City of Oxford OHIO
HOME OF MIAMI UNIVERSITY

Agenda

Oxford City Council

Court House

TUESDAY, JUNE 17, 2008

EXECUTIVE SESSION

1. Roll Call. Prudence Z. Dana, Mayor; Ken Bogard, Vice-Mayor; Doug Ross, Kate Currie, Alysia Fischer,
Richard Keebler, Greig Rutherford

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

REGULAR MEETING
6:00 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

3. Public Participation.

   A. Swearing-In - Mr. John Jones, Police Sergeant

   B. Presentation - Butler County MRDD - Holly Boyd

   C. Appointments to Boards and Commissions

   D. Proclamation - Relay for Life

   Proclamation

   E. Public Hearing - Year 2009 Tax Budget (Joe Newlin, Finance Director)

   F. 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 June 3, 2008 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)

   06.03WSMinutes

   B. Minutes of the June 3, 2008 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council)

   6/3/08 Minutes

   C. Report regarding the June 4, 2008 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

   HAPC Report

   D. Report regarding the June 4, 2008 Uptown Revitalization Committee Meeting. (Jung-Han Chen, Community Development Director)

   D. Uptown Revitalization Committee Report

5. Resolutions.

   A. A Resolution authorizing the City Manager to enter into a Frequency Reconfiguration Agreement with Nextel West Corp. (Steve Schwein, Police Chief)

   Staff Report and Resolution

6. Ordinances. - Ordinances are adopted using a two-step procedure. First reading introduces the Ordinance and provides an opportunity for public input on the subject as well as allowing Council to request more information as needed. Second reading is to provide Council with the opportunity to consider new information and to deliberate.

A. First Reading.

1.An Ordinance To Approve Current Replacement Pages To The Oxford Codified Ordinances. (Mary Ann Eaton, Deputy Clerk of Council)

Staff Report

Ordinance

2.An Ordinance Repealing Oxford Code Of Ordinances Section 181.10 And Adopting New Oxford Code Of Ordinances Section181.10; Including New Subsection (e). (Joe Newlin, Finance Director)

Staff Report and Ordinance

3.An Ordinance Accepting The Planning Commission's Recommendation To Deny The Preliminary Subdivision Application For A Residential Subdivision On South Campus Avenue In the R2MS (Single and Two-Family Mile Square Residential) District. (Jung-Han Chen, Community Development Director) (Tabled)

Staff Reports/Documentation/Legislation

B. Second Reading.

1.An Ordinance Authorizing The Tax Budget For The Year 2009 And Directing That The Same Be Transmitted To The Butler County Auditor. (Joe Newlin, Finance Director)

Staff Report/Legislation

2.An Ordinance Repealing Current Section 521.12 Outdoor Furniture Restriction And Adopting New Section 521.12 Outdoor Furniture Restriction, Reducing The Penalty For Violation. (Jung-Han Chen, Community Development Director)

Staff Report and Legislation

3.An Ordinance Amending The Oxford Code Of Ordinances By Repealing Chapter 1301, Ohio Building Code And Adopting New Chapter 1301, Ohio Building Code. (Jung-Han Chen, Community Development Director)

Staff Reports and Legislation

4.An Ordinance Repealing Oxford Zoning Code Section 1141.03, Supplemental Regulations, And Adopting New Section 1141.03, Supplemental Regulations. (Jung-Han Chen, Community Development Director)

Staff Report and Legislation

Supporting Documentation

7. Announcements and Communications. The comments expressed by individual members of Council or City staff during the 'Announcements' 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.

   A. Announcements.

      1.Remarks from City Council and City staff.

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

   WED - Jun 18 Board of Zoning Appeals 7:30 p.m.

   FRI - Jun 20 Community Improvement Corporation 12:00 p.m. LCNB 2nd Floor Meeting Room

   TUES - Jun 24 HAPC and HAC Open House 5:00 p.m. Oxford Community Arts Center

   MON - Jun 30 Comprehensive Plan Steering Committee Meeting 6:00 p.m.

   WED - Jun 25 Civil Service Commission Meeting 7:30 p.m.

   TUES - July 01 City Council Meeting (Cancelled)

   WED - July 02 Historic and Architectural Preservation Commission Meeting 7:30 p.m.

   FRI - July 04 Holiday - City offices Closed

   TUES - July 08 Records Commission Meeting 5:30 p.m. Municipal Building 2nd Floor Conference Room

   TUES - July 08 Planning Commission Meeting 7:30 p.m.

   TUES - July 15 City Council Meeting 7:30 p.m.

   WED - July 16 Board of Zoning Appeals Meeting 7:30 p.m.

   FRI - July 18 Community Improvement Corporation 12:00 p.m. LCNB 2nd Floor Meeting Room

   MON - July 21 Housing Advisory Commission 7:00 p.m. Municipal Building 2nd Floor Conference Room

   WED - July 23 Civil Service Commission Meeting 7:30 p.m.

8. Adjourn

the American Cancer Society is a nationwide community-based, volunteer run health organization, dedicated to eliminating cancer as a major health concern by striving to prevent cancer, save lives, and diminish suffering from cancer through research, education, advocacy and service; and

WHEREAS, Relay For Life is the American Cancer Society's nationwide signature activity and a 'Celebration of Life' where we 'Celebrate, Remember and Fight Back'; and

WHEREAS, because cancer never sleeps, Relay For Life teams spend the night camping out, enjoying music and family activities together, while team members walk around a track relay-style for the duration of this event; and

WHEREAS, Relay for Life and has surpassed $1 billion in funds raised since the first Relay for Life was held in 1985; and

WHEREAS, the Oxford, Ohio Relay for Life event will be held Saturday and Sunday, June 21-22, 2008 and will honor cancer survivors; and

WHEREAS, Relay for Life provides an opportunity for community camaraderie and unity in the fight against cancer.

NOW, THEREFORE, I, Ken Bogard, Vice Mayor of the City of Oxford, Ohio, do hereby proclaim June 21-22, 2008 as days in recognition of **'The American Cancer Society Oxford Relay for Life'** and encourage all citizens to participate in the event.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 13th day of June, 2008.

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KEN BOGARD, VICE MAYOR

A work session of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, June 3, 2008 at 6:00 P.M. Those Council members present were, Ken Bogard, Alysia Fischer, Kate Currie, Richard Keebler and Greig Rutherford. Doug Ross arrived at 6:13 p.m.

Staff members present: Doug Elliott, City Manager; Mike Dreisbach, Service Director; Alan Kyger, Economic Development Director; Joe Newlin, Finance Director; Jung-Han Chen, Community Development Director; Steve McHugh, Law Director and Mary Ann Eaton, Deputy Clerk of Council.

APPROVAL OF AGENDA

Mr. Keebler moved approval of the Agenda. Ms. Fischer seconded. The motion carried 6-0-0.

The purpose of the Work Session was for Council to receive information and history regarding vacated right-of-ways in the Uptown District and to discuss options for handling requests to use the right-of-way in the future.

Mr. Elliott provided a brief history of the vacation by the City of 16.5 feet on several Oxford Streets noting the City gave up rights to the property with restrictions. Mr. Elliott noted there had been several requests to use the vacated areas for development and Council's input on the matter was needed. Mr. Elliott inquired if Council wanted these requests to continue going before the BZA for variance consideration.

Council discussed restricting these requests to the Uptown District and Mr. Bogard noted residential and commercial requests would be different. Mr. Bogard noted the need for flexibility for renovations.

Ms. Fischer inquired if this would be a ballot issue and Mr. McHugh advised no.

Mr. Rutherford suggested establishing a 10 foot conditional use permit and Council discussed the difficulty of defining the decision standards for such a permit.

Mr. Rutherford also suggested creating an Urban PUD.

Mr. McHugh inquired if 16.5’ was a proper set-back.

Ms. Fischer suggested contacting the people who worked on the streetscape initiative for their input.

Mr. Elliott asked Council to consider a reduction in the 16.5’ set-back or a conditional use with reduction in the Uptown District.

Mr. Bogard advised funds were available through OKI for streetscapes.

ADJOURNMENT

Mr. Rutherford moved to adjourn at 7:03 p.m. Mr. Ross seconded. The motion carried 7-0-0.

