that describes the expected effects of the proposed text.
- A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

**Planning Commission and Council Review** The Planning Commission shall base its recommendation on a proposed Zoning Code amendment 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 consider the Planning Commission recommendation. If 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.

**Decision Standards** A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls. The proposed amendment will:

- make the Code conform more closely with the Comprehensive Plan.
- improve the public health, safety, and general welfare of Oxford.
- clarify the intent of the Code.
- better implement the intent of the Code.
- improve enforcement of the Code.

All materials and the application fee in the amount of **\$150.00 plus actual postage**, payable to the City of Oxford must be delivered to the office of Community Development, 101 East High Street, Oxford, Ohio 45056 45 days prior to the proposed meeting date. Any questions should be directed to the Community Development Department at (513) 524-5204.

**NOTE: Incomplete applications will not be processed. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.**

SIGNATURE OF APPLICANT:

Jung-Han Chen

Date:

10/12/11

PRINTED NAME:

Jung-Han Chen, Comm. Dev. Dir.

## **FEE / RECEIPT**

\$150 Fee plus Actual Postage Paid / Receipt Number:

NA

# CITY OF OXFORD STAFF SUMMARY REPORT

**Report to the City Manager: Douglas Elliott, Jr.**

Fire Department  
**Originating Department**

**Council Meeting Of: 01-03-12**

John Detherage  
**Prepared By:**

**Account Code No. #: 416.150.52520**

**Budgeted Amount: \$70,000.00**

December 9, 2011  
**Date Prepared**

**Agenda Title:** A Resolution authorizing the purchase of 4,400 photoelectric smoke detectors utilizing the 2010 Fire Prevention and Safety Grant.

**Recommendation:** Adopt the Resolution

## **Discussion:**

The City of Oxford Fire Department received a Fire Prevention and Safety Grant last year to provide and install Photoelectric smoke alarms in 4,400 residential rental units in the City. Most of these units are occupied by college students but some are occupied by elderly or low-income residents.

This project is based on a partnership with the Miami University Greek Community. With their assistance, the Fire Department plans to distribute and install 4,400 smoke alarms in rental properties throughout the City, benefiting students, and year-round elderly and lower income residents. This partnership will provide the manpower needed to complete the project while providing a philanthropic experience for the Greek Community as they, along with the Fire Department, promote fire safety.

Bids for the project were opened on December 2, 2011 with the following results:

|                                  |             |                  |
|----------------------------------|-------------|------------------|
| Fine Line Products               | \$54,780.00 | (\$12.45 each)   |
| Asset Lighting and Electric Inc. | \$74,460.76 | (\$16.9229 each) |

The low bidder for the project is Fine Line Products of Columbus Ohio at a price of \$12.45 each for a total of \$54,780.00. \$49,302 will be provided for by the Grant and the City portion is \$5,478.00. The Miami University Parents Council will contribute \$3,500.00 and the remaining \$1,978.00 will be paid out of the Fire Department budget.

**Approved By:**

**Department Head:**  
**City Attorney:**  
**A. City Manager:**

**Initial Date**

 **12-15-11**  
 **12/29/11**

## RESOLUTION NO.

A RESOLUTION ACCEPTING THE BID SUBMITTED BY FINE LINE PRODUCTS AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FINE LINE PRODUCTS FOR THE PURCHASE OF 4,400 PHOTOELECTRIC SMOKE ALARMS AT A COST OF \$54,780.00.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: The City advertised for bids in the *Hamilton Journal* on November 11, 2011, and November 18, 2011. Two (2) sealed bids were opened and publicly read on December 2, 2011. The lowest bid was provided by Fine Line Products in the amount of \$54,780.00.

SECTION 2: The City Manager and Fire Chief recommend Council accept the bid of Fine Line Products as the lowest and best bid for the purchase of 4,400 photoelectric smoke alarms at a cost of \$54,780.00 and authorize the City Manager to enter into a contract with Fine Line Products for the purchase of 4,400 photoelectric smoke alarms at a cost of \$54,780.00.

SECTION 3: The photoelectric smoke alarms will be installed by members of the Fire Department and members of the Miami University Greek Community in 4,400 residential rental units throughout the City occupied by either college students, elderly or low-income residents.

SECTION 4: Council hereby accepts the recommendation of the City Manager and Fire Chief and finds Fine Line Products to be the lowest and best bidder and accepts the bid of \$54,780.00 for the purchase of 4,400 photoelectric smoke alarms.

SECTION 5: Council hereby authorizes the City Manager to enter into a contract with Fine Line Products for the purchase of 4,400 photoelectric smoke alarms at a cost of \$54,780.00. The 2010 Fire Prevention and Safety Grant will cover \$49,302.00 of the cost and the Miami University Parents Council has pledged \$3,500.00 toward the cost of the project. The remaining \$1,978 will be paid out of the Fire Department Budget.

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

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MAYOR

ADOPTED:

ATTEST:

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CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: January 3, 2012

Account Code #: N/A

Budgeted Amount: \$ N/A

Service Department

**Originating Department**

Michael Dreisbach, Service Director

**Prepared By**

December 28, 2011

**Date Prepared**

**Agenda Title: Authorization to Apply for a Campus Life-Safety Improvement Grant on Behalf of Miami University.**

**Recommendation:** Approve

**Discussion:** Miami University has completed a Campus Circulation Master Plan (Plan) to improve the safety of pedestrians and alternative transportation through the campus area. The highest priority improvements of the Plan include mid-block pedestrian crossings with adjacent sidewalk and multi-use path reconfiguration and ramp reconstruction on both Patterson Ave. and High St.; traffic signal modification study and improvements to the Patterson Ave. / Spring St. & Patterson Ave. / SR73 intersection including recall and countdown timers and sidewalk / ramp reconstruction; Spring St. / Maple St. improvements including a new 3-way stop intersection with a raised speed table, street pavers, bump-outs, and sidewalk & ramp reconstruction.

The proposed improvements directly address the apparent rise of vehicular and pedestrian conflicts on and around Miami University's campus. Crosswalk and intersection improvements should reduce congestion and will better manage pedestrian access; traffic calming will reduce speeds and the associated severity of pedestrian injuries.

The total cost of the proposed work is \$676,000 (Exhibit "A" provides a detailed construction estimate of the proposed project). Of that total amount, The City will be requesting a Transportation, Community, and System Preservation (TCSP) grant in the amount of \$507,000. The difference of \$169,000 would be the local matching amount that has been guaranteed by Miami University; therefore no additional local funds would be necessary should the grant be awarded. If approved, improvements should be completed by December 31, 2012.

The City has obtained letters of support for this project from the OKI Regional Council of Governments as well as McCullough-Hyde Memorial Hospital.

With the City Council's approval, this Resolution will authorize the City Manager to apply for grant funding in the amount of \$507,000 and would further authorize the City Manager and Finance Director to execute agreements as may be necessary to obtain and execute the grant project.

**Approved By:**

Department Head:

A, City Manager:

Initial Date  
MBD \ 12/29/11

MBD 12/29/11

**RESOLUTION NO.**

A RESOLUTION OF COUNCIL APPROVING AN APPLICATION FOR A TRANSPORTATION, COMMUNITY AND SYSTEM PRESERVATION GRANT ON BEHALF OF MIAMI UNIVERSITY, IN THE AMOUNT OF \$507,000 WITH A MATCHING FUND COMMITMENT OF \$169,000 FROM MIAMI UNIVERSITY, TO THE FEDERAL HIGHWAY ADMINISTRATION FOR A PROJECT TITLED "CAMPUS LIFE-SAFETY IMPROVEMENTS".

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: Council has determined that implementation of campus life-safety improvements on and around US 27 and the adjacent Spring Street through Miami University would be beneficial to the City; Council hereby supports the use of grant funds for the implementation of campus life-safety improvements on and around US 27 and the adjacent Spring Street through Miami University.

SECTION 2: The City Manager is hereby authorized and directed to apply for a Transportation, Community and System Preservation grant on behalf of Miami University, in the amount of \$507,000 with a matching fund commitment of \$169,000 from Miami University, to the Federal Highway Administration for a project titled: Campus Life-Safety Improvements.

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

\_\_\_\_\_  
MAYOR

ADOPTED:

ATTEST:

\_\_\_\_\_  
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)