A regular meeting of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, June 3, 2008 at 7:30 p.m. Those members present were Ken Bogard, Kate Currie, Richard Keebler, Alysia Fischer, Doug Ross and Greig Rutherford.

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

ADJOURN TO EXECUTIVE SESSION

Mr. Rutherford moved to adjourn to Executive Session at 7:03 p.m. in accordance with Ohio Revised Code section 121.22 (G) for the purpose of discussing (1) Appointments to Boards Commissions (3) Pending litigation and (6) Collective Bargaining. Mr. Ross seconded. The motion passed by the following roll call:

AYE: Ms. Currie, Mr. Ross, Ms. Fischer, Mr. Keebler, Mr. Bogard, Mr. Rutherford, Ms. Dana (7)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Bogard moved to return from Executive Session at 7:28 p.m. Ms. Fischer seconded. The motion passed by the following roll call:

AYE: Ms. Fischer, Mr. Rutherford, Mr. Keebler, Ms. Currie, Mr. Bogard, Mr. Ross, Ms. Dana (7)

NAY: None (0)

ABS: None (0)

PLEDGE OF ALLEGIENCE

Mayor Dana requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Ms. Fischer moved to amend the agenda by adding Appointments to Boards and Commissions as Item 3.E. and renumbering Public Comments as Item 3.F. Ms. Currie seconded. The motion passed 7-0-0.

Ms. Fischer moved to approve the agenda as amended. Ms. Currie seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

SWEARING IN

Mr. McHugh performed the Swearing-In of Police Lieutenant, Thomas G. Horvath. Lt. Horvath thanked Council for their support and introduced members of his family who were in attendance.

PROCLAMATION
LEN ENDRESS DAY

Mayor Dana read the Proclamation and presented it to former Fire Chief, Len Endress who retired on May 31, 2008. Mr. Endress thanked Council and members of the Fire Department for their support during his tenure as Fire Chief.

PROCLAMATION
JOHN BUCHHOLZ DAY

Mayor Dana read the Proclamation and presented it to former Detective Sergeant, John Buchholz who retired on 25, 2008. Mr. Buchholz thanked Council and members of the Police Department for their support during his tenure at the City of Oxford.

PROCLAMATION
MATT FRANKE DAY

Mayor Dana read the Proclamation for former Police Sergeant, Matt Franke who retired on May 31, 2008. Mayor Dana noted Mr Franke was unable to accept the Proclamation in person.

APPOINTMENTS TO
BOARDS AND COMMISSIONS

Mr. Bogard moved to reappoint Marvin Hurston to the Planning Commission for a term expiring June 30, 2013 and to appoint Ted Wong to the Planning Commission effective June 30, 2008 for a term expiring June 30, 2013 and to appoint Richard Norman to the McCullough-Hyde Memorial Hospital Board of Trustees. Ms. Fischer seconded. The motion passed 7-0-0.

PUBLIC COMMENTS

Ms. Jenny Gelber, 5508 Brown Road, noted she was a member of the Oxford Township Land Use Planning Committee although she was speaking to Council as a Township resident. Ms. Gelber advised the Oxford Township Comprehensive Land Use Plan was now on line and interested parties could go to development.butlercountyohio.org to find the link to view it. Ms. Gelber noted the plan was going before the Butler County Planning Commission for adoption on June 10, 2008 at 3:00 p.m. at the Government Services Building and inquired if anyone from the City would be in attendance to speak to it. Ms. Gelber suggested a joint meeting or Work Session be scheduled for the Township and City Council to discuss the plan.

Mayor Dana advised the City would be represented noting members of Council had not seen the final plan yet. Mayor Dana advised Council was committed to having a joint meeting when the City's Comprehensive Plan Update was complete to discuss joint cooperation and initiatives.

Mr. Larry Frimerman, 292 Ryan Drive, Oxford Township Trustee, thanked Council for appointing a Council representative (Mr. Bogard) to serve on the Oxford Township Land Use Planning Committee. Mr. Frimerman also thanked Council for allowing him to serve on the City's Comprehensive Plan Update Committee. Mr. Frimerman noted on behalf of the Trustees, they could make a presentation regarding their plan at a future Council Meeting or Work Session.

Mr. Dana Saulnier, 4485 Shollenbarger Road, inquired if Council had collectively debated and formed a position regarding the connector road.

Mayor Dana advised this Council had not and noted previous Councils had affirmed the road. Ms. Dana noted a Work Session was scheduled for June 17th to bring the current Council up to speed on what had occurred with regard to the connector road.

Mr. Saulnier inquired if a representative of Council would be in attendance at the June 10th meeting to share their position on the connector road.

Mr. Keebler noted a member of Council could attend to discuss the statements of fact.

Mr. Bogard noted this was an ODOT project and public meetings had occurred and would continue to occur.

Mr. Cal Conrad, 5226 Westgate Drive, inquired what the City's financial commitment was regarding the connector. Mr. Elliott advised that would be discussed during the Work Session on June 17, 2008. Mr. Conrad discussed the recent BZA decision regarding a development at Main and High Streets.

Ms. Connie Elliott, 5201 College Corner Pike, updated Council on the Smoky and Tornado project.

Mr. Jim Robinson, 455 Emerald Woods Drive, advised he wished to discuss the proposal for a fraternity on E. Vine Street. Mayor Dana advised it was an agenda item which would be discussed this evening and public comments were welcome at that time.

CONSENT AGENDA

Ms. Fischer requested removal of Item B. Minutes.

MINUTES

Minutes of the May 20, 2008 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)

REPORTS

Report regarding the May 13, 2008 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the May 15, 2008 Recreation Board Meeting. (Gail Brahier, Parks and Recreation Director)

Report regarding the May 21, 2008 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

RESOLUTIONS

RESOLUTION
MUTUAL AID AGREEMENT

A Resolution No. 4354 authorizing the City Manager to enter into the Mutual Aid Agreement with Miami University. (Steve Schwein, Police Chief)

RESOLUTION
UNCLAIMED GLASSES

A Resolution No. 4355 declaring certain unclaimed eyeglasses no longer of value to the City and authorizing the donation of same to the Lion's Club. (Steve Schwein, Police Chief)

RESOLUTION
CONTRABAND DISPOSAL

A Resolution No. 4356 authorizing the Chief of Police and Finance Director to dispose of contraband no longer needed as evidence. (Steve Schwein, Police Chief)

RESOLUTION
RETAIN PROPERTY

A Resolution No. 4357 authorizing the Oxford Division of Police to retain for use by the municipality certain unclaimed property in its possession. (Steve Schwein, Police Chief)

RESOLUTION
CONTRACT WITH
LAN SOLUTIONS

A Resolution No. 4358 authorizing the City Manager to renew the contract for Information Technology Support Services with LAN Solutions at a cost not to exceed $49,500.00. (Doug Elliott, City Manager)

Mr. Bogard moved to approve the consent agenda. Mr. Keebler seconded. The motion passed 7-0-0.

MINUTES

Ms. Fischer requested a correction to the minutes on page 19 of the agenda.

Ms. Fischer moved to approve the minutes as corrected. Ms. Currie seconded. The motion passed 7-0-0.

RESOLUTIONS

RESOLUTION
POLICE CONTRACT

A Resolution No. 4359 approving the contract between the City of Oxford, Ohio and the Oxford Police Officers, Fraternal Order of Police, Lodge 164 and authorizing the City Manager and City Law Director to sign the contract on behalf of the City. (Doug Elliott, City Manager)

Mr. Elliott advised the City reached an agreement with the Patrol Officers pending Council approval and noted it was a 3 year contract from January 1, 2008 thru December 31, 2010.

Ms. Currie moved to adopt Resolution No. 4359. Mr. Bogard seconded. The Resolution was adopted by the following roll call:

AYE: Mr. Ross, Mr. Rutherford, Mr. Bogard, Ms. Currie, Ms. Fischer, Mr. Keebler, Ms. Dana (7)

NAY: None (0)

ABS: None (0)

RESOLUTION
APPOINTING THE
MEDICAL DIRECTOR

A Resolution No. 4360 approving and authorizing an agreement, a copy of which is attached hereto, between the City of Oxford and Dr. Gregory Caulkins, for appointment as the Medical Director for the City of Oxford, and to authorize the City Manager to execute the same. (John Detherage, Fire Chief)

Chief Detherage advised the proposed Resolution would allow Dr. Gregory Caulkins to be the Medical Director for the Fire Department who would oversee the City's medical operations.

Mr. Ross inquired if Dr. Caulkins was replacing someone and Chief Detherage advised yes.

Ms. Fischer moved to adopt Resolution No. 4359. Ms. Currie seconded. The Resolution was adopted by the following roll call:

AYE: Mr. Rutherford, Mr. Bogard, Ms. Currie, Ms. Fischer, Mr. Keebler, Mr. Ross, Ms. Dana (7)

NAY: None (0)

ABS: None (0)

RESOLUTION
RAILS-TO-TRAILS

A Resolution No. 4361 to support the City of Oxford's participation in the Rails-To-Trails Conservancy's 2010 Campaign for Active Transportation. (Gail Brahier, Parks and Recreation Director)

Ms. Brahier explained the proposed Resolution would allow the City of Oxford to be eligible to receive federal monies for active transportation initiatives if designated as a pilot site.

Council members thanked Ms. Brahier for her efforts and Ms. Brahier noted this was a community-wide initiative.

Mr. Bogard moved to adopt Resolution No. 4361. Ms. Fischer seconded. The Resolution was adopted by the following roll call:

AYE: Mr. Bogard, Ms. Currie, Ms. Fischer, Mr. Keebler, Mr. Ross; Mr. Rutherford Ms. Dana (7)

NAY: None (0)

ABS: None (0)

RESOLUTION
ODOT LEGISLATION

A Resolution No. 4362 authorizing the City Manager to sign final legislation and other contracts with the Ohio Department of Transportation in connection with the rehabilitation of a portion of High Street (US 27) from Main Street to Beech Street. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised in January Council adopted preliminary legislation for the rehabilitation project and this was the final legislation. Mr. Dreisbach noted this was a federally funded project with no cost to the tax payers.

Mr. Keebler inquired if the bids came in substantially over budget would the City have an opportunity to rethink the project. Mr. Dreisbach advised if that were the case ODOT would likely re- bid the project.

Mr. Rutherford inquired if there was a contingency fund in place for unforeseen conditions and Mr. Dreisbach advised yes. Mr. Rutherford inquired if contractors were including work schedules with the bids or if ODOT was specifying the schedule and Mr. Dreisbach advised there was an ending limit in the contact. Mr. Rutherford inquired if there was a liquidation damages clause in the contract and Mr. Dreisbach advised yes.

Mr. Ross inquired if the bricks were going to be reused and Mr. Dreisbach advised yes. Mr. Ross commended City staff for the preliminary work they performed related to the project.

Ms. Fischer encouraged citizens to visit the Uptown businesses that would be affected by the project by finding alternate parking spaces or by walking to the establishments.

Mr. Bogard moved to adopt Resolution No. 4362. Mr. Rutherford seconded. The Resolution was adopted by the following roll call:

AYE: Ms. Currie, Ms. Fischer, Mr. Keebler, Mr. Ross, Mr. Rutherford, Mr. Bogard, Ms. Dana (7)

NAY: None (0)

ABS: None (0)

Ms. Fischer moved to adjourn at 8:45 p.m. due to inclement weather. Ms. Currie seconded. The motion passed 7-0-0.

Ms. Currie moved to reconvene the meeting at 9:30 p.m. Ms. Fischer seconded. The motion passed 7-0-0.

ORDINANCES
FIRST READING

ORDINANCE
TAX BUDGET

An Ordinance Authorizing The Tax Budget For The Year 2009 And Directing That The Same Be Transmitted To The Butler County Auditor. (Joe Newlin, Finance Director)

Mr. Newlin advised this was the first step in the budget process and was required by the Ohio Revised Code. Mr. Newlin noted municipal income tax was increased based on year to date collection, salaries were raised by 3%, and interest income was reduced since rates were not as favorable as in the past.

ORDINANCE
NEW SECTION 521.12

An Ordinance Repealing Current Section 521.12 Outdoor Furniture Restriction And Adopting New Section 521.12 Outdoor Furniture Restriction, Reducing The Penalty For Violation. (Jung-Han Chen, Community Development Director)

Mr. Chen advised Council member Fischer requested the proposed legislation to reduce the penalty for violation to a minor misdemeanor.

Ms. Fischer noted the proposed Ordinance would bring violations in line with the litter and noise violations. Ms. Fischer noted when a person was cited for an outdoor furniture violation they needed to obtain a lawyer to represent them in court and this was not what Council intended when they chose to raise the penalty to a misdemeanor of the fourth degree. Ms. Fischer noted the reduction of litter violations to a minor misdemeanor did not result in an increase of violations.

Mr. Bogard advised he supported the proposed Ordinance as when a person was found guilty it reflected on their criminal record.

Ms. Fischer noted the office of Off Campus Affairs commitment to work with students on these issues.

ORDINANCE
NEW CHAPTER 1301

An Ordinance Amending The Oxford Code Of Ordinances By Repealing Chapter 1301, Ohio Building Code And Adopting New Chapter 1301, Ohio Building Code. (Jung-Han Chen, Community Development Director)

Mr. Chen advised Council directed staff to look at inconsistencies between the Zoning Code and Building Code as the current language did not allow architectural projections into the right-of-way. Mr. Chen outlined the four major changes as listed on page 107 of the agenda. Mr. Chen noted Ms. Fischer and Mr. Keebler were instrumental in helping staff with the revised language.

Mr. Keebler noted there were two parts to this issue. Mr. Keebler advised the second part was included in the next Ordinance in which a paragraph would be added to the zoning code as follows: '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. Mr. Keebler advised without this language the zoning code was silent regarding encroachments.

Mr. Rutherford noted concern with a maximum encroachment of two feet into an ally suggesting it may not be enough. Mr. Rutherford also noted concern with encroachments being permitted to the curb line suggesting maximums should be set such as 'to the curb line or 5 feet whichever was less.

Mr. Keebler and Mayor Dana suggested Council look at the Building Code and determine if maximums should be set prior to the next meeting.

ORDINANCE
NEW SECTION 1141.03

An Ordinance Repealing Oxford Zoning Code Section 1141.03, Supplemental Regulations, And Adopting New Section 1141.03, Supplemental Regulations. (Jung-Han Chen, Community Development Director)

Mr. Chen reiterated the addition to the Zoning Code as mentioned by Mr. Keebler.

ORDINANCE
PRELIMINARY SUBDIVISION

An Ordinance Accepting The Planning Commission's Recommendation To Deny The Preliminary Subdivision Application For A Residential Subdivision On South Campus Avenue In The R2MS (Single And Two-Family Mike Square Residential) District. (Jung-Han Chen, Community Development Director)

Mr. Keebler moved to table the proposed Ordinance as requested by the applicant. Ms. Currie seconded. The motion passed by the following roll call:

AYE: Ms. Currie, Mr. Keebler, Mr. Rutherford, Mr. Ross, Ms. Fischer, Mr. Bogard Ms. Dana (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
SECOND READING

An Ordinance Approving A Conditional Use Permit To Permit A Fraternity House In the R2MS (Single And Two-Family Mile Square Residential) District Located At 320 E. Vine Street, Oxford, Ohio. (Jung-Han Chen, Community Development Director) **(Tabled)**

Mr. Rutherford moved to remove the proposed Ordinance from the table. Mr. Bogard seconded. The motion passed 7-0-0.

Mr. Chen advised the proposed Ordinance was tabled due to issues with the site plan which had been rectified.

Mr. Bob Dearth, Applicant, Agent, explained the corrections which were made to the site plan and advised his hope Council would look favorably upon the request.