**Concept Level Cost Estimate**  
**Miami University Circulation Master Plan**  
**Combined Pedestrian Improvements**

project no.: 50371,000

date:12/19/2011

by: JJR / JKS v1

| CONSTRUCTION ITEM                                                           | NOTES                                                 | QTY. | UNIT | UNIT COST    | ITEM COST           |
|-----------------------------------------------------------------------------|-------------------------------------------------------|------|------|--------------|---------------------|
| <b>Patterson Avenue Pedestrian Crossings</b>                                |                                                       |      |      |              |                     |
| <b>Sidewalk</b>                                                             |                                                       |      |      |              |                     |
| Site preparation/clearing                                                   | Assume 15' width                                      | 1360 | LF   | \$1.00       | \$1,360.00          |
| Demolition                                                                  | Remove 510' of 7' existing sidewalk                   | 3570 | SF   | \$1.00       | \$3,570.00          |
| Demolition                                                                  | Remove asphalt parking lot                            | 2000 | SF   | \$1.00       | \$2,000.00          |
| Grading/earthwork                                                           | Minor grading, haul off excess material               | 1360 | LF   | \$3.80       | \$5,168.00          |
| New 10' sidewalk                                                            | 6" concrete with 6" agg base                          | 900  | LF   | \$60.00      | \$54,000.00         |
| New 12' sidewalk                                                            | 6" concrete with 6" agg base                          | 420  | LF   | \$72.00      | \$30,240.00         |
| New asphalt parking lot                                                     | 3' bituminous on 6" agg base                          | 1000 | SF   | \$5.00       | \$5,000.00          |
| Pavement marking                                                            | Bike markings on 12', plus other on 10'               | 10   | EA   | \$150.00     | \$1,500.00          |
| Signage                                                                     | Bike/pedestrian route markers                         | 10   | EA   | \$150.00     | \$1,500.00          |
| Site restoration                                                            | Topsoil/seedling                                      | 8290 | SF   | \$0.45       | \$3,730.50          |
| <b>Mid-block Crosswalks (3 new)</b>                                         |                                                       |      |      |              |                     |
| Demolition                                                                  | Remove existing pavement (new curb ramp location)     | 600  | SF   | \$1.00       | \$600.00            |
| New curb                                                                    | Concrete curb & gutter                                | 50   | LF   | \$16.00      | \$800.00            |
| ADA ramps                                                                   | Curb ramp with detectable warning                     | 6    | EA   | \$900.00     | \$5,400.00          |
| Pavement marking                                                            | 12" crosswalk                                         | 240  | LF   | \$5.00       | \$1,200.00          |
| Signage                                                                     | Regulatory/warning/paddle                             | 12   | EA   | \$150.00     | \$1,800.00          |
| <b>Subtotal</b>                                                             |                                                       |      |      |              | <b>\$118,668.50</b> |
| Mobilization/Staking/Fencing/Traffic Control                                | 2% of construction cost                               | 1    | LS   | \$2,373.37   | \$2,373.37          |
| Misc utilities                                                              | 10% of construction cost                              | 1    | LS   | \$11,866.85  | \$11,866.85         |
| Design/engineering                                                          | 15% of construction cost                              | 1    | LS   | \$17,800.28  | \$17,800.28         |
| Contingency/construction administration                                     | 30% of construction cost                              | 1    | LS   | \$35,600.55  | \$35,600.55         |
| <b>TOTAL</b>                                                                |                                                       |      |      |              | <b>\$186,309.55</b> |
| <b>High Street Pedestrian Crossings</b>                                     |                                                       |      |      |              |                     |
| <b>Sidewalk</b>                                                             |                                                       |      |      |              |                     |
| Site preparation/clearing                                                   | Assume 15' width                                      | 800  | LF   | \$0.10       | \$80.00             |
| Demolition                                                                  | Remove existing sidewalk                              | 930  | SF   | \$1.00       | \$930.00            |
| Grading/earthwork                                                           | Minor grading, haul off excess material               | 800  | LF   | \$3.80       | \$3,040.00          |
| New 10' sidewalk                                                            | 6" concrete with 6" agg base                          | 800  | LF   | \$60.00      | \$48,000.00         |
| Pavement marking                                                            | Non-bike markings                                     | 4    | EA   | \$150.00     | \$600.00            |
| Signage                                                                     | Bike/Pedestrian Route Markers                         | 8    | EA   | \$150.00     | \$1,200.00          |
| Site restoration                                                            | Topsoil/seedling                                      | 2530 | LF   | \$0.45       | \$1,138.50          |
| <b>Mid-block Crosswalks (3 new)</b>                                         |                                                       |      |      |              |                     |
| Demolition                                                                  | Remove existing pavement (new curb ramp location)     | 600  | SF   | \$1.00       | \$600.00            |
| Demolition                                                                  | Remove existing curb ramps                            | 10   | EA   | \$200.00     | \$2,000.00          |
| New curb                                                                    | Concrete curb & gutter                                | 38   | LF   | \$16.00      | \$608.00            |
| ADA ramps                                                                   | Curb ramp with detectable warning                     | 6    | EA   | \$900.00     | \$5,400.00          |
| Pavement marking                                                            | 12" crosswalk                                         | 210  | LF   | \$5.00       | \$1,050.00          |
| Signage                                                                     | Regulatory/warning/paddle                             | 12   | EA   | \$150.00     | \$1,800.00          |
| <b>Subtotal</b>                                                             |                                                       |      |      |              | <b>\$66,446.50</b>  |
| Mobilization/Staking/Fencing/Traffic Control                                | 2% of construction cost                               | 1    | LS   | \$1,328.93   | \$1,328.93          |
| Misc utilities                                                              | 10% of construction cost                              | 1    | LS   | \$6,644.65   | \$6,644.65          |
| Design/engineering                                                          | 15% of construction cost                              | 1    | LS   | \$9,966.98   | \$9,966.98          |
| Contingency/construction administration                                     | 30% of construction cost                              | 1    | LS   | \$19,933.95  | \$19,933.95         |
| <b>TOTAL</b>                                                                |                                                       |      |      |              | <b>\$104,321.01</b> |
| <b>Spring/Maple Pedestrian Improvements</b>                                 |                                                       |      |      |              |                     |
| Demolition                                                                  | Remove existing sidewalk/pavement                     | 8500 | SF   | \$1.25       | \$10,625.00         |
| Grading/earthwork                                                           | Minor grading, haul off excess material               | 8500 | SF   | \$0.50       | \$4,250.00          |
| New sidewalk pavement                                                       | 6" concrete with 6" agg base; bumpouts                | 4000 | SF   | \$6.00       | \$24,000.00         |
| New intersection pavers/speed table                                         | Unit pavers on 10' reinf. conc. base                  | 2900 | SF   | \$25.00      | \$72,500.00         |
| New curb                                                                    | Concrete curb & gutter                                | 290  | LF   | \$16.00      | \$4,640.00          |
| ADA ramps                                                                   | Curb ramp with detectable warning                     | 6    | EA   | \$900.00     | \$5,400.00          |
| Pavement marking                                                            | Stop bars                                             | 3    | EA   | \$150.00     | \$450.00            |
| Pavement marking                                                            | 12" crosswalk                                         | 210  | LF   | \$5.00       | \$1,050.00          |
| Signage                                                                     | Regulatory/warning                                    | 6    | EA   | \$150.00     | \$900.00            |
| Site restoration                                                            | Topsoil/seedling                                      | 400  | SF   | \$0.45       | \$180.00            |
| <b>Subtotal</b>                                                             |                                                       |      |      |              | <b>\$133,995.00</b> |
| Mobilization/Staking/Fencing/Traffic Control                                | 2% of construction cost                               | 1    | LS   | \$2,679.90   | \$2,679.90          |
| Misc utilities                                                              | 10% of construction cost                              | 1    | LS   | \$13,399.50  | \$13,399.50         |
| Design/engineering                                                          | 15% of construction cost                              | 1    | LS   | \$20,099.25  | \$20,099.25         |
| Contingency/construction administration                                     | 30% of construction cost                              | 1    | LS   | \$40,198.50  | \$40,198.50         |
| <b>TOTAL</b>                                                                |                                                       |      |      |              | <b>\$210,372.15</b> |
| <b>Spring/Patterson/Route 73 Signal Modification Study and Improvements</b> |                                                       |      |      |              |                     |
| Traffic Study (1)                                                           | Counts, analysis, configuration recommendations, etc. | 1    | LS   | \$20,000.00  | \$20,000.00         |
| Signal Design (1)                                                           | Per ODOT Standards                                    | 1    | LS   | \$30,000.00  | \$30,000.00         |
| Approximate Construction Cost (3)                                           | Assumes reconstruction of the signalized intersection | 1    | LS   | \$125,000.00 | \$125,000.00        |
| <b>TOTAL</b>                                                                |                                                       |      |      |              | <b>\$175,000.00</b> |
| <b>GRAND TOTAL</b>                                                          |                                                       |      |      |              | <b>\$676,002.70</b> |

## NOTES REGARDING CONCEPT LEVEL COST ESTIMATE:

1. Further traffic study is necessary to determine exact configuration of signal modifications. Therefore, this project includes traffic study, design, and construction project elements, with one potential configuration assumed for construction cost purposes.
2. This opinion represents a general range of potential costs based on 2011 dollars without escalation to future years.
3. Signal modification includes countdown timers, pedestrian recall, painted crossings, ADA curb cuts new light masts and new or modified controls
4. While a percentage is included for misc. utility work, specific utilities such as storm and lighting should be surveyed.

## Part C. Project Narrative

The project is the first phase of complete street improvements to US 27 and adjacent streets through Miami University, including pedestrian crossings and sidewalk reconfiguration, traffic calming, and intersection signalization. These improvements, part of wider transportation demand management strategies, will reduce pedestrian/vehicle conflicts and congestion on federal-aid highways that pass through Miami's campus.

Miami's campus is bisected by US 27 in two legs -- High St. (E-W) and Patterson Ave. (N-S) -- and experiences high rates of pedestrian/vehicular conflict. ODOT has documented peak hour pedestrian crossing volumes of 2,512 along US 27, and daily traffic of 9,600+ on High St. and 9,200-10,800 on Patterson Ave. (O.D.O.T. US 27 Rerouting Study). Two adjacent intersections on US 27 are characterized by high volumes, high accident rates, and poor levels of service (LOS). The intersection of SR 73/US 27 had a 2006-08 entering volume of 14,250, an accident rate of 0.83 (per MEV, state average 0.595), a 2009 LOS of B/C, and a projected LOS in design year 2035 of D/E. The adjacent US 27/Spring Street intersection had an entering volume of 13,540, an accident rate of 1.28 per MEV, a current LOS of C/E, and projected LOS of E/F. According to O.D.O.T. between 2005-11 there were 72 bicycle and pedestrian related crashes within a 2 mile radius of Miami University, and Butler County ranks 8th in Ohio for pedestrian-related crashes and 9th for bicycle-related crashes. In 2011, four pedestrians were struck and injured in this project area, two very seriously.

In 2011 Miami University developed a Campus Circulation Master Plan to improve safety and convenience of alternative modes in the campus area, and better manage transportation demand. A study process led by a design team and university staff, and a committee of faculty, staff, students, and City of Oxford representatives identified short, medium, and long-term improvements. We propose to implement the highest priority recommendations:

- Patterson Ave. mid-block pedestrian crossings (3) with adjacent sidewalk and multi-use path reconfiguration and ramp reconstruction.
- High St. mid-block pedestrian crossings (3) with adjacent sidewalk and multi-use path reconfiguration and ramp reconstruction.
- Signal modification study and improvements to Patterson/Spring and Patterson/73 to function as a single intersection with pedestrian-only phase, recall and countdown timers, signal improvements, crosswalk marking, and sidewalk/ramp reconstruction.
- Spring/Maple Street pedestrian improvements, including new 3-way stop intersection, raised speed table/pavers, bump-outs, with adjacent sidewalk and ramp reconstruction.
- All improvements are designed as first phase of a full complete-street reconstruction of US 27 and Spring Street corridors, which will incorporate bicycling and transit.

### Priority Consideration Criteria:

*Adopted Plans:* These improvements are in accordance with local plans.

- The Ohio/Kentucky/Indiana Council of Governments (OKI) 2004 Northwest Butler Transportation Study found all major roads including US 27 and SR 73 to have statewide accident rates two to six higher than state average, and prioritized intersection improvements at US 27/Spring St. (p. 42). Re-alignment of US 27 has been studied, but

not pursued for cost and land use reasons. The proposed improvements are supported by OKI's [2030 Regional Transportation Plan Update](#) (2008).

- Oxford's [2008 Comprehensive Plan](#) specifies a goal of "a quality, accessible transportation system with alternative forms of transportation for a diverse population, improved infrastructure, adequate parking, bikeways and efficient traffic management." Oxford's 2006 [Oxford Transportation Thoroughfare Plan](#) also recommends "continued efforts...to make the transportation network safer for all modes, including pedestrians, through better separation of vehicles, bicycles and pedestrians" (p. 24) and development of an access management policy (p. 25).

*Cost-Effectiveness:* These improvements, in concert with Miami University efforts to manage transportation demand, will enhance public safety and efficiency using existing infrastructure through partnership between the City of Oxford and Miami University.

*Integration with Other Policies:* These improvements are part of a community-wide effort to enhance pedestrian and bicycling facilities coordinated by the City of Oxford Comprehensive Plan. They are integrated with Miami University policies outlined in the 2000 Campus Landscape and 2011 Campus Circulation Master Plans, which promote complete campus streets, parking policies that better manage demand, and increased Miami Metro transit ridership. The environmental impact of street design will be reduced in accordance with Miami's 2011 Campus Stormwater Management Plan.

**Project Selection Criteria:**

*Livability:* These streets are the heart of the Miami University campus, and focus of major building investments (e.g. Armstrong Student Center). These operational improvements will make US 27 and adjoining streets safer and less congested for pedestrians and vehicles alike, improving vehicle flow by consolidating two intersections, while ensuring pedestrian safety through improved crosswalks, shorter crossings, and traffic calming. Future phases will address bicycle infrastructure through multi-use and on-street lanes, towards a goal of complete and sustainable campus streets.

*State of Good Repair:* Investment in the existing US 27 corridor, paired with efforts to reduce transportation demand (particularly by discouraging short distance campus vehicular trips), will help avoid costly expansion or re-alignment of US 27, and if successful will reduce vehicular demand and associated wear and tear.

*Safety:* The apparent rise of vehicular and pedestrian conflicts on and around Miami's campus is a major public safety concern. Crosswalk and intersection improvements will reduce congestion and better manage pedestrian and vehicular access, and traffic calming will reduce speeds and associated severity of pedestrian injuries.

*Expedient Completion of Project:* Supporting plans and a multi-phase prioritization of improvements are already in place, and these improvements can be completed within one calendar year of funding.

*Leveraging of Private and Other Public Funding:* The City of Oxford is the applicant, but Miami University is committed to providing all matching funds to execute the project, and has budgeted separately for other projects that enhance pedestrian and bicycle infrastructure.

## Part D. Project Eligibility

- a. *Is the project located on a Federal-aid highway? (List the functional class(es) of the facility(ies) to be improved)*

Located on Federal Highway:  
Patterson and High Streets – US 27 – Principal Arterials  
Spring Street – Major Collector

- b. *If the project is not located on a Federal-aid highway, how do you consider the project eligible for assistance under Title 23 or Chapter 53 of Title 49, United States Code? (i.e., list program(s) and describe how the project meets the statutory eligibility criteria for that program.)*

N/A

- c. *Is the project a corridor preservation activity necessary to implement transit-oriented development plans, traffic calming measures, or other coordinated transportation, community, and system preservation practices?*

As described in the Project Narrative, the project is a coordinated first phase to implement traffic calming measures in support of alternative modes of transportation, as described in the Circulation Master Plan, without the need to realign US 27.