Mr. Jim Robinson, 455 Emerald Woods Drive, advised he was opposed to the granting of the Conditional Use Permit. Mr. Robinson noted a multi-family house on the southeast corner of Campus and Vine which was abandoned by a Fraternity. Mr. Robinson stated his friends in the Greek Community at Miami had told him their pledges were down and the number of people living in Fraternity houses nationwide and at Miami was down. Mr. Robinson inquired what would happen to the house if through attrition, trends, or the number of people wanting to live in the Mile Square, the house was abandoned. Mr. Robinson noted the increase in traffic by adding 23 additional people to that location. Mr. Robinson noted his feeling the Conditional Use application was not consistent with the Comprehensive Plan or the conversations regarding the Comprehensive Plan Update. Mr. Robinson noted concerns with trash removal and police and fire vehicles being able to traverse the street. Mr. Robinson advised he was involved in a Mile Square initiative with Council's help and others in which people and groups were looking for donors and contributors to buy homes in the mile square and convert them back to single-family homes and he could not face them and tell them the City was behind them if Council granted this application. Mr. Robinson noted his concern with density and advised his feeling this plan did not fit on that block.

Mr. Dan Mawer, 19 Bull Run Drive, Chelsea Moore Commercial Real-estate, advised they had been pleased to work with the Chi Phi Fraternity and realtor partner Melissa Friede to locate housing for the Fraternity. Mr. Mower noted areas where the zoning code permitted fraternities comprised approximately 4% of the land area in Oxford and all of those areas were fairly close to the University. Mr. Mower stated the areas shared the same character as Vine Street with regard to density, volume of students, and volume of parking. Mr. Mower noted the zoning code was helpful in their search as it clearly laid out the regulations for lot coverage, density, and parking. Mr. Mower stated that Miami University supported the Greek Community and Oxford's Comprehensive Plan promoted cooperation with the University. Mr. Mower noted the fraternity would invest approximately $1,000,000 in improvements to the property which would benefit the immediate community. Mr. Mower noted his feeling this area would be dense under any circumstance and Oxford was no different than other university communities such as UC, OSU, or Xavier. Mr. Mower concluded by noting their project complied with the zoning code, building code, and a conditional use was permitted in this zoning classification. Mr. Mower thanked Council for their consideration.

Ms. Kathleen Zien, 6060 Joseph Drive, addressed points made by Mr. Mower noting the conditional use was included in this district to be utilized when appropriate. Ms. Zien noted her feeling Council should discuss each decision standard individually to determine how short the project would fall meeting them. Ms. Zien noted her feeling the project especially did not meet standards 2,5,10, and 11 as listed on pages 176 and 177 of the agenda. Ms. Zien referred to the Police Chief's comments on page 171 where he did not recommend the project due to the increase of vehicles in the area. Ms. Zien noted her concern with trash pick-up due to the congestion which would result in overflow. Ms. Zien noted the correspondence included in the agenda from citizens who opposed the project and read comments from other citizens who were opposed. Ms. Zien noted at the last meeting Mr. Rutherford suggested the possibility of conditional use renewals and periodic checking of properties to see if the intended use worked for the community and if not it could be rescinded for a specific time period. Ms. Zien noted once this house was transformed into a fraternity it would always remain a 3 story apartment house. Ms. Zien noted the City did not owe anyone their housing and fraternity members could live apart. Ms. Zien requested Council to maintain 320 E. Vine Street's current use as a residence intact and not as a fraternity.

Mr. Bob Dearth, Applicant, Agent, addressed Council clarifying some of the previous comments noting Chi Phi tried to purchase property on E. High Street but were unsuccessful. Mr. Dearth noted they had taken pains to be in compliance with the zoning and building codes and tried to present the project in a clear and concise manner. Mr. Dearth cited some of the accomplishments of the Phi Chi Fraternity noting they were made up of young men and alumni who were dedicated to developing leaders. Mr. Dearth noted his feeling this would be a proud addition to university life and if Council didn't want anymore fraternities it shouldn't be in the zoning code. Mr. Dearth respectfully requested Council's approval of the conditional use.

Mr. Jim Robinson, 455 Emerald Woods Drive, clarified statements made by Mr. Dearth regarding property on E. High Street.

Mr. Rutherford noted it was impossible to return this house to a single-family house once the addition was complete and advised there were strategies that could be taken to return it to a single-family house in the future and ways it could become a fraternity now. Mr. Rutherford advised he was concerned with traffic and felt perhaps the alley should be opened up to Sycamore Street. Mr. Rutherford inquired if the City had any recourse if the fraternity did not stay a 'dry' house. Mr. Rutherford noted concern with adequate water resources in connection with a sprinkler system.

Mr. Bogard noted concern with access for fire equipment. Mr. Bogard noted the desire to return the mile square to single-family homes could take fifty plus years. Mr. Bogard noted the difficulty of purchasing these homes and then making the necessary renovations. Mr. Bogard advised the proposal did comply with the zoning code and building code.

Ms. Fischer noted she wanted to see a commitment from Rumpke that they would pick-up refuse from the specified location. Ms. Fischer noted concern with access for fire equipment. Ms. Fischer discussed concerns with decision standards C, E, and J or 3, 5, and 10 noting her feeling the project did not meet the standards. Ms. Fischer discussed zoning code section 1143.05a noting her feeling the project did not comply with that part of the zoning code.

Mr. Keebler inquired where fraternities should be located as some people felt the proposed location was too dense already and others didn't want them spread out. Mr. Keebler noted the house in question was run down in its current state and this proposal would be better for the community as a whole. Mr. Keebler noted the project would not change the neighborhood unless you defined a neighborhood as one street. Mr. Keebler noted his feeling the requirements were met and a 'no' vote would mean Council didn't want anymore fraternities in the City.

Ms. Currie noted she had concerns with the same decision standards Ms. Fischer mentioned as well as decision standards C, F, H, and K or 3, 6, 8, and 11 noting her feeling this was not the directive in the Comprehensive Plan. Ms. Currie noted she walked this area constantly and did not think adding more people was the direction to go. Ms. Currie noted as a person progressed on foot through this area it became more and more oppressive with traffic, noise and litter. Ms. Currie also expressed concern with parking and fire equipment access.

Ms. Dana noted she supported the proposal because it was a good group of people who followed guidelines set forth by the Greek Community as well as Miami University. Ms. Dana noted the proposal met all of the technical requirements of the lot. Ms. Dana advised she did not support the proposal due to the density of the mile square in that area and because of discussions with people who owned large student complexes with serious vacancy rates. Ms. Dana noted her feeling Council wanted fraternities in town and needed to address the issue in the zoning code and Comprehensive Plan Update as to where and how to organize them.

Additional conversation took place with regard to the alley being extended to Sycamore Street.

Ms. Fischer moved to extend the meeting until 11:15 p.m. Mr. Rutherford seconded. The motion passed 7-0-0.

Mr. Rutherford inquired if the applicant was willing to make significant revisions to the plan so the house could be returned to a single or two-family residence in the future and whether or not the applicant would consider this a preservation opportunity.

Mr. McHugh advised Council was considering the application before them.

Mr. Rutherford inquired if the applicant was willing to construct the alley from Vine Street to Sycamore Street and Mr. Dearth advised only with the assistance of the other property owners.

Mr. Ross called the question.

Mr. Keebler moved to adopt the Ordinance. Mr. Ross seconded. The motion failed by the following roll call:

AYE: Mr. Keebler, Mr. Rutherford, Mr. Bogard (3)

NAY: Ms. Fischer, Mr. Ross, Ms. Currie, Ms. Dana (4)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott noted the Work Session earlier this evening regarding vacated right-of-ways was productive and staff would bring some options to Council for consideration. Mr. Elliott advised a Work Session was scheduled for June 17th at 6:00 regarding the Butler County/Oxford Connector project. Mr. Elliott noted City of Oxford Annual Reports were mailed to all Oxford residents and two Miami University student interns did an excellent job in preparing it.

Ms. Fischer requested that Mr. Elliott follow up with Mr. Cagwin regarding the notion that the City would retain Kramer School as green space should the Talawanda bond issue pass. Ms. Fischer requested Council's consensus regarding the issue and the consensus was to support it. Ms. Fischer encouraged the use of the phrase 'year round resident' as opposed to 'families' when referring to mile square residents so as not to offend retired and single citizens.

Mr. Bogard advised the City should look into obtaining free CPR Kits that were available. Mr. Bogard congratulated Mr. Dreisbach, Mr. Popescu and ODOT for the completion of improvements to US 27N and also South Locust Street.