### Amount TCSP Requested:

|                                |                 |
|--------------------------------|-----------------|
| Total cost of proposed work    | \$676,000       |
| Amount of TCPS Funds requested | \$507,000 (75%) |

### Commitment of Other Funds:

|                         |                        |
|-------------------------|------------------------|
| Matching funds sources: | Matching Funds Amount: |
| Miami University        | \$169,000 (25%)        |

### Previous TCSP Funding:

No previous TCSP funds were requested for this project. This is the first request ever made jointly by the City of Oxford and Miami University to improve safety on the US 27 corridor through campus.

### Project Administration:

The project would be jointly administered with the City of Oxford, Service and Engineering Department, Engineering Division (local jurisdiction and coordination with Ohio Department of Transportation and would meet funding requirements as reviewed with Randy Lane, ODOT – State of Ohio Program Contact) and the Miami University Physical Facilities Department of Planning, Architecture and Engineering.

Attachment 4: Schedule

| Deliverable                                                                   | Cost | Estimated Delivery Date |
|-------------------------------------------------------------------------------|------|-------------------------|
| Circulation Master Plan<br>/ overall design concept<br>authored and approved* | n/a  | December 2011           |

\*Initial rounds of campus and community meetings and input with support are complete. Intent of this request is to implement immediately ready community supported safety enhancements before end of calendar year.

|                                                                                                                                                                                               |           |                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|---------------------------|
| Issue RFP for design<br>services                                                                                                                                                              | \$1000    | March 2012                |
| Hire consulting engineers                                                                                                                                                                     | \$42,000  | April 2012                |
| Survey / document<br>existing conditions                                                                                                                                                      | \$7,500   | May 2012                  |
| Stakeholder meetings <ul style="list-style-type: none"> <li>• Steering committee</li> <li>• City - planning commission</li> <li>• City -public meetings</li> <li>• Campus meetings</li> </ul> | \$5,000   | June -July 2012           |
| Finalize improvement<br>bid documents                                                                                                                                                         | \$8,000   | August 2012               |
| Implement improvements/<br>Construction of short term<br>Circulation Master Plan<br>goals                                                                                                     | \$612,500 | September – December 2012 |



# MIAMI UNIVERSITY

December 17, 2011

Mr. Michael B. Dreisbach, City Service Director  
City of Oxford  
Service and Engineering Department  
101 East High Street  
Oxford, OH 45056

PHYSICAL FACILITIES DEPARTMENT

COLE SERVICE BUILDING  
OXFORD OH 45056-3609  
513-529-7000  
513-529-1732  
www.pfd.muohio.edu

RE: Miami University Circulation Master Plan  
FY 2012 TCSP Grant Application  
University Commitment to provide all Matching Funds

Dear Mike,

I wanted to thank you, the City of Oxford, and in particular, Mr. Jung-Han Chen, Community Development Officer, Victor Popescu, City Engineer, and Lt. Bob Holzworth, Assistant to Chief of Police, Parking and Transportation for your participation and input as part of the Miami University Circulation Master Plan Steering Committee. The University's Sustainability Commitment and Goal of reducing our transportation related carbon related footprint by 20-30% by 2020 and subsequent authoring of the Circulation Master Plan to reach that goal and to implement a holistic approach to circulation could not be recognized without support by the City of Oxford. In order to reach our goals will require encouraging students, faculty, and staff to use public transit (improve routes and ridership on our Miami Metro bus system), rethink parking strategies and encourage carpooling, add bike lanes and encourage bike use, and encourage walking more frequently on safely planned multi modal designated routes from campus to town. With our advantageous geographical relationship the opportunity for the City residents, business owners and visitors to do the same makes the plan very exciting.

As you are aware the Circulation Master Plan put forth a prioritized phased list of projects for implementation. The list was organized based on greatest impact to enhance safety and encourage alternative transportation modes of travel. At the top of the priority list was the Steering Committee and consulting design team's noted need to improve pedestrian crossing safety. Having witnessed an air care helicopter transport a vehicular struck student in critical condition last week pushed that need home. As such the University is looking for any opportunity to immediately fund and implement improvements. One opportunity found was the Transportation, Community, and System Preservation Grant Program.

As discussed, with the City of Oxford acting as the Project Applicant, Miami University would serve as the Project Co-sponsor and would provide all matching funds required to execute the project, not to exceed \$169,000. Our project grant fund request will include the following projects highlighted on page 68 of the Circulation Master Plan as: High Street (State Route US 27) pedestrian crossing with



sidewalk reconfigurations, Patterson Avenue (State Route US 27) pedestrian crossing with sidewalk reconfigurations, Modifications for signalization as one intersection at Patterson Avenue (US State Route US27), Spring Street, and State Route US 73, and the speed table, bump outs and potential 3-way stop at Spring Street and Maple Avenue. These projects are estimated to cost approximately \$676,000.  $(169,000/676,000 = 25\%)$

I greatly appreciate the City's partnering on the Circulation Master Plan and sponsorship of the TCSP grant application.

Regards,

A handwritten signature in dark ink, appearing to read 'Robert G. Keller', written in a cursive style.

Robert G. Keller, AIA, AUA  
Associate Vice President - Facilities, Planning & Operations  
Physical Facilities Department  
100 Cole Service Building  
Miami University  
Oxford, OH 45056



**Ohio • Kentucky • Indiana**  
*Regional Council of Governments*

December 21, 2011

Mr. Jung-Han Chen, AICP  
Community Development Director  
City of Oxford  
101 E High Street  
Oxford, OH 45056-1887

Dear Mr. Chen:

It has come to my attention that the City of Oxford has been working with Miami University to implement plans based on the University's September 2011 Circulation Master Plan, to ameliorate traffic-related problems on US 27 and adjacent campus streets.

I have discussed the scope of the project with the University, and am writing to express support for the City of Oxford to submit a grant application for funding through the Transportation, Community, and System Preservation Program. The proposed scope of work advances the goals of improving pedestrian safety and traffic flow problems that were identified in OKI's 2004 Northwest Butler Transportation Study.

Please keep us apprised of the status of the grant so that we can program the projects in the OKI Transportation Improvement Program (TIP) at the appropriate time. We wish you continued success in implementing this key project.

Sincerely,

A handwritten signature in black ink that reads "Robert W. Koehler". The script is cursive and fluid.

Robert W. Koehler, P.E.  
Deputy Executive Director

RWK/rmb

*Edwin H. Humphrey*  
President

*Mark R. Policinski*  
Executive Director





**McCullough-Hyde**  
**MEMORIAL HOSPITAL**

*A tradition of caring. A new vision of health.*

December 21, 2011

Jung-Han Chen, AICP  
Community Development Director  
101 East High Street  
City of Oxford  
Oxford, Ohio 45056

Dear Jung-Han:

I am writing to express my full support for the City of Oxford's grant application to obtain federal funding for safety enhancements to US 27 and adjacent streets through Miami University, with matching funds to be provided by the University.

Along with the City and University, McCullough-Hyde Memorial Hospital was a stakeholder-participant in the 2003 Northwest Butler Transportation Study in which possible solutions to transportation-related problems in an 125 square mile area centered on the US 27 and SR 73 were prepared for the Ohio Kentucky Indiana (OKI) Regional Council of Governments. Recommendations from that study did not advance, and Miami University has recently worked with the City to produce a Circulation Master Plan for the campus. I have discussed the elements of the plan that pertain to the grant application with the University, and on behalf of the Hospital, I am hereby encouraging Council to submit the grant application.

Safety enhancements to the included areas will benefit all who traverse it, including many of McCullough-Hyde's patients and 500 employees.

Sincerely,

Bryan D. Hehemann  
President and CEO

copy: Yvette Kline, MU

# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager: Douglas R. Elliott, Jr.

Police  
Originating Department

Council Meeting Of: January 3, 2012

Robert Holzworth  
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

December 9, 2011  
Date Prepared

**Agenda Title:** Report of Public Hearing held for the E. Rose Avenue/S. Poplar St. Residential Permitted Parking Petition.

**Recommendation:** Discussion and Determination whether to implement an RPP on the north side of E. Rose Ave. between Campus Ave. and Poplar St. and in the 500 and 600 blocks of S. Poplar St.

**Discussion:** A public hearing was held on Monday, December 5, 2011 at 6:30 p.m. at the Oxford Court House to allow open discussion of the Residential Permitted Parking Petition submitted by the residents of the 500 and 600 blocks of S. Poplar St. and E. Rose Avenue. The petition requests a Residential Permit Parking (RPP) zone be created twenty-four (24) hours a day, seven (7) days a week on E. Rose Avenue from its intersection with Poplar St. to its intersection with Campus Avenue. The petition also requests a Residential Permit Parking (RPP) zone be created twenty-four (24) hours a day, seven (7) days a week in the 500 and 600 blocks of S. Poplar St. Perry Gordon and Eddie Butts attended on behalf of the City of Oxford.

Notices of the Public Hearing were provided to the Oxford Press, the Journal News, the Miami Student paper, and posted on the city website. No residents of E. Rose Avenue or S. Poplar St. attended nor did any residents of the surrounding neighborhood or of the Oxford Community as a whole. A representative of the Oxford Press was present to report on the hearing.

Perry Gordon called the hearing to order at 6:30 p.m. The hearing stayed in session for approximately twenty minutes should late comers arrive; the hearing was adjourned at 6:50 p.m.

The parking problem on E. Rose Avenue and S. Poplar St. can be attributed to its close proximity to campus, as well as the implementation of meters on Campus Avenue, the designation of RPP zones on Chestnut Street, Cedar Drive, and Silvoor Lane, and the parking restrictions implemented on Oak and Maple Streets by the University.

E. Rose Ave. and S. Poplar St. residents petitioned for the RPP and met the 51% minimum 'yes' signature requirement. There are a total of fifteen (15) dwelling units within the proposed RPP (7 units on S. Poplar and 8 units on E. Rose) and a resident from fourteen (14) of the units, or 93.3%, signed the petition. A survey team determined that on-street parking in the block faces named above met (actually greatly exceeded) the required 50% occupancy standard as set forth in O.C.O. 355.03(b)(1)(A) at the time of the assessment. The survey results are summarized in the attachments.

The decision to designate E. Rose Ave. between Campus Ave. and Poplar St. and the 500 and 600 blocks of S. Poplar St. as a Residential Permitted Parking area lies with the City Manager and City Council at this time. Approval would be consistent with past practice and is recommended by OPD.

Approved By:

Department Head:  
City Attorney:  
City Manager:

Initial Date  
 12.9.2011  
 12/29/11

## **RESOLUTION NO.**

A RESOLUTION ESTABLISHING E. ROSE AVENUE FROM S. POPLAR STREET TO S. CAMPUS AVENUE AND THE 500 AND 600 BLOCKS OF S. POPLAR STREET AS RESIDENTIAL PERMITTED PARKING AREAS, TWENTY-FOUR (24) HOURS A DAY, SEVEN (7) DAYS A WEEK.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: The Council hereby finds that in accordance with the requirements of City Ordinance No. 2580, adopted April 7, 1998, a petition duly signed and executed by residents comprising more than 51% of the residential living units in the area proposed for designation was duly submitted to the City Manager.

SECTION 2: Council finds that as a result of submission of the petition proposing designation a public hearing was scheduled.

SECTION 3: Council further finds that on November 25, 2011, a notice of a public hearing was published in the *Hamilton Journal News*. Said notice being at least 10 days prior to the hearing held on December 5, 2011, at the City of Oxford Court House. It is further found that the notice clearly stated the purpose of the hearing, and the location and boundaries tentatively considered for the proposed residential permit parking areas. Those residents residing within the areas were sent notification of the Public Hearing on November 17, 2011. Council further finds these procedures were in compliance with Section 355.04 of the Oxford Codified Ordinances.

SECTION 4: As a result of the public hearing and the request by petition, the City Manager found based on the evidence that:

- (1) The petition was valid and showed support for the designation.
- (2) Surveys were conducted and found that more than 50% of the on-street parking spaces in the proposed restricted parking blocks were occupied during the test period.
- (3) No one spoke in opposition to residential permit parking areas designation at the public hearing.