Mr. Rutherford encouraged everyone to attend the Farmer's Markets in Oxford.

Mr. Ross noted the dumpster at 111 E. Spring Street did not need to be in front of the house and requested staff to investigate the situation.

Ms. Dana noted this was National Home Ownership Month and advised a telethon would take place tomorrow on WCET noting anyone fearing foreclosure could call for assistance.

Ms. Dana shared thank you notes she received from a third grade class following a recent visit to the elementary school.

ADJOURN

Ms. Fischer moved to adjourn at 11:15 p.m. Ms. Currie seconded. The motion passed 7-0-0.

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: June 17, 2008

Account Code No. #:

Kathryn A. Dale
Prepared By

Budgeted Amount:

June 6, 2008
Date Prepared

Agenda Title: **HAPC Meeting Report – June 4, 2008**

DISCUSSION:

New Business:

HAPC-14-2007 *– Update on 26 & 28 West High Street,* ***Don Thomas, and Tom Kacachos, Applicant.***
Recent revisions to the construction drawings and permit application showed that a front entrance modification was being proposed by adding a residential door along High Street. A catalogue page was supplied identifying the door the applicant wished to install. The recent submission also showed how the façade would look without the awning. According to the drawings, the trim above the existing awning would align with 28 W. High and the signboard area would remain.

The Applicant discussed the conditions of the brick since the removal of the siding and the discovery of a steel beam that affected the style and height of the 4th story windows. The Applicant indicated that the brick will likely have to be painted along High Street, but can be sealed on the sides and in the back of the building. Ms. Henderson and Ms. Peterka will offer color selections at the July meeting as well as the applicant to discuss.

The Commission was in consensus to approve the following:

1. That, the steel clad & glass door with side light window presented was appropriate for the new residential entrance;
2. That, the trim above the existing awning aligning with 28 W. High and the signboard area could remain;
3. That, the modifications to the 3rd and 4th story windows regarding size, scale and trim as presented were appropriate;

Administrative Findings / Approvals:

HAPC-ADM-06-2008 ***210 S. Campus Avenue,*** *window replacements,* ***James O'Brein, Applicant***
Mr. Smith shared that he administratively approved window replacements for this address and that it's the best replication he's seen. Mr. Smith said the window frames will change from wood to aluminum but the style of the windows are exactly the same.

HAPC-04-2008 ***37 East High Street, Wild Bistro*** *new signage and lighting,* ***Loy Zheng, Applicant***
Mr. Smith indicated that the sign alignment had been reviewed by city staff and was acceptable and he approved the lighting, which is to be installed and look just like the lights over the StadiUm sign. He indicated that he thought these were acceptable and that there were too many gooseneck lights in the vicinity of this commercial space.

Correspondence and Announcements:
Ms. Henderson shared details about the Open House being held at the Oxford Community Arts Center June 24, 2008 from 5p.m.-7p.m. by the HAPC and HAC to share with the public the Housing Trust Fund information, the HAPC brochure, Historic House Tours, Historic Marker Program being reviewed and to announce the results of the HAC survey.

Ms. Henderson shared that she has been notified that the group responsible for the Township House relocation will be awarded the Dayton History Preservation Award that Ms. Dale nominated them for. She stated that she will share the official letter of notice once it comes in the mail.

Mr. Smith shared that he attended the Federal Tax Credit seminar in Columbus thanks to Mayor Dana. He said he learned some valuable information that he could hopefully share at the open house. He did indicate though that much of the funding is geared towards building that will be rehabbed for more than the market value of the property.

Old Business:
Marker Update
Ms. Henderson shared she is researching prices of historic marker sings and the different options and designs.

Sign Discussion
The Commission voted to recommend approval to Council for text amendments to the HAPC signage guidelines. The amendments would better align with the zoning code so the two sign regulations are not in conflict with one another primarily regarding sandwich board signs and banners.

The next regular HAPC meeting is scheduled for July 2, 2008.

Approved By:		**Initial**	**Date**
	Department Head:		6/10/08
	City Attorney:		
	City Manager:		

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting Of: June 17, 2008

Account Code No. #:

Budgeted Amount:

Community Development Department
Originating Department

Kathryn A. Dale
Prepared By

June 11, 2007
Date Prepared

Agenda Title:	**Uptown Revitalization Committee Report and Recommendation**

Recommendation:	**Initiate Text Amendments to the Zoning & Planning Code** **Initiate Text Amendments to the Property Maintenance Code**

Discussion:

On June 4, 2008 the Uptown Revitalization Committee finalized their recommendations and findings to the Uptown District, specifically in regards to Floor Area Ratio (FAR) and Section 404 of the Property Maintenance Code, as assigned to them in Resolution No. 4333, February 2008.

Property Maintenance Code:

The Committee is recommending to Council that the bedroom sizes and widths, in addition to the minimum habitable room sizes and widths established in Ordinance No. 2985, November 2007 is repealed and revert back to the original requirements. The rationale for this is that the Ohio Basic Building Code and Ohio Residential Code currently regulate the minimum standards sufficient to accommodate human habitation of bedrooms and living spaces.

Planning & Zoning Code:

Chapter 1143.10 Uptown District

The following recommendations to Council for the Uptown District include:

1. Any commercial type use that wants to exceed the 3:1 FAR (overall bulk of the building) may do so, but only as a Conditional Use.
    - The rationale is to encourage more commercial space, without requiring BZA approval and trying to prove a practical difficulty.
2. Increase the building height from 45 feet to 48 feet.
    - The rational to increase the height is to provide more marketable commercial spaces, to provide higher ceilings in the commercial spaces to conceal the mechanical and electrical equipment and to provide a better roof slope for water run-off.
3. Specify that the 0.7:1 required commercial space must occur on the ground or street level.
4. Eliminate the minimum lot area and floor areas per dwelling unit. Replace these requirements by specifically regulating the maximum residential occupancy.
    - This recommendation regulates density based on a set number of people as opposed to regulating how many dwelling units a building is permitted to have and omitting the overall minimum dwelling size.

Due to the interconnected nature of the zoning regulations, the Committee went beyond the original scope directed by City Council and made the following recommendations:

Section 1149.05 Vehicle Management Non-Residential Regulations
The recommendation from the Committee is to eliminate the requirement for a loading dock or space in the Uptown District only for deliveries because the BZA is granting every request for relief from this requirement. Furthermore, with the minimum FAR requirement for commercial, by requiring the loading space area on the property, commercial space may be forced to provide remnant spaces on the upper floors.

Section 1159.07(8) Floor Area Ratio (FAR) Definition
The recommendation to Council is to include in the definition the exclusion of the 16½ vacated right-of-way from determining the amount of commercial and residential space.

- The rationale for this recommendation is the 16½ vacated right-of-way is restricted to lawn, landscaping, sidewalks and authorized egress and ingress driveways and municipally-owned parking or municipally-regulated parking. If the property owner cannot physically use the vacated right-of-way for a structure, then they should not be penalized to provide the additional square footage in commercial space. This proposed recommendation would also affect the permitted residential space, essentially reducing the amount of residential that can be provided.

Additional Recommendations:
The Uptown Revitalization Committee discussed many topics as they relate to the Uptown area. Additional topics the Committee would like for Council to consider for additional study is:

1. That the use of sidewalks are permitted as opposed to going through the conditional use review as currently stipulated in Section 1143.10(b)(2)D.
2. That patios, decks and balconies for residential uses are optionally calculated into the maximum 2:1 residential ratio.
3. Review the height definitions of the Planning & Zoning Code and how it is calculated.
4. Explore the possibility of construction in the 16½ vacated right-of-way as a conditional use.

Approved By:		**Initial**	**Date**
	Department Head:	JMC	6/12/08
	City Attorney:		
	City Manager:		

CITY OF OXFORD
STAFF SUMMARY REPORT

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

Police
Originating Department

Council Meeting Of: June 17, 2008

Account Code No. #:

Budgeted Amount:

Steve Schwein
Prepared By

June 13, 2008
Date Prepared

Agenda Title:
Resolution authorizing Frequency Reconfiguration Agreement between the City of Oxford and Sprint Nextel.