SECTION 5: Council finds in accordance with Section 355.06 of the Oxford Codified Ordinances that the standards for designation of residential permit parking areas have been met for E. Rose Avenue from S. Poplar Street to S. Campus Avenue and the 500 and 600 blocks of S. Poplar Street. Council by this Resolution hereby designates the area as residential permit parking areas twenty-four (24) hours a day, seven (7) days a week. Council further orders that resident motor vehicles shall display a valid parking permit entitling them to stand or be parked without limitation by parking time restrictions established by this Resolution.

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

---

MAYOR

ADOPTED:

ATTEST:

---

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

# Memorandum

**To:** Douglas R. Elliott, Jr., City Manager

**From:** Eddie Butts, Public Safety Assistant

**Date:** November 16, 2011

**RE:** East Rose Avenue RPP Available Parking Survey Completed

The residents of East Rose Avenue between Campus Avenue and Poplar Street have submitted a petition requesting the north side of East Rose Avenue be designated a Residential Permitted Parking area. The petition was found to be in compliance with Oxford Codified Ordinance (OCC) requirements and an on-street parking availability survey was requested.

Using a twenty (20) foot parking space length standard, there would be space to park fifteen (15) vehicles on the north side of East Rose Avenue. If the street was marked for designated parking, such as used in a metered zone, 15 vehicles would be able to safely park on East Rose Avenue from its intersection with Poplar Street to its intersection with Campus Avenue.

Public Safety Assistants conducted the on-street survey of available parking (OCC 355.03b1) from Friday, November 4, 2011 through Friday, November 11, 2011. East Rose Avenue was reviewed for available parking by staff, measuring all available space and mapping residences to take into consideration driveways and residential units.

The survey conducted by the Public Safety Assistants occurred at various times around the clock. The lowest number of vehicles parked on the street, 11, occurred at noon on Sunday, November 6, 2011. The second lowest number of vehicles recorded was 12 at 12:00 p.m. and 6:00 p.m. on Saturday, November 5, 2011.

The highest number of vehicles recorded was at 9:00 a.m. on both Monday and Tuesday, 18 vehicles. The remainder of the times surveyed recorded vehicle numbers between 13 and 17. (Copies of the survey sheets are attached)

Based on the vehicle count submitted by the Public Safety Assistants, the petition meets the designation criteria as set forth by the ordinance, "at least 50% of the on-street parking spaces in the proposed restricted parking block are occupied..." (OCC 355.03b1). Based on a regulation-length parking space, during occurrences when the street was surveyed, 40 out of 49 car counts were equal to or greater than 100% occupancy and the rest of the car counts were equal to or greater than an 82% occupancy rating.

Therefore, I respectfully request permission to move to the next step, the advertising of a public hearing, to allow residents of the community to speak for or against the designation of an RPP.

# Memorandum

**To:** Douglas R. Elliott, Jr., City Manager

**From:** Eddie Butts, Public Safety Assistant

**Date:** December 2, 2011

**RE:** S. Poplar St. RPP Available Parking Survey Completed

The residents of the 500 and 600 blocks of S. Poplar St. have submitted a petition requesting the 500 and 600 blocks of S. Poplar St. be designated a Residential Permitted Parking area. The petition was found to be in compliance with Oxford Codified Ordinance (OCC) requirements and an on-street parking availability survey was requested.

Using a twenty (20) foot parking space length standard, there would be space to park eighteen (18) vehicles in the 500 and 600 blocks of S. Poplar St. If the street was marked for designated parking, such as used in a metered zone, 18 vehicles would be able to safely park in the 500 and 600 blocks of S. Poplar St.

Public Safety Assistants conducted the on-street survey of available parking (OCC 355.03b1) from Thursday, November 17, 2011 through Tuesday, November 22, 2011. The 500 and 600 blocks of S. Poplar St. were reviewed for available parking by staff, measuring all available space and mapping residences to take into consideration driveways and residential units.

The survey conducted by the Public Safety Assistants occurred at various times around the clock. The lowest number of vehicles parked on the street, 3, occurred at midnight on Tuesday, November 22, 2011 (which was the night before the holiday break). The second lowest number of vehicles recorded was 4 at 3:00 p.m. and 9:00 p.m. on Tuesday, November 22, 2011.

The highest number of vehicles recorded was at 9:00 p.m. on Friday, November 18, 2011 and 6:00 p.m. on Sunday, November 20, 2011, 20 vehicles. The remainder of the times surveyed recorded vehicle numbers between 5 and 19. (Copies of the survey sheets are attached)

Based on the vehicle count submitted by the Public Safety Assistants, the petition meets the designation criteria as set forth by the ordinance, "at least 50% of the on-street parking spaces in the proposed restricted parking block are occupied..." (OCC 355.03b1). Based on a regulation-length parking space, during occurrences when the street was surveyed, 11 out of 39 car counts were equal to or greater than 100% occupancy, 18 car counts were equal to or greater than a 77% occupancy rating, and 5 car counts were equal to or greater than a 61% occupancy rating.

Therefore, I respectfully request permission to move to the next step, the advertising of a public hearing, to allow residents of the community to speak for or against the designation of an RPP.

**Residential Parking Permit Survey** (Section 355.03 (B)(1) The on-street parking survey shall be conducted on at least three separate days at some time during the hours for which the restricted parking is being sought.)

**East Rose Ave from Campus to Poplar**

Residential Permitted Parking Requested Only for these hours: (7) Days a week, 24 Hours a day

15 cars can park on the North side of Rose Avenue

| Day/Date/Time (within the hour) | 6AM | 9AM | 12PM | 3PM | 6PM | 9PM | 12AM |
|---------------------------------|-----|-----|------|-----|-----|-----|------|
| Capacity %                      |     |     |      |     |     |     |      |
| Fr Nov 4, 2011                  | 17  | 17  | 17   | 16  | 14  | 16  | 17   |
| SAT Nov 5, 2011                 | 15  |     | 12   | 15  | 12  | 13  | 15   |
| Sun Nov 6, 2011                 | 15  | 13  | 11   | 16  | 14  | 17  | 17   |
| Mon Nov 7, 2011                 | 16  | 18  | 18   | 16  | 15  | 14  | 15   |
| Tues Nov 8, 2011                | 15  | 18  | 18   | 16  |     | 17  | 17   |
| Wed Nov 9, 2011                 | 17  | 15  |      |     |     | 16  | 17   |
| Thurs Nov 10, 2011              | 17  |     | 16   | 17  |     | 15  | 17   |
| Fr Nov 11, 2011                 | 17  | 16  | 17   | 17  | 17  | 17  | 17   |

16

**Residential Parking Permit Survey** (Section 355.03 (B)(1) The on-street parking survey shall be conducted on at least three separate days at some time during the hours for which the restricted parking is being sought.)

**500 Block & 600 Block of S. Poplar**

Residential Permitted Parking Requested Only for these hours: (7) Days a week, 24 Hours a day

14 cars can park on the 500 & 600 Block of S. Poplar

| Day/Date/Time (within the hour) | 6AM | 9AM | 12PM | 3PM | 6PM | 9PM | 12AM |
|---------------------------------|-----|-----|------|-----|-----|-----|------|
| Capacity %                      |     |     |      |     |     |     |      |
| Nov 17 Thrus                    |     |     |      | 19  | 16  | 16  | 18   |
| Nov 18 Fri                      | 18  | 18  | 16   | 18  | 14  | 20  | 12   |
| Nov 19 Sat                      | 15  | 15  | 15   | 12  | 18  | 16  | 16   |
| Nov 20 Sun                      | 15  | 16  | 12   | 9   | 20  | 17  | 16   |
| Nov 21 Mon                      | 18  | 18  | 18   | 15  | 11  | 11  | 15   |
| Nov 22 Tues                     | 14  | 14  | 15   | 4   | 5   | 4   | 3    |
|                                 |     |     |      |     |     |     |      |
|                                 |     |     |      |     |     |     |      |



First Financial Bank  
Janice Walker

South Campus Quarter

WR  
cell

867-4747  
678 7589

City of Oxford

Residential Permit Parking Petition

Please list all residential living units in the area requested.  
Please contact all residents possible in the area requested.

Date (when petition is submitted to City):

10/7/11

Permit Parking Hours REQUESTED (Check One):

- ☐ Monday through Friday, 8 am to 6 pm  
☐ Monday through Friday, 8 am to 6 pm and NO Overnight (2 am to 6 am)  
☐ Monday through Friday, NO Overnight (2 am to 6 am)  
☒ Twenty-four (24) hours, Seven (7) days a week  
☐ Other (specify time and day range):

Residential Area (See DEFINITIONS PAGE for description criteria):

E Rose (both sections of street)  
S. Poplar

Area Resident Petition Information (one signature per address or residential living unit. Please choose one person to sign (individual must appear on the property tax assessment or lease). Please **PRINT LEGIBLY** then sign under printed name. Designate YES for RPP or NO against RPP):

| NAME               | ADDRESS                 | TELEPHONE               | YES                    | NO |
|--------------------|-------------------------|-------------------------|------------------------|----|
| Elena Rodriguez    | 527 S Poplar            | 612-508-6749            | <sup>8-11pm</sup><br>X |    |
| Trevor Vail        | 123 E Rose              | 708-600-4412            | X                      |    |
| Chris F. gy        | 121 E. Rose             | 419 265 1572            | X                      |    |
| Lauren Bricker     | 523 S. Poplar           | 617-761-8817            | X                      |    |
| Katy Broadfoot     | 521 S Poplar            | (630) 408-6524          | X                      |    |
| Michael Hofmann    | 6075 Poplar             | 708-250-8677            | X                      |    |
| <del>Garrett</del> | <del>607 S Poplar</del> | <del>412-523-7402</del> | <del>X</del>           |    |
| Michael Solomon    | 129 E. Rose             | 847-624-9660            | X                      |    |

REC. 10/7/2011

4:30 P.M.

ADDITIONAL PAGES FOR  
CITY OF OXFORD RESIDENTIAL PARKING PERMIT PETITION  
(COPY AS NECESSARY)

| NAME                            | ADDRESS                 | TELEPHONE               | YES | NO |
|---------------------------------|-------------------------|-------------------------|-----|----|
| <del>Stache</del><br>TeStaguzza | <del>527 S Poplar</del> | <del>513-432-4000</del> | ✓   |    |
| <del>Breanne</del><br>604 S W   | <del>527 S Poplar</del> | <del>513-432-8155</del> | ✓   |    |
| Sarah Radke                     | 529 S Poplar            | 513-257-7301            | ✓   |    |
| <del>Mike Roberts</del>         | <del>121 E Rose</del>   | <del>513-377-4000</del> | ✓   |    |
| <del>Jackie</del>               | <del>111 E Rose</del>   | <del>513-477-1500</del> | ✓   |    |
| Madeline Hudson                 | 117 E Rose              | 513-477-9053            | ✓   |    |
| <del>Anthony Baldwin</del>      | <del>129 E Rose</del>   | <del>513-377-3465</del> | ✓   |    |
| <del>Eric Sobel</del>           | <del>129 E Rose</del>   | <del>703-598-7598</del> | ✓   |    |
| <del>Brian Matison</del>        | <del>129 E Rose</del>   | <del>513-445-1651</del> | ✓   |    |
| Joe Collieran                   | 115 E Rose              | 513-300-0155            | ✓   |    |
| Abby Rentschler                 | 109 E Rose              | 513-503-3283            | ✓   |    |
| Kyle Rider                      | 605 S Poplar            | 513-467-3874            | ✓   |    |
| <del>Chloe Ladd</del>           | <del>523 S Poplar</del> | <del>705-944-8200</del> | ✓   |    |
| <del>Brett Abschel</del>        | <del>521 S Poplar</del> | <del>314-518-2127</del> | ✓   |    |
| <del>Josh Mannit</del>          | <del>605 S Poplar</del> | <del>513-734-3367</del> |     |    |