Recommendation:
Approve the resolution.

Discussion:

A brief history: Currently, the band of 800MHz frequencies contains both public safety licensees and commercial licensees. Sprint Nextel was the largest commercial licensee, using the 800MHz frequencies for its direct connect service. Unlike other bands of frequencies where licensee types were placed in contiguous blocks, the 800MHz band was all mixed together. This resulted in commercial licensees causing interference for public safety users. The FCC decided to reorganize the band into contiguous blocks for public safety and commercial users.

The result is that many licensees are being moved to different frequencies. System infrastructure and field radios require reprogramming, sometimes at a significant cost. According to the 800MHz Transition Administrator, "Sprint Nextel has been charged by the FCC with funding relocation costs for affected licensees. In addition to reconfiguring many of its own 800 MHz operations, Sprint Nextel will pay all allowable costs of relocating other 800 MHz incumbents that are required to reconfigure their systems to new frequencies with comparable facilities."

Licensees must reach an agreement with Sprint Nextel over the plan and cost of rebanding frequencies. The FCC appointed Transition Administrator mediates this process.

Our situation: The City of Oxford has a five frequency 800MHz radio system that is affected by the rebanding plan. These frequencies are becoming part of the countywide 800MHz system that is scheduled to begin operation in the fourth quarter.

It's our hope that we'll be able to switch to the rebanded frequencies on the new system without retuning all of the current Oxford system equipment. While that's a strong possibility, we still had to go through the planning process with Motorola to develop a plan for rebanding and reach an agreement with Sprint Nextel over the compensation.

Regardless of how we proceed, Sprint Nextel will be reimbursing the city for our internal staff time and the cost of Motorola's planning efforts. The agreement provides for that reimbursement, as well as the cost associated with rebanding if we actually have to retune equipment.

The important points are:

- there is no cost to the city, only reimbursement
- after a long process, we believe it is a fair agreement in the city's best interest
- we are mandated by the FCC as a license holder to complete this agreement; and
- if we don't complete the agreement, the FCC could potentially revoke our licenses

Approved By:

	Initial	Date
Department Head:	SDS	6/13/08
City Attorney:		
City Manager:		

RESOLUTION NO._____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A FREQUENCY RECONFIGURATION AGREEMENT WITH NEXTEL WEST CORP.

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

SECTION 1: In 2004 the Federal Communications Commission ("FCC") modified its rules governing the 800 MHz band.

SECTION 2: Nextel West Corp. will pay the City of Oxford the cost of reconfiguring the affected frequency allocations.

SECTION 3: Council hereby accepts the recommendation of the City Manager and Police Chief that the contract with Nextel West Corp. be approved.

SECTION 4: Nextel West Corp shall pay the City of Oxford in accordance with the Frequency Reconfiguration Agreement which is incorporated herein by reference.

SECTION 5: Council hereby approves the Frequency Reconfiguration Agreement and authorizes the City Manager to sign the same in substantially the same form as the agreement incorporated herein by reference.

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

_____
MAYOR

ADOPTED: _____

ATTEST:

_____
DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEN BOGARD

PREPARED BY: LAW(STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: June 17, 2008

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

June 10, 2008
Date Prepared

Agenda Title: Ordinance To Approve Current Replacement Pages To The Oxford Codified Ordinances.

Recommendation:

Discussion: The Oxford Codified Ordinances are usually updated once each year to incorporate all legislation passed by City Council as well as any changes in State laws. This Ordinance is to approve the update.

At Council's direction, funds were budgeted for 2008 to begin updating quarterly. This is the first of 3 updates for 2008.

The update includes legislation adopted through April, 2008.

Approved By:

	Initial	Date
Department Head:		\
City Attorney:		\
City Manager:		\

ORDINANCE NO.

ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE OXFORD CODIFIED ORDINANCES.

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

SECTION 1: Council has determined that certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution. Various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances. The City has heretofore entered into a contract with Walter H. Drane Co. to prepare and publish revisions which are before Council.

SECTION 2: The Ordinances of the City of Oxford, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2008 Replacement Pages so the Codified Ordinances are hereby approved and adopted.

SECTION 3: The following sections and chapters are hereby added, amended or appealed and respectfully indicated in order to comply with the current State law:

Traffic Code

301.20	Definition of Motor Vehicle. (Amended)
333.08	Operation Without Reasonable Control. (Amended)
337.10	Lights on Slow-Moving Vehicles. (Amended)
337.18	Motor Vehicle and Motorcycle Brakes. (Amended)
339.03	Maximum Width, Height and Length. (Amended)
339.05	Wheel Protectors. (Amended)

General Offenses Code

509.06	Inducing Panic. (Amended)
517.01	Gambling Definitions. (Amended)
517.15	Skill-Based Amusement Machines. (Added)
525.10	Having an Unlawful Interest in a Public Contract (Amended)
533.01	Obscenity and Sexual Offenses' Definitions. (Amended)
537.051	Menacing by Stalking. (Amended)
537.08	Unlawful Restraint. (Amended)
537.17	Criminal Child Enticement. (Amended)
549.02	Carrying Concealed Weapons. (Amended)
549.04	Improperly Handling Firearms in a Motor Vehicle. (Amended)

SECTION 4: The complete text of the Traffic and General Offenses Code sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this Ordinance as Exhibit A. Any summary publication of this Ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

SECTION 5: This Ordinance shall take effect at the earliest time allowed by law.

_____
MAYOR

ADOPTED: _____

ATTEST:

_____
DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Finance Department
Originating Department

Council Meeting Of: June 17, 2008

Account Code No. #:_____

Joe Newlin
Prepared By

Budgeted Amount:_____

June 10, 2008
Date Prepared

Agenda Title: Income Tax Ordinance – Abatement of Penalty and Interest

Recommendation: Approve

Discussion: By the addition of (e) to Section 181.10 Interest and Penalties, a clear and definable benchmark is established in putting a cap of $1,000 on the Tax Administrator's (Finance Director) ability to waive P&I. This still gives the taxpayer the ability to plead their case in front of the Income Tax Board of Review (Section 181.13).

Approved By:

	Initial	Date
Department Head:		6/10/08
City Attorney:		
City Manager:		6/11/08

ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD CODE OF ORDINANCES SECTION 181.10 AND ADOPTING NEW OXFORD CODE OF ORDINANCES SECTION 181.10; INCLUDING NEW SUBSECTION (e).

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

SECTION 1: the addition of new subsection (e) to Oxford Code of Ordinances Section 181.10 Interest and Penalties, a clear and definable benchmark is established in placing a cap on the Tax Administrator's ability to waive penalty and interest; and

SECTION 2: with the addition of new subsection (e) to Oxford Code of Ordinances Section 181.10 Interest and Penalties, the taxpayer still has the ability to plead their case in front of the Income Tax Board of Review.

SECTION 3: SECTION 181.10 ENTITLED "INTEREST AND PENALTIES" IS HEREBY REPEALED AND NEW SECTION 181.10 ENTITLED "INTEREST AND PENALTIES" IS HEREBY ADOPTED AS FOLLOWS (language to be adopted is in bold):

181.10 INTEREST AND PENALTIES.

(a) Interest. All taxes imposed and monies withheld or required to be withheld by employers under the provisions of this Tax Code and remaining unpaid after they have become due shall bear interest at the same rate which ORC Section 718.12, requires be paid by municipalities on their income tax refunds, i.e., the Federal short-term rate as defined in ORC Section 5703.47, plus one and one half percent (1 ½ %) per year.

(b) Penalties. In addition to interest as provided in subsection (a) hereof, penalties based on the unpaid tax are hereby imposed as follows:

(1) For failure to pay taxes due, other than taxes withheld: One and one-half percent (1 ½%) per month or fraction thereof,

(2) For failure to remit taxes withheld or required to be withheld from employees: Three percent (3%) per month or fraction thereof,

(3) Where the taxpayer has failed to file a return by the due date or by the date resulting from extension, fifty dollars ($50.00).