ADDITIONAL PAGES FOR  
CITY OF OXFORD RESIDENTIAL PARKING PERMIT PETITION  
(COPY AS NECESSARY)

| NAME                                                 | ADDRESS                | TELEPHONE                 | YES                                 | NO |
|------------------------------------------------------|------------------------|---------------------------|-------------------------------------|----|
| <del>[scribble]</del>                                | <del>[scribble]</del>  |                           |                                     |    |
| <del>Sara Katz</del>                                 | <del>117 E Rose</del>  | <del>740 205 5114</del>   | <input checked="" type="checkbox"/> |    |
| <del>Azia Hardwick</del><br><del>Azia Hardwick</del> | <del>117 E. Rose</del> | <del>(913) 850-3681</del> | <input checked="" type="checkbox"/> |    |
| <del>Nathan Quastler</del><br><del>[scribble]</del>  | <del>115 E Rose</del>  | <del>(614) 592-7225</del> | <input checked="" type="checkbox"/> |    |
| <del>Brian Ashbrook</del><br><del>[scribble]</del>   | <del>115 E. Rose</del> | <del>(513) 441-1170</del> | <input checked="" type="checkbox"/> |    |
| <del>Chris Mayer</del><br><del>[scribble]</del>      | <del>115 E. Rose</del> | <del>(513) 341-0713</del> | <input checked="" type="checkbox"/> |    |
| <del>Josh Balaskas</del><br><del>[scribble]</del>    | <del>111 E. Rose</del> | <del>(708) 217-5550</del> | <input checked="" type="checkbox"/> |    |
| <del>[scribble]</del>                                |                        |                           |                                     |    |
| <del>Wm. Basinger</del>                              | <del>111 E Rose</del>  | <del>719-250-6334</del>   | <input checked="" type="checkbox"/> |    |
| <del>[scribble]</del>                                | <del>111 E. Rose</del> | <del>419 707 0121</del>   | <input checked="" type="checkbox"/> |    |
| <del>Kelly Harp</del><br><del>Kelly Harp</del>       | <del>109 Rose</del>    | <del>513-907-1093</del>   | <input checked="" type="checkbox"/> |    |
| <del>Connie Burns</del><br><del>Connie Burns</del>   | <del>109 Rose</del>    | <del>(500) 440-0073</del> | <input checked="" type="checkbox"/> |    |
| <del>Olivia Thelle</del><br><del>Olivia Thelle</del> | <del>109 Rose</del>    | <del>513-205-1121</del>   | <input checked="" type="checkbox"/> |    |
| <del>James Vothke</del>                              | <del>101 E. Rose</del> | <del>202-285-3131</del>   | <input checked="" type="checkbox"/> |    |
| <del>Ben Schatz</del>                                | <del>121 E Rose</del>  | <del>513 461 4675</del>   | <input checked="" type="checkbox"/> |    |

111

**ADDITIONAL PAGES FOR  
CITY OF OXFORD RESIDENTIAL PARKING PERMIT PETITION  
(COPY AS NECESSARY)**

[illegible]

# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: January 3, 2012

Account Code #: 322.811.51001

Budgeted Amount: \$ 253,100

Service Department  
**Originating Department**

Michael Dreisbach, Service Director  
**Prepared By**

December 12, 2011  
**Date Prepared**

**Agenda Title: Materials for High Street Water Main Replacement – Main St. to Campus Ave.**

**Recommendation:** Approve

### Discussion:

The 2012 Capital Improvement Budget includes \$253,100 for the replacement of an existing ten inch cast iron water main under High Street between Main St. and Campus Ave. City Staff will install the new 12" ductile iron pipe and appurtenances prior to the reconstruction of the block of High Street from Main St. to Poplar St. The materials list for this project is attached and labeled "Exhibit A".

City staff prepared plans and specifications for the improvement project and submitted such to the Ohio Environmental Protection Agency (OEPA). The plans were approved by the OEPA and the City advertised for bids in the *Hamilton Journal* and *Oxford Press* on November 25, 2011 and December 2, 2011. Six bids were received by the City and publicly opened on December 9, 2011 with the following results:

|                                         |                      |
|-----------------------------------------|----------------------|
| <b>Utility Service and Supply, Inc.</b> | <b>\$ 143,553.85</b> |
| <b>MSC Waterworks</b>                   | <b>\$ 143,709.78</b> |
| <b>HD Supply</b>                        | <b>\$ 144,059.55</b> |
| <b>Ferguson Supply</b>                  | <b>\$ 151,366.21</b> |
| <b>E J Prescott</b>                     | <b>\$ 159,355.52</b> |
| <b>Utility Sales and Supply</b>         | <b>\$ 159,472.20</b> |

The lowest bid for the specified materials was submitted by Utility Service and Supply, Inc. with a bid of \$143,553.85. Staff is requesting a 10% contingency for this project in the amount of \$14,355. It is Staff's recommendation that the City Council authorize the City Manager to enter into an agreement with **Utility Service and Supply, Inc.** for an amount not to exceed **\$157,908.85**.

With the Council's approval of this expenditure, work on this water main construction project will begin in March 2012. The re-construction of High St. from Main St. to Poplar St. will commence after graduation ceremonies at Miami University in May 2012. That contract has been awarded to Prus Construction Co.

**Approved By:**

Department Head:

Initial Date  
MBD \ 12/12/11

A. City Manager:

MBD \ 12/29/11

## RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH UTILITY SERVICE AND SUPPLY, INC. FOR THE PURCHASE OF MATERIALS TO REPLACE AN EXISTING TEN INCH WATER MAIN UNDER HIGH STREET BETWEEN MAIN STREET AND CAMPUS AVENUE AT A COST OF 143,553.85 PLUS A CONTINGENCY AMOUNT OF TEN PERCENT (10%) OF THE CONTRACT PRICE OR \$14,355.00 FOR A TOTAL COST NOT TO EXCEED \$157,908.85.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: As previously adopted by Council for the City of Oxford, the 2012 Capital Improvement Budget includes \$253,100 for the replacement of an existing ten inch water main under High Street between Main Street and Campus Avenue.

SECTION 2: The City of Oxford advertised a request for bids for the materials to complete the improvements in the *Hamilton Journal* and *Oxford Press* on November 25, 2011 and December 2, 2011.

SECTION 3: After opening the bids on December 9, 2011, the Service Director determined that Utility Service and Supply, Inc. is the lowest and best bidder for the materials listed on Exhibit "A".

SECTION 4: Council hereby finds Utility Service and Supply, Inc. to be the lowest and best bidder and accepts the bid of \$143,553.85 for the materials to replace an existing ten inch water main under High Street between Main Street and Campus Avenue.

SECTION 5: Council hereby authorizes the City Manager to enter into a contract with Utility Service and Supply, Inc. for the purchase of materials to replace an existing ten inch water main under High Street between Main Street and Campus Avenue at a cost of \$143,553.85 plus a contingency amount of ten percent (10%) of the contract price or \$14,355.00 for a total cost not to exceed \$157,908.85.

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

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MAYOR

ADOPTED:

ATTEST:

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CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

# High Street Water Main Materials 2012

EXHIBIT A

| Item    | Description                                               | QTY  | Unit |
|---------|-----------------------------------------------------------|------|------|
| 638     | 12" Water Main CL 53 DI Pipe                              | 1225 | LF   |
| 638     | 10" Water Main CL 53 DI Pipe                              | 20   | LF   |
| 638     | 8" Water Main CL 53 DI Pipe                               | 70   | LF   |
| 638     | 6" Water Main CL 53 DI Pipe                               | 505  | LF   |
| 638     | 4" Water Main CL 53 DI Pipe                               | 320  | LF   |
| 638     | 12" Cross MJ                                              | 1    | Each |
| 638     | 12"x12"x8" Anchor Tee                                     | 2    | Each |
| 638     | 12"x12"x6" Anchor Tee                                     | 6    | Each |
| 638     | 12"x12"x10" Tee                                           | 1    | Each |
| 638     | 12"x12"x6" Tee                                            | 15   | Each |
| 638     | 12"x12"x4" Tee                                            | 11   | Each |
| 638     | 10"x10"x10" Tap Sleeve                                    | 1    | Each |
| 638     | 6"x6"x6" Tap Sleeve                                       | 2    | Each |
| 638     | 8"x8"x8" Tap Sleeve                                       | 2    | Each |
| 638     | 10" RW Tap Valve                                          | 1    | Each |
| 638     | 6" RW Tap Valve                                           | 2    | Each |
| 638     | 8" RW Tap Valve                                           | 2    | Each |
| 638     | 12" RW Valve                                              | 12   | Each |
| 638     | 10" RW Valve                                              | 1    | Each |
| 638     | 8" RW Valve                                               | 2    | Each |
| 638     | 6" RW Valve                                               | 19   | Each |
| 638     | 4" RW Valve                                               | 12   | Each |
| 638     | 3 Piece Road Box, as per plan                             | 54   | Each |
| 638     | 12" Mega Lug                                              | 125  | Each |
| 638     | 10" Mega Lug                                              | 2    | Each |
| 638     | 8" Mega Lug                                               | 10   | Each |
| 638     | 6" Mega Lug                                               | 61   | Each |
| 638     | 4" Mega Lug                                               | 30   | Each |
| 638     | 12" Plug                                                  | 6    | Each |
| 638     | 6" Plug                                                   | 15   | Each |
| 638     | 4" Plug                                                   | 12   | Each |
| 638     | B62-B Fire Hydrant w/ Storz Fittings                      | 3    | Each |
| 638     | 1" "K" Copper                                             | 1200 | Feet |
| 638     | 2" "K" Copper                                             | 40   | Feet |
| Special | 4'x100' Orange Snow Fence                                 | 28   | Each |
| 638     | 6" Grip Tite Gaskets                                      | 3    | Each |
| 638     | 12" Grip Tite Gaskets                                     | 14   | Each |
| 638     | 1" Corp. Stop (Ford Flare F-600-4 or Ford Comp. F-1000-4) | 20   | Each |
| 638     | 1" Curb Stop (Ford B-44-444 Comp. or Ford B-22-444 Flare) | 20   | Each |
| 638     | 2" Corp. Stop (Ford FB-600 or Ford FB-1000)               | 1    | Each |
| 638     | 2" Curb Stop (Ford B22-7777 or Ford B44-777)              | 1    | Each |
| 638     | Curb Box, Tyler- 2 Piece                                  | 31   | Each |
| 638     | 12" D.I. 22.5° Bends                                      | 2    | Each |
| 638     | 12" D.I. 45° Bends                                        | 2    | Each |

# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager: **Douglas Elliott**

**Police**

Originating Department

Council Meeting Of: **January 3, 2012**

**Robert Holzworth**

Account Code No. #: **412.110.52520 (50%)**  
**140.110.52520 (50%)**

Prepared By

Budgeted Amount: **\$43,020**

**December 30, 2011**

Date Prepared

**Agenda Title:** Resolution authorizing the City Manager to enter into a contract with Greve Chrysler Jeep Dodge of Van Vert, Ohio for the purchase of two (2) 2012 Dodge Charger police vehicles at a price not to exceed \$43,020.

**Recommendation:** Pass the resolution

**Discussion:**

This purchase is off the 2012 State of Ohio Purchasing Contract at a price of \$21,510 per vehicle. The Dodge Chargers will replace two 2001 Crown Vic police vehicles (#101 and #102). Unit #102 was scheduled to be auctioned last year but that was delayed due to a transmission problem with another vehicle in the fleet. By ordering now, the vehicles will be delivered in the 1<sup>st</sup> quarter and ready for introduction into our fleet early 2<sup>nd</sup> quarter. While we have no familiarity with the Dodge, local agencies have used them and are quite satisfied with their performance and durability.

**Attachment:** Proposal from Greve Chrysler Jeep Dodge.

**Approved By:**

Department Head:

City Attorney:

City Manager:

Initial Date

 \ 12.30.11  
 \ 12/30/11



## **RESOLUTION NO.**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GREVE CHRYSLER JEEP DODGE FOR THE PURCHASE OF TWO (2) 2012 DODGE CHARGERS AT STATE CONTRACT PRICING AT A COST NOT TO EXCEED \$43,020.00.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: Council hereby authorizes the Police Department to purchase two (2) 2012 Dodge Chargers at State Contract pricing at a cost not to exceed \$43,020.00.

SECTION 2: The City Manager is hereby authorized to enter into a contract with Greve Chrysler Jeep Dodge for the purchase of two (2) 2012 Dodge Chargers at State Contract pricing at a cost not to exceed \$43,020.00.

SECTION 3: Funds have been appropriated for the authorized purchase price.

SECTION 4: This resolution shall take effect at the earliest date allowed by law.

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MAYOR

ADOPTED:

ATTEST:

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CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

**GREVE CHRYSLER JEEP DODGE**  
**756 West Ervin Road**  
**Vari Wert Ohio 45891**  
**866-313-5042**  
**Fax 866-832-4430**

City of Oxford  
11 South Poplar  
Oxford, OH 45056  
Attn: M. Oleary

12/13/11

Please find below our proposal for 2) 2012 Dodge Chargers  
Police vehicles as follows.

|                                               |                |
|-----------------------------------------------|----------------|
| 1) 2012 Dodge Charger per Ohio State Contract | \$21,271.00    |
| CKJ H.D Vinyl floor covering                  | 99.00          |
| GXA Keyed alike                               | 70.00          |
| GUK Heated mirrors                            | <u>70.00</u>   |
| Unit Total                                    | \$21,510.00    |
| Trunk release is standard                     | X2 \$43,020.00 |

Exterior PX8 Black- Interior Black cloth  
Pick Up @ Dealer

Greve Chrysler

# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting Of: January 3, 2012

Account Code No. #:

Budgeted Amount:

Community Development  
**Originating Department**

Jung-Han Chen  
**Prepared By**

December 15, 2011  
**Date Prepared**

|                      |                                                                   |
|----------------------|-------------------------------------------------------------------|
| <b>Agenda Title:</b> | <b>Board of Zoning Appeals Meeting Report – December 14, 2011</b> |
|----------------------|-------------------------------------------------------------------|

|                        |            |
|------------------------|------------|
| <b>Recommendation:</b> | <b>N/A</b> |
|------------------------|------------|

### DISCUSSION:

#### Adjudication Hearing:

**BZA-07-2011 316 W. Vine Street,** Variance to Section 1143.05(c)(1)(B) lot width, **Dave Kellems, Agent, Tom Conrad, Applicant**

The Applicant proposed to construct an additional dwelling unit to an existing single family thus making it a two-family unit at 316 W. Vine. The lot is approximately 53' x 184'. The required minimum lot width for a two-family dwelling is 75'.

Much of the Board's discussion centered on if the request was substantial; the character of the neighborhood; and, whether the property owner had knowledge of the zoning restriction. The Applicant purchased the property in November, 2011 and owns multiple properties in this community.

The BZA made the following Findings of Fact:

- 1.) The property in question **will** continue to yield a reasonable return and **can** be used beneficially without the variance because the property will continue to be used as a single family dwelling.
- 2.) The requested variance **is** substantial (30%).
- 3.) The essential character of the neighborhood **would be** substantially altered, due to the increased off-street parking.
- 4.) The adverse effect on government services was **not applicable**.
- 5.) The standard in reference to whether the owner purchased the property with the knowledge of the zoning restriction is **presumably that the owner was aware of the restriction since the purchase took place in November, 2011**.
- 6.) The Appellant's predicament can **not** be feasibly obviated other than a variance.
- 7.) The spirit and intent behind the zoning requirement **would not** be observed and substantial justice done by granting the variance.
- 8.) No other relevant factors by the Board were considered.

After considering and weighing these facts and circumstances, the Board found that practical difficulty was **NOT** shown sufficient to warrant granting the variance to Section 1143.05(c)(1)(B) and voted 4-1-0 to **DENY** the application.

**BZA-08-2011 5317 College Corner Pike,** Variance to Section 1137.04(a) Expansion of Nonconforming Use, **Clyde Sparks, Applicant**

The Applicant is seeking to build a garage to allow the tenant, his daughter, to have a place to house her vehicle during harsh weather. The proposed garage is to be built behind the existing house on an existing concrete pad and closer to the existing ramp at the rear of the house.

The Board discussed the year in which the neighborhood was zoned as commercial and the year when the residential dwelling was built. Additionally, the Board discussed the general character of the neighborhood and lot coverages in the GB District.

The BZA made the following Findings of Fact:

- 1.) The property in question **will** continue to yield a reasonable return and can be used beneficially without the variance because the property will continue to be used as a single family dwelling.
- 2.) The requested variance **is not** substantial.
- 3.) The essential character of the neighborhood **would not** substantially be altered.
- 4.) The adverse effect on government services is **not applicable**.
- 5.) The standard in reference to whether the owner purchased the property with the knowledge of the zoning restriction; **the building was built prior to the rezoning of this neighborhood**.
- 6.) The Appellants predicament can **not** be feasibly obviated other than a variance.
- 7.) The spirit and intent behind the zoning requirement **would not** be observed and substantial justice done by granting the variance.
- 8.) **No** other relevant factors by the Board were considered.

After considering and weighing these facts and circumstances, the Board found that the practical difficulty was shown sufficient to warrant granting the variance to Section 1137.04(a) and voted 5-0-0 to **approve** the application.

**Old Business:**

None.

**New Business:**

2012 BZA meeting dates were announced.

The next regular meeting is January 18, 2012.

**Approved By:**

Department Head:  
City Attorney:  
A. City Manager:

| Initial | Date     |
|---------|----------|
| JHC     | 12/15/11 |
| WJ      | 12/29/11 |

**CITY OF OXFORD  
STAFF SUMMARY REPORT**

**Report to the City Manager**

Community Development  
**Originating Department**

**Council Meeting Of:** January 3, 2012

**Account Code No. #:**

Jung-Han Chen  
**Prepared By**

**Budgeted Amount:**

December 19, 2011  
**Date Prepared**

|                                                               |
|---------------------------------------------------------------|
| <b>PLANNING COMMISSION MEETING REPORT – December 13, 2011</b> |
|---------------------------------------------------------------|

**Public Hearing:**

**PC-06-2011 Zoning Code Text Amendment-** Chapter 1133 Provisions for Zoning Districts, Adding a New Zoning District and a New Section 1143 Districts, 1143.15 Agricultural Open Space District, **City of Oxford, Applicant**

This new District, Agricultural Open Space (AOS), would allow for the continuance of farming/agriculture in the City. Additionally, this District would be utilized to maintain environmentally sensitive areas and be used as a holding zone when there are no future plans contemplated for the property. The Planning Commission discussed potential issues with this new District. Upon reviewing the Decision Standards, the Planning Commission voted 7-0-0 to recommend approval as presented to City Council.

**PC-07-2011 Zoning Code Text Amendment-** Chapter 1141 Accessory, Temporary, Supplemental and Environmental Regulations, **City of Oxford, Applicant**

This application is to update the existing zoning code that was adopted in 2003. Throughout the years, staff has found various sections to be inconsistent, some needing modifications, consolidation, and some other sections needing to provide additional language. This amendment cleans up this Chapter by making it more clear and thorough.

The Planning Commission spent many months discussing this Chapter and finalized all the suggestions and verbiage for consideration. The zoning code is an evolving document and can and should be amended as circumstances require. The code must reflect the community and needs to be revisited on a regular basis.

One issue related to comments made by the Fire Chief concerning controlled substances, the Planning Commission felt that staff needed to provide some clarification for City Council's consideration. Staff will work with the Law Director to modify that specific verbiage.

The Planning Commission, after the Public Hearing, voted 7-0-0 to recommend approval to City Council.

**PC 08-2011 Zoning Code Text Amendment-** Chapter 1159 Definitions- Section 1159.04(5)(C) and (D) Type A and B Family Day Care Home, Section 1159.07(10) Fraternity/Sorority House, **City of Oxford, Applicant**

The proposed changes are minor in nature and will not alter the essence of the text. Changes to the definition for Family Day Care will now reference the Ohio Administrative Code and clarify that the licensing authority for these types of family day care comes from the Ohio Department of Job and Family Services.

The change to the Fraternity House definition is to remove the “good standing” clause from the definition. The good standing issue relates to behavior and is not related to the use of the land. Therefore, behavioral issues shall be regulated by other City rules and regulations, not by the zoning code.

**New Business:**

There was no new business.

**Other Business:**

**Concept Plan Presentation**

**Knolls of Oxford Solar Array Installation**

Staff presented the Concept Plan submitted by a local company who is planning to install a 30,000 sq. ft. solar array system to supply electrical power to the main building of the Knolls of Oxford. The company shared this information with staff in searching for guidance to determine whether it is a Minor or Major Amendment to an approved Planned Development. The Planning Commission felt that the proposed installation is of a significant scale and would alter the appearance from off of the site and, therefore, cannot be considered a Minor Amendment. The Planning Commission felt this was a good project for pursuing alternative energy, but that the project scope needed to be brought forth for public discussion. The Planning Commission directed staff to work with the company to file the necessary application for installation.

Mayor Keebler announced a joint work session between the Planning Commission and City Council to go over the Planning Commission’s work items. The meeting is scheduled for January 17, 2012.

Before the regular January 10, 2012 Planning Commission meeting, a work session will take place at 6:00 p.m. Election of officers will take place at 7:30 p.m.

**Approved By:**

**Department Head:**  
**City Attorney:**  
**A. City Manager:**

| Initial | Date     |
|---------|----------|
| jhc     | 12/20/11 |
| AB      | 12/29/11 |

# CITY OF OXFORD

## STAFF SUMMARY REPORT

### Report to the City Manager

**Council Meeting of:** January 3, 2012

Service Department  
**Originating Department**

**Account Code #:** N/A

David Treleaven  
**Prepared By**

**Budgeted Amount:** N/A

December 12, 2011  
**Date Prepared**

**Agenda Title:** Environmental Commission Meeting of December 7, 2011

**Recommendation:** For Review and Consideration

#### Discussion:

Environmental Commission members present at the Wednesday, December 7, 2011 meeting were: Chair, Mr. Charlie Ford; Vice-Chair, Mr. Wright Gwyn; City Council Representative, Ms. Kate Rousmaniere; Planning Commission Representative, Mr. Ted Wong; Mr. Vince Hand, Ms. Kelly Church, and Mr. Kevin Armitage. A quorum was present. Also in attendance were Dr. Sandra Woy-Hazleton, observing for the League of Women Voters, and Mr. Greg Rutherford.

Minutes from the November 2, 2011 Commission meetings were unanimously accepted as presented.

Mr. Vince Hand advised the Commission that the Miami University (MU) graduate students' independent study of storm water management in the Western Knolls area had been completed. The USEPA-provided software intended to evaluate the effects and costs of various design-installed and retro-fitted storm water best management practices did not perform as anticipated. The study's conclusions were therefore more subjective than quantitative. Mr. Hand indicated he would distribute copies of the report shortly.

Development of Oxford-specific storm water management regulations was discussed. It was concluded that the Commission's efforts in 2012 should be dedicated to developing storm water regulations revisions. Last year's MU Institute for the Environment and Sustainability public service project on Bull Run Creek erosion and storm water management reportedly had trouble getting interviews with various stake holders that the Commission hopes to engage in the development of the regulations revisions. It was suggested that letters of support from the City Council and/or League of Women Voters for the Commission's efforts might be helpful. The PowerPoint presentation prepared by Vice-Chair Wright Gwyn is to be modified to reflect the focus on storm water research. Councilor Rousmaniere indicated the earliest City Council meeting where the presentation could be shown and Council formally asked for its backing would be January 17, 2012.

The Environmental Commission expressed its gratitude to Mr. Greg Rutherford for his efforts, energy, and expertise while serving on the Commission as the City Council Representative.

The Commission adjourned at 8:20 p.m. The next regularly scheduled meeting of the Environmental Commission is on Wednesday, January 4, 2012 at 7:00 p.m. in the Municipal Building's Second Floor Conference Room.