(4) Where the taxpayer has failed to file a declaration on which he has estimated and paid a tax equal to or greater than the tax paid for the previous year or where he has filed a previous return and has failed to file a declaration on which he has estimated and paid tax equal to or greater than ninety percent (90%) of the actual tax for the year, or has failed to file a return and pay the total tax on or before the end of the month following the end of his taxable year: Ten percent (10%) of the difference between ninety percent (90%) of the actual tax for the year and the amount paid through withholding or declaration.

(5) Except in the case of fraud, the penalty shall not exceed one hundred percent (100%) of the unpaid tax.

(c) Exceptions. A penalty shall not be assessed on an additional tax assessment made by the Tax Administrator when a return has been filed in good faith and the tax paid thereon within the time prescribed by the Tax Administrator; and provided further that, in the absence of fraud, neither penalty nor interest shall be assessed on any additional tax assessment resulting from a Federal audit, providing an amended return is filed and the additional tax is paid within three (3) months after the final determination of the Federal tax liability.

(d) Waiver for First Time Violators. Compute penalties for a first violation shall not be assessed. However, notification to the taxpayer for the first time violation will be made.

(e) Abatement of Penalty and Interest. At the Tax Administrator's discretion, the Tax Administrator may abate up to $1,000 of penalty or interest, or both. Upon recommendation of the Tax Administrator, the Board of Review may abate penalty or interest, or both, or upon an appeal from the refusal of the Tax Administrator to recommend abatement of penalty and/or interest, the Board may nevertheless abate penalty or interest, or both, for good cause shown.

SECTION 4: This Ordinance shall take effect at the earliest time allowed by law.

_____
MAYOR

ADOPTED: _____

ATTEST:

_____
Deputy Clerk of Oxford City Council

INTRODUCED BY: KEN BOGARD
PREPARED BY: LAW (STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: June 2, 2008

Account Code No. #:

Jung-Han Chen
Prepared By

Budgeted Amount:

May 23, 2008
Date Prepared

Agenda Title:	**PC-10-2008 Preliminary Subdivision-South Campus Avenue A Proposed Residential Subdivision in a R2MS Single and Two-Family Mile Square Residential District**

Recommendation:	**Deny**

Discussion:

The Planning Commission held a public hearing on this subdivision request to divide 7.8 gross acres of land into 22 duplex lots and 1 single family and to create a separate lot for the existing Campus Court Apartment complex. After the public hearing, the Planning Commission determined that the proposed subdivision did not meet the subdivision standards on several issues; certain proposed lots failed to meet the minimum size requirements, and also failed to provide drainage and flood control to handle the anticipated growth.

The Planning Commission voted 6-0-0 to recommend denial of the subdivision request based on the reason that the request did not meet the minimum standards as stipulated in the Oxford Subdivision Regulations to City Council.

Approved By:	**Initial**	**Date**
Department Head:		
City Attorney:		
City Manager:	JHC	5/23/08

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION TO DENY THE PRELIMINARY SUBDIVISION APPLICATION FOR A RESIDENTIAL SUBDIVISION ON SOUTH CAMPUS AVENUE IN THE R2MS (SINGLE AND TWO-FAMILY MILE-SQUARE RESIDENTIAL) DISTRICT.

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

SECTION 1: Council finds in accordance with Section 1147.02 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission on May 13, 2008 held a public hearing for the purpose of considering the request of Paul W. Baer Trust Properties, LLC/Robert Broestl, P.E., Applicant, for a preliminary subdivision on South Campus Avenue in the R2MS (Single and Two-Family Mile Square Residential) District.

SECTION 2: The Planning Commission, after a public hearing and discussion, voted 6-0-0 to recommend City Council deny the request for a preliminary subdivision based on the following concerns: (1) lots not meeting minimum size requirements and (2) lack of an evaluation of drainage issues; flooding issues and storm sewer issues.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and the report submitted by the Planning Commission and incorporates the same herein and further denies the application for a preliminary subdivision on South Campus Avenue in the R2MS (single and Two-Family Mile Square Residential) District.

SECTION 4: This ordinance shall take effect at the earliest time allowed by law.

_____
MAYOR

ADOPTED: _____

ATTEST:

_____
DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

Certification of Action
Oxford Planning Commission
Recommendation to City Council

Report Date	May 13, 2008
Case Number	PC-10-2008
Applicant Information	Robert Broestl, Architect, Applicant Paul Baer Family Trust
Requested Action	Preliminary Subdivision
Summary of Request	Request for approval of a Preliminary Subdivision in an R2MS District located on South Campus Avenue.
Public Hearing Information	On May 13, 2008, a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on April 11, 2008. Courtesy notices were mailed to adjacent property owners and public hearing signage was posted at the property.
Commission Action	During the May Planning Commission meeting, the Commission voted to recommend City Council deny the request for a preliminary subdivision in a 6-0-0 vote.
Commission Findings and Conclusions	After the public hearing and discussion among Planning Commission members, concerns were raised regarding lots not meeting minimum size requirements, lack of an evaluation of drainage/flooding issues/storm sewers.
Exhibits Submitted to the Commission	1. Community Development Staff Report dated April 23, 2008 2. Inter-Office Review Transmittal Sheets dated March 25, 2008 and May 9, 2008 (Engineering Department) 3. Review and Comment form. 4. Emails received from the public. 5. Photographs showing flooding in the area provided by Mr. William C. Schilling, Executive Director, Delta Sigma Pi. 6. Copy of an old Preliminary Subdivision application dated May 24, 2007 that was withdrawn. 7. Letter of Agency. 8. Preliminary Subdivision Application dated March 15, 2008. 9. Plat. 10. Preliminary Subdivision Plan Campus Commons dated March, 2008. 11. Vicinity Map.

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-10-2008 **Date – May 13, 2008**

APPLICATION

Applicant:	Paul W. Baer Trust Properties, LLC/ Robert Broestl, P.E.
Location:	South Poplar and Campus Avenue; 540 S. Campus Avenue Parcel ID: H4100103000092, H4100103000095, H4100103000097, & H4100106000150
Owner:	Paul W. Baer, Trust
Action Request:	Preliminary Subdivision Plan
Current Use:	Vacant Lots
Current Zoning	R2MS
Surrounding Existing Land Uses:	Residential and Miami University

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GENERAL DESCRIPTION

The subject site consists of approximately 6.08 gross acres (7.8 gross acres including Campus Courts Apartment Complex). The Applicant is proposing 22 duplex lots and 1 single family lot (S1 on Bern Street west of Faith Evangelical Lutheran Church). The application has been modified since last year in order to accommodate the additional right-of-way requirement along Poplar Street. The Applicant is also proposing to modify the existing nonconforming Campus Courts Apartment Complex (48 existing units; 12 units per building; 4 buildings) and create a smaller, less conforming lot for the apartment complex. According to the site plan, the Applicant indicates that Linden Drive, Bern Street and Wooster Place would be extended into cul-de-sacs. Rose Avenue is also labeled as a full extension connecting Campus and Main.

SITE HISTORY

January 2007: The Applicant requested acceptance for a residential Preliminary Planned Development from the Planning Commission. Motion to Deny the request 6-1-0 (PC# 21-2006).

February 2007: Applicant withdrew application from proceeding to City Council.

July 2007: Applicant requested approval of a Preliminary Subdivision from the Planning Commission. The Planning Commission tabled to obtain more information from Engineering regarding additional Poplar Street right-of-way (PC# 13-2007).

August 2007: Continued the Planning Commission hearing. Motion to recommend approval to City Council with conditions 6-0-0.

August 30, 2007: Applicant requested that the City Council hearing be postponed for them to further consider their options and to acquire legal opinion regarding the Planning Commission and Engineering's recommendation requiring additional right-of-way being dedicated for Poplar Street.

SURROUNDING NEIGHBORHOOD

The site is in the Mile Square and is west of Miami University campus. The surrounding neighborhood is primarily residential to the north, west and south. There is a mix of single-family and multi-family units surrounding the property including the Faith Evangelical Lutheran Church and Delta Sigma Pi Fraternity to the northeast.

COMPREHENSIVE PLAN

Land Use Element of the Comprehensive Plan; Mile Square Subarea:

A. Concerns

Land use concerns in the Mile Square focus on several important and complicated issues, the over abundance of rental property, crowded living conditions, property maintenance issues related to rental property and a declining physical environment, including infrastructure.