**Approved By:**

Department Head:

Initial Date  
[Signature] 12/14/11

A. City Manager:

[Signature] 12/29/11

A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, December 6, 2011 at 7:00 p.m. Those members present were Ken Bogard, Bob Blackburn, John Harman, Kevin McKeehan, Kate Rousmaniere and Steve Snyder

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director; Mr. Bob Holzworth, Interim Police Chief; Mr. Jung-Han Chen, Community Development Director; Mr. Joe Newlin, Finance Director; Mr. Alan Kyger, Economic Development Director; Mr. John Detherage, Fire Chief; Ms. Gail Brahier, Parks and Recreation Director; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Clerk of Council.

Mayor Keebler welcomed the two new Council members, Ms. Kate Rousmaniere, and Mr. Steve Snyder, and noted tonight was their first regular Council meeting.

### **PLEDGE OF ALLEGIANCE**

Mayor Keebler called for the Pledge of Allegiance.

### **APPROVAL OF AGENDA**

Mr. McKeehan moved to approve the agenda. Mr. Blackburn seconded. The motion passed 7-0-0.

### **PUBLIC PARTICIPATION**

#### **RECOGNITION** **FORMER COUNCILORS**

Mayor Keebler read and presented Resolution No. 4648 to Kate Currie, commending her for her service to the City of Oxford and its residents. Mayor Keebler also presented Ms. Currie with a token of appreciation on behalf of Council and City staff.

Ms. Kate Currie, thanked all of her fellow Councilors and prior Councilors as well as City staff for making her four years on Council delightful from start to finish. Ms. Currie noted she appreciated everyone's assistance.

Mayor Keebler read and presented Resolution No. 4649 to Greig Rutherford, commending him for his service to the City of Oxford and its residents. Mayor Keebler also presented Mr. Rutherford with a token of appreciation on behalf of Council and City staff.

Mr. Greig Rutherford, thanked Council, staff and the citizens for allowing him to serve them and noted he prayed Council served them well. Mr. Rutherford noted Council had many challenges before them and he knew they were up to the task. Mr. Rutherford advised it had been an honor for him to serve the City of Oxford.



**SWEARING-IN**  
**POLICE OFFICER/POLICE SERGEANT**

Chief Holzworth thanked Council for allowing time on their agenda for the swearing-in of a new Police Officer and for participating in the promotion of a Police Officer to a Police Sergeant. Chief Holzworth noted it had been a pivotal year in the Oxford Police Department with five retirements.

Chief Holzworth introduced Mr. Mark Ledermeier and noted he was the third new hire this year. Chief Holzworth noted Mr. Ledermeier graduated from Northern Kentucky University with a degree in sociology and attended Great Oaks Police Academy. Chief Holzworth advised after graduation Mr. Ledermeier took a position as a Police Officer at the College of Mount Saint Joseph. Chief Holzworth advised Mr. Ledermeier's hire date for the City of Oxford was yesterday. Chief Holzworth noted Mr. Ledermeier wanted Council to know he was a reliable, hard working individual who was excited to be working in the City of Oxford as a police officer. Chief Holzworth advised he felt Mr. Ledermeier would serve the City well.

Chief Holzworth advised Mr. Geoff Robinson had been employed as a patrol officer since 2006 and was assigned to the criminal investigation unit in 2009. Chief Holzworth noted Mr. Robinson excelled in that capacity and it was a pleasure to present him to Council as he came extremely well qualified to fill the Police Sergeant position. Chief Holzworth noted this had been a very competitive process and he felt Mr. Robinson would serve the City well.

Mr. McHugh performed the swearing-in of Mark Ledermeier, Police Officer and Geoff Robinson, Police Sergeant.

After Council congratulated Mr. Ledermeier and Mr. Robinson, Chief Holzworth presented them with their new badges.

**PUBLIC COMMENTS**

**Ms. Kate Currie**, 420 W. Vine Street, invited Ms. Valerie Elliott to join her at the podium. Ms. Currie noted as part of Oxford's Bicentennial celebration in 2010, Ms. Elliott coordinated with historians and local contributors to submit 24 different articles to be printed in the Oxford Press throughout that year. Ms. Currie advised the articles had been compiled into a book which she provided Council and staff a copy of and noted complimentary copies would also be given to former Council members and the contributors. Ms. Currie advised copies would be for sale at the Smith Library and at the Oxford Visitors and Convention Bureau.

**Ms. Valerie Elliott**, acknowledged the contributors who were in attendance, Terry Beck, for her article on the history of "Ox-Act", Marjorie Bowers for her article on Caroline Scott Harrison and Terriel Byrd (Karen Byrd) for his article on four historically black churches in Oxford. Ms. Elliott thanked Ms. Currie for all of her efforts in converting 24 articles into a book and Mr. Ellison for his editorial assistance. Ms. Currie thanked her husband (Brian) for designing the cover.

Mayor Keebler thanked Ms. Currie, Ms. Elliott and the Bicentennial Committee for all of their efforts.

**Ms. Amy Macechko**, 37 Jeffrey Drive, advised she was the Health and Wellness Coordinator for the Talawanda School District. Ms. Macechko noted her position was a partnership with the local Coalition for a Health Community whose purpose was to engage all sectors of the community using multiple strategies to promote a healthy and safe community for everyone to work and play in. Ms. Macechko thanked the community for their support of this year's Red Ribbon Week celebration which was a national campaign designed to increase awareness about the dangers of substance use and the benefits of living a drug-free, healthy lifestyle. Ms. Macechko noted in connection with Red Ribbon Week, Talawanda and Miami students as well as community members participated in the "Plant the Promise" project by planting nearly 3,000 red tulip bulbs throughout the community to serve as a visual reminder to everyone of the commitment that the youth in the community had made to live a healthy lifestyle. Ms. Macechko advised she planned to return to address Council in the spring to remind everyone of what the red tulips stood for and she was excited to see the beauty of Oxford come spring.

Mayor Keebler thanked Ms. Macechko for addressing Council on this initiative.

**Ms. Kelly Quinn and Ms. Christina Miller**, addressed Council on behalf of the Farmer's Market. Ms. Miller noted she was a new member of the Farmer's Market Council. Ms. Miller thanked Council for the use of Lot 52 for the 2011 Farmer's Market season. Ms. Miller advised the market had been successful in 2011 with between 600 and 700 people in attendance each week. Ms. Miller noted the market held its annual meeting in November in conjunction with the Cultivating Community Festival held at the Oxford Community Arts Center which was well attended. Ms. Miller advised people could support the market over the winter every third Saturday of the month beginning at 9:30 a.m. Ms. Miller noted the 2012 Farmer's Market would be held in the same location in Uptown Oxford. Ms. Miller presented the City with a check in the amount of \$250.00 on behalf of the Farmer's Market to acknowledge the City's support for the event.

Mayor Keebler advised legislation was on the consent agenda for Council to consider approving the use of Lot 52 for the 2012 Farmer's Market season.

## **CONSENT AGENDA**

### **MINUTES**

Minutes of the November 15, 2011 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Minutes of the November 29, 2011 City Council Organizational Meeting. (Mary Ann Eaton, Clerk of Council)

### **REPORTS**

Report regarding the November 14, 2011 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)

Report regarding the November 16, 2011 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the November 17, 2011 Recreation Board Meeting. (Gail Brahier, Parks and Recreation Director)

## **RESOLUTIONS**

### **RESOLUTION** **FARMER'S MARKET**

A Resolution No. 4650 authorizing the City Manager to close Lot 52 on Saturdays, from 5:00 a.m. to 12:30 p.m., from May 5, 2012 through November 24, 2012 to permit the operation of the Farmer's Market within Lot 52 during said time. (Mary Ann Eaton, Clerk of Council)

### **RESOLUTION** **WINTER MARKET**

A Resolution No. 4651 authorizing the City Manager to close Lot 52 on Saturday, January 21, 2012, Saturday, February 18, 2012, Saturday, March 17, 2012, Saturday, April 21, 2012 and Saturday, December 15, 2012 from 5:00 a.m. to 12:30 p.m., to permit the operation of the Winter Farmer's Market within Lot 52 during said time. (Mary Ann Eaton, Clerk of Council)

Mr. Blackburn moved to approve the consent agenda. Mr. Snyder seconded. The motion passed 7-0-0.

### **RESOLUTION** **AGREEMENT WITH** **MILFORD TOWNSHIP**

A Resolution No. 4652 authorizing the City Manager to enter into a new agreement with Milford Township, Butler County, Ohio and authorizing the City of Oxford to provide Emergency Medical Services to the western portion of Milford Township pursuant to the agreement. (Doug Elliott, City Manager)

Mr. Elliott addressed his staff report as presented on page 31 of the agenda. Mr. Elliott noted after negotiations with the Milford Township Trustees, he was recommending that Council authorize him to enter into a new one year agreement with Milford Township authorizing the City of Oxford to provide Emergency Medical Services to the western portion of Milford Township. Mr. Elliott advised the contract amount would be \$8,200 which was a 32% increase over the current contract.

Ms. Rousmaniere noted the price for the City of Oxford to provide emergency medical services to Milford Township had been \$400 and asked Mr. Elliott to provide the background on the matter.

Mr. Elliott advised the City had a volunteer fire operation for many years and when the City shifted to a part-time fire and emergency medical operation the costs went up dramatically and the City now spent over \$1,000,000 per year for Fire and EMS.

Mr. Elliott advised the City approached Oxford Township and Milford Township over a year ago about the contracts, provided them with different scenarios, and looked at how to arrive at an equitable amount for sharing in the cost. Mr. Elliott noted staff looked at the number of runs in each jurisdiction and subtracted the revenue the City received from EMS billing to determine what a fair amount was to charge each jurisdiction. Mr. Elliott advised the Milford Township Trustees had already signed the new agreement.

Mr. Snyder inquired when the townships might be approached to discuss the next contract and Mr. Elliott advised on or before July 1, 2012.

Mr. Harman noted he was pleased with the negotiations with Milford Township.

Mr. Blackburn moved to adopt Resolution No. 4652. Mr. Harman seconded. The motion passed 7-0-0.

**RESOLUTION**  
**CONTRACT WITH**  
**PRUS CONSTRUCTION**

A Resolution No. 4653 accepting the bid submitted by Prus Construction Co. and authorizing the City Manager to enter into a contract with Prus Construction Co. for the reconstruction of High Street between Main Street and Poplar Street at a cost of \$488,101.00 plus a contingency amount of ten percent (10%) of the contract price or \$48,810.00 for a total cost not to exceed \$536,911.00. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the Engineering Division had drawn plans and specifications for the reconstruction of High Street between Main and Poplar Streets which included the block in front of the Uptown pavilion. Mr. Dreisbach noted there were a lot of summertime activities at the pavilion and staff was very cognizant of that and the impact to businesses along High Street. Mr. Dreisbach advised the City advertised for bids which included an accelerated deadline to get the project done as soon as possible. Mr. Dreisbach noted the lowest bidder (Prus Construction) included a 10,000 surcharge to complete the project 2 weeks early. Mr. Dreisbach advised staff was recommending that Council authorize the bid for \$488,101 for the accelerated deadline as submitted by Prus Construction. Mr. Dreisbach noted the Water Distribution Division would install a new water main in advance of the project starting in March 2012 and the road would be closed after Miami's graduation and reopen by July 15, 2012.

Mr. Blackburn inquired if the construction would begin at Main Street or Poplar Street and Mr. Dreisbach advised Main Street.

Mr. Snyder inquired what would happen if the July 15 deadline was not met. Mr. Dreisbach advised if the deadline was missed due to poor weather conditions there would be no penalty but if it was missed for other reasons there would be a daily penalty charged starting July 16, 2012.

Mr. Bogard inquired if the City would notify ODOT to reroute trucks during the construction. Mr. Dreisbach advised, and noted the City would maintain a detour.

Mr. McKeehan inquired if Prus Construction had done brick paving in Oxford.

Mr. Dreisbach advised the brick work would be sub-contracted to the same company who had done the other two blocks of High Street.

Mayor Keebler noted he felt it was appropriate to move forward using the accelerated deadline especially due to the impact on the Uptown businesses.

Mr. Dreisbach noted it was Mr. Kyger's idea to ask for a bid that included pricing for the accelerated deadline as he was very concerned about the impact to businesses along High Street.

Mr. Harman moved to adopt Resolution No. 4653. Mr. Bogard seconded. The motion passed 7-0-0.

### **ORDINANCES** **SECOND READING**

An Ordinance No. 3164 Amending Ordinance No. 3130. Supplemental Budget Ordinance Number 4 To Make Supplemental Appropriations For Fiscal Year 2011. (Joe Newlin, Finance Director)

Mr. Newlin noted he discussed the proposed Ordinance at length during the first reading and had no new information to add.

Mr. Snyder moved to adopt Ordinance No. 3164. Mr. Harman seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Bogard, Mr. Harman, Mr. McKeegan, Ms. Rousmaniere, Mr. Snyder,  
Mr. Blackburn, Mr. Keebler (7)

NAY: None (0)

ABS: None (0)

### **ANNOUNCEMENTS**

Mr. Elliott congratulated Ms. Currie for her efforts in coordinating events for the City's Bicentennial in 2010. Mr. Elliott noted she had a small budget and accomplished some big things from the event the beginning of the year at the Community Arts Center to the publication of the book she shared with Council this evening.

Mr. Elliott congratulated Mr. Newlin and the Finance Department staff for receiving the certificate of achievement for excellence in financial reporting. Mr. Elliott noted the award was for the City's Comprehensive Annual Financial Report (CAFR) and the City had received this award 27 times.

Mr. Elliott provided an update on the Miami Heritage Tech Park annexation and noted the Butler County Commissioners would review the annexation petition at their meeting on Thursday.

Mr. Elliott provided an update regarding House Bill 50 which dealt with revisions to the expedited type II annexation procedure as it applied to political subdivisions that own land in territory proposed for annexation.

Mr. Elliott provided an update regarding an effort by the state legislature to centralize the collection of municipal income tax and look at the uniformity of the tax base. Mr. Elliott advised the municipal income tax was the basis for the City's General Fund and noted his hope the legislature would carefully review the effort and allow input from the municipalities.

Mr. Dreisbach referred to the Resolution passed earlier this evening for the reconstruction of High Street and noted the Engineering Division applied for and obtained a reimbursement grant in the amount of \$340,000 for the project.

Ms. Brahier thanked all of the businesses and organizations that participated in the Holiday Festival noting it was a very successful event. Ms. Brahier thanked the Talawanda School District for providing the choruses and thanked the band boosters for their assistance. Ms. Brahier also thanked Tim McGowan and Paige Wood for their commitment to the youth in the community on Friday night and Saturday.

Ms. Brahier welcomed the new Council members and noted she looked forward to a productive 2012.

Mayor Keebler noted the Holiday Festival was a nice event and he was glad to see so many families in attendance.

Mr. Harman thanked Ms. Brahier for getting the Adidas event back in Oxford noting it was a huge economic benefit for the community.

Mayor Keebler advised the December 20, 2011 City Council meeting was cancelled as there was no pending legislation or second readings. Mayor Keebler advised the next meeting was January 3, 2012 and a Work Session was tentatively scheduled at 6:30 p.m. on January 3<sup>rd</sup> to discuss matters with the Planning Commission. Mayor Keebler advised a Work Session was also tentatively scheduled for January 17<sup>th</sup> to discuss term limits for boards and commissions.

Mayor Keebler wished everyone a Merry Christmas and happy holidays and noted he looked forward to getting back to business on January 3<sup>rd</sup>.

Mr. Bogard wished everyone happy holidays, a happy new year, and safe traveling for those leaving Oxford.

Ms. Rousmaniere wished everyone happy holidays and noted she was pleased to be a new Council member.

Ms. Rousmaniere discussed a program sponsored by the Oxford Senior Center and a Capstone Class from Miami University called 'Staying Well by Doing Good' which was a walking based volunteer program. Ms. Rousmaniere advised the program matched up people who needed assistance with people who wanted to exercise.

Ms. Rousmaniere noted some examples such as people who needed a walking buddy, people who needed assistance pushing their wheelchair, people who needed a dog walked, trash taken out or litter picked up. Ms. Rousmaniere encouraged those interested in participating to call the Oxford Senior Center.

Mr. Harman wished everyone happy holidays.

Mr. Harman advised it had been a tough year and thanked the City Department Heads and staff for doing their jobs with less money. Mr. Harman advised everyone had met the challenge and noted he felt they would continue to do so.

Mr. Snyder advised during the recent election there was a discrepancy in the filing dates for petitions between the City Charter and the State of Ohio. Mr. Snyder noted his hope the matter would be addressed during the next Charter Review. Mr. Snyder advised the Butler County Board of Elections was using an outdated nominating petition for City Council candidates that required a nominating committee and that requirement had been changed in the Charter. Mr. Snyder noted there were enough decisions to be made in deciding to run for City Council and anything that could be done to make that an easier endeavor would be greatly appreciated.

Mr. Snyder wished everyone happy holidays and noted he was pleased to be back on City Council.

Mr. McKeehan advised the Oxford Lion's Club was holding its annual Christmas Tree sale Uptown to benefit vision and other projects around the City for youth and adults. Mr. McKeehan noted this year people could receive \$1.00 off of their Christmas Tree for each canned or non-perishable food item they donated up to \$5.00. Mr. McKeehan advised the donated food would be given to the Oxford Community Choice Pantry.

Mr. McKeehan wished everyone Happy Holidays and Merry Christmas.

Mr. Blackburn wished everyone Merry Christmas and a Happy New Year and noted the town looked beautiful with all of the decorations.

Mr. Blackburn congratulated Mr. Newlin and the Finance Department for receiving the certificate of achievement for excellence in financial reporting. Mr. Blackburn noted the new format for City water bills looked good. Mayor Keebler noted the format was changed due to new postal regulations.

### **ADJOURN**

Mr. Bogard moved to adjourn at 8:35 p.m. Mr. Harman seconded. The motion passed 7-0-0.

# CITY OF OXFORD

## STAFF SUMMARY REPORT

**Report to the City Manager**

Clerk of Council

**Originating Department**

**Council Meeting Of:** January 3, 2012

Mary Ann Eaton

**Account Code No. #:** N/A

**Prepared By**

**Budgeted Amount:** N/A

December 19, 2011

**Date Prepared**

**Agenda Title:** Notice to Legislative Authority - Transfer permit from Fisher Lundgren & Slaughenhaupt Inc 10 E. Walnut Street 1<sup>st</sup> Floor Oxford, Ohio 45056 to Blazin Wings Inc DBA Buffalo Wild Wings Grill and Bar 10 E. Walnut Street Oxford, Ohio 45056.

**Recommendation:** N/A

**Discussion:**

The permit is for:

D2- Wine and mixed beverages for on premises consumption or in sealed containers for carryout.

D2X- Beer only for on premises consumption or in sealed containers for carryout.

D3 - Spirituous liquor for on premises consumption only until 1:00 a.m.

D3A - Extend issued permit privileges until 2:30 a.m.

D6 - Sale of intoxicating liquor on Sunday between the hours of 10:00 a.m. or 11:00 a.m. and midnight.

This transfer will go through the normal process with all required inspections being conducted by the Ohio Liquor Commission.

**Approved By:**

**Initial Date**

**Department Head:**

**City Attorney:**

**Acting City Manager:**

                      
                      
MBE 12/29/11



NOTICE TO LEGISLATIVE  
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

|                  |     |             |        |                                                                                                      |
|------------------|-----|-------------|--------|------------------------------------------------------------------------------------------------------|
| 07527840235      |     |             | TRFO   | BLAZIN WINGS INC<br>DBA BUFFALO WILD WINGS GRILL & BAR<br>10 E WALNUT ST 1ST FL<br>OXFORD OHIO 45056 |
| PERMIT NUMBER    |     |             | TYPE   |                                                                                                      |
| 06               | 01  | 2011        |        |                                                                                                      |
| ISSUE DATE       |     |             |        |                                                                                                      |
| 12               | 13  | 2011        |        |                                                                                                      |
| FILING DATE      |     |             |        |                                                                                                      |
| D2 D2X D3 D3A D6 |     |             |        |                                                                                                      |
| PERMIT CLASSES   |     |             |        |                                                                                                      |
| 09               | 088 | A           | F06786 |                                                                                                      |
| TAX DISTRICT     |     | RECEIPT NO. |        |                                                                                                      |

FROM 12/15/2011

|                  |     |             |      |                                                                                   |
|------------------|-----|-------------|------|-----------------------------------------------------------------------------------|
| 42631990010      |     |             |      | FISHER LUNDGREN & SLAUGHENHAUPT INC<br>10 E WALNUT ST 1ST FL<br>OXFORD OHIO 45056 |
| PERMIT NUMBER    |     |             | TYPE |                                                                                   |
| 06               | 01  | 2011        |      |                                                                                   |
| ISSUE DATE       |     |             |      |                                                                                   |
| 12               | 13  | 2011        |      |                                                                                   |
| FILING DATE      |     |             |      |                                                                                   |
| D2 D2X D3 D3A D6 |     |             |      |                                                                                   |
| PERMIT CLASSES   |     |             |      |                                                                                   |
| 09               | 088 |             |      |                                                                                   |
| TAX DISTRICT     |     | RECEIPT NO. |      |                                                                                   |

RECEIVED

DEC 1 2011

City of Oxford



MAILED 12/15/2011

RESPONSES MUST BE POSTMARKED NO LATER THAN. 01/17/2012

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

A TRFO 0752784-0235

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF OXFORD CITY COUNCIL  
101 E HIGH ST  
OXFORD OHIO 45056

## SECTION 3

## CORPORATION/STOCK DATA VERIFICATION

CORPORATE NAME **BLAZIN WINGS INC** TOTAL SHARES HELD **1000.00** PERMIT # **0752784-0005**  
 RENEWAL YEAR **JUNE 2011-2012**

| STOCKHOLDERS HOLDING<br>5% OR MORE OF OUTSTANDING SHARES | LAST FOUR DIGITS OF<br>SOCIAL SECURITY # | SHARES  | TITLE      | BIRTHDATE |
|----------------------------------------------------------|------------------------------------------|---------|------------|-----------|
| LARGE CORPORATION                                        | *****8996                                | 0.00    | VICE PRES. | 01/22/60  |
| JAMES SCHMIDT                                            | *****5915                                | 1000.00 |            |           |
| BUFFALO WILD WINGS INC                                   | *****9836                                | 0.00    | SECR-TREA. | 10/28/60  |
| MARY J TWINEM                                            | *****7672                                | 0.00    | VICE PRES. | 10/14/65  |
| MATTHEW K BROKL                                          | *****8180                                | 0.00    | PRESIDENT  | 01/07/58  |
| SALLY J SMITH                                            |                                          |         |            |           |

IF INFORMATION LISTED ABOVE IS NOT ACCURATE, PLEASE INDICATE CHANGES BELOW.

| NAME | SOCIAL SECURITY # | SHARES | TITLE | BIRTHDATE |
|------|-------------------|--------|-------|-----------|
|      |                   |        |       |           |
|      |                   |        |       |           |
|      |                   |        |       |           |
|      |                   |        |       |           |
|      |                   |        |       |           |
|      |                   |        |       |           |
|      |                   |        |       |           |

COMPLETE THE CURRENT LIST OF YOUR TOP (4) OFFICERS.  
 IF NO ONE HOLDS THAT OFFICE, INDICATE 'NONE'. PLEASE PRINT OR TYPE.

CEO/PRESIDENT \_\_\_\_\_ SOCIAL SECURITY# \_\_\_\_\_  
 VICE-PRESIDENT \_\_\_\_\_ SOCIAL SECURITY# \_\_\_\_\_  
 TREASURER \_\_\_\_\_ SOCIAL SECURITY# \_\_\_\_\_  
 SECRETARY \_\_\_\_\_ SOCIAL SECURITY# \_\_\_\_\_

EOE/ADA SERVICE PROVIDER  
 FOR TTY USERS, DIAL ORS 1-800-750-0750