These issues have combined in the Mile Square in a way that divides the City's historic center. The Mile Square combines a mix of housing types, which include student-oriented, where a majority of the rental housing stock is located, as well as associated crowded living conditions and parking problems. The Mile Square also has owner-occupied, single-family homes that are well-maintained and create a strong sense of neighborhood due to the stability of the population.

The Mile Square's traditional grid pattern has broken down in some cases. On the eastern side it has merged with the Miami University campus. On the west side of Locust Street the business district has grown into the Square. Truck traffic also bisects the Square.

B. Strategies

1. Continuing to house a mix of uses.
   The Mile Square should continue to house a mix of uses, reflecting its dynamic development character and environment. However, the emphasis should be preserving single-family homes and small neighborhood. See Housing, Objective 5.

2. Undertaking a detailed survey to delineate subareas in Mile square based on the land use and density. However, to enable the City to make sound land use decision, a block-by-block survey that delineates land use, density and zoning. Such information will provide a sound basis for deciding future zoning decisions, tracking development trends and monitoring regulations to ensure the land use balance doesn't shift to a point where the Mile Square becomes less diverse.

3. Establishing a policy to discourage future right-of-way vacation.

4. Completing missing road segments, perhaps as property is developed or redeveloped.

5. Supporting the pedestrian orientation of the Mile Square through the maintenance and replacement of sidewalks, alleys and street trees.

6. Arriving at off-street parking solutions and integrating the City's recent parking study into the transportation element of this Plan to arrive at a final set of agreeable actions.

AGENCY COMMENTS

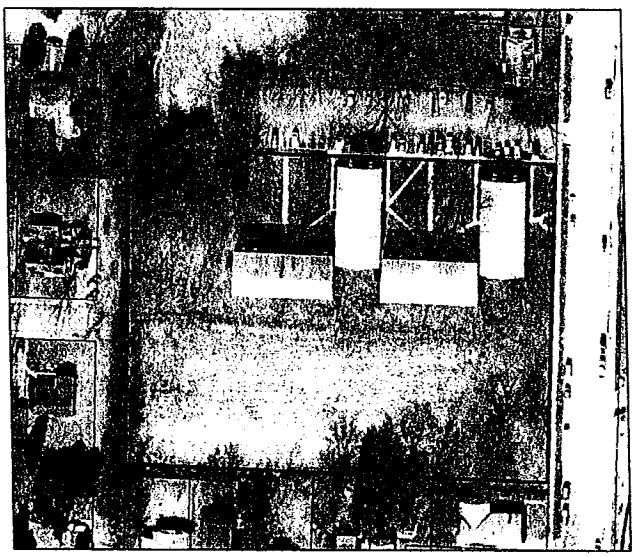
Requests for review were made to the Police, Fire and Engineering Departments. The following comments have been received:

Police:	Not enough information or details given regarding parking to comment on.
Fire:	Streets need to be put in at the start of the project. No way to know if project will ever put in thru streets. Appears doubtful. That was comment on last proposal for this property.
Engineering:	No comments received to date.

PUBLIC COMMENT FORMS

A comment form was received by a neighboring property owner in opposition to the development and his concerns regarding congestion.

STAFF ANALYSIS



As aforementioned, the Applicant is proposing to modify the existing nonconforming Campus Courts Apartment Complex (48 existing units; 12 units per building; 4 buildings; 2.89 acres) and create a smaller, less conforming lot (1.72 acres) for the apartment complex. Modification to a nonconforming site will require BZA approval, including relief of setback requirements and lot coverage of the existing buildings. Under the current zoning code, this use is not permitted, even as a Conditional Use, in the "R2MS" District. According to the "R3" District, where this use would be permitted, 1,800 sq. ft. of Lot Area per unit is required or 1.98 acres for the existing apartment complex. The Applicant should consider modifying the site plan so the Lot Area conforms to the "R3" requirements.

Lot D12 is required to have a 75 foot lot width along Bern Street. Furthermore, the single-family lot on Bern is required to have a 50 foot lot width and 5,000 sq. ft. of lot area. Approval by the Planning Commission should be contingent upon receiving all necessary variances from BZA.

Lot D20 is an irregular lot with frontage on the proposed Wooster Place extension and Campus Avenue. Access to this lot shall only be permitted from Wooster Place.

Lot D10, Lot D18 and D21 have approximately 30' of buildable depth. Any future decks or patios for these units are required to meet the setback requirements. Future requests for variances of these buildings would not be looked upon favorably.

SUMMARY

Prior to any approval, staff recommends that the Planning Commission consider the following conditions:

1. That, all appropriate BZA requests pertaining to the proposed Campus Courts Apartment Complex lots are granted prior to submitting a Final Plat and Construction Drawings.
2. That, all appropriate BZA requests pertaining to Lots D12 and S1 are granted prior to submitting a Final Plat and Construction Drawings.
3. That, ingress/egress to D20 shall only be accessed from Wooster Place and shall not be permitted from Campus Avenue.

RECOMMENDATION

Not applicable.

SUBMITTED BY: Kathryn A. Dale

Kathryn A. Dale, AICP
City Planner
Community Development Department

DATE: April 23, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/25/2008

To: Fire Department Engineering Division Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-10-2008

Description:

PC-10-2008 PRELIMINARY SUBDIVISION - South Campus Avenue proposed residential subdivision (R2MS Single and Two Family Residential) **Paul Baer Family Trust, Robert Broestl, P.E. Architect, Applicant**

____X_____ Review _____ Revisions _____Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/28/2007** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Streets need to be put in At start of project. No way to know if project will ever put in Thru streets. Appears doubtful, That was comment on last proposal for this property.

Drawings reviewed by: Len Endress, Fire Chief 3/24/08

CITY OF
OXFORD
HOME OF MIAMI UNIVERSITY

Memo

Service Department
Engineering Division
513/524-5208 fax 513/524-5267

TO: Jung-Han Chen
Community Development Department

FROM: Victor Popescu, PE
City Engineer

RE: Baer Family Trust
Preliminary Subdivision Plan – Campus Commons

DATE: May 9, 2008

The following are our comments on the "Preliminary Subdivision Plan – Campus Commons", dated March 2008.

Please note that this is the 4th submittal that the Engineering Division has reviewed.

- It is recommended that the Developer construct the Poplar Street roadway within the development limits.
- By constructing the Poplar Street roadway, the Temporary Turnaround for the Burn Street extension will be eliminated.
- The submittal proposes to build structure D7 over an existing sanitary sewer. This will not be allowed. Access to the sanitary sewer main must be available at all times. In addition this sanitary sewer main is in poor condition, and must be replaced.
- The submittal indicates a sanitary sewer main on Poplar Street from Central Avenue to Rose Avenue. The indicated sanitary sewer main does not exist.
- The sanitary sewer main on Poplar Street from Rose Avenue to the Burn Street extension is in poor condition.

- The sanitary sewer main on Bern Street extension can not be used. The main was abandoned. Thus, the Developer will need to install a new main.

- The submittal indicates a short storm sewer originating on lot D8, no catch basin or headwall, heading south to a catch basin. From that point a short storm sewer heads east. What is this all about?

- Lot D20 has a narrow strip of land that fronts South Campus Avenue. Will there be access (driveway) from South Campus Avenue for this lot?

- A 4 inch storm sewer originates on lot D19 and heads south to Bern Street extension. The size must be upgraded and an indication must be shown as to what it ties into on Bern Street extension.

- The sanitary sewer mains on Rose Avenue, Linden Drive, and Wooster Avenue have experienced major back-ups during heavy rain events.

- What size water mains are needed for Linden Drive, Rose Avenue, and Wooster Avenue?

- Water mains will need to be extended to serve a number of lots within the development.

- New fire hydrants will need to be installed to serve the proposed development.

- What is proposed for the Storm Water management? Will there be underground detention, detention ponds, etc.?

All utility work within the proposed development must be in accordance with the latest "City of Oxford Water and Sanitary Sewer Specifications".

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/25/2008

To: Fire Department Engineering Division Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-10-2008

Description:

PC-10-2008 PRELIMINARY SUBDIVISION - South Campus Avenue proposed residential subdivision (R2MS Single and Two Family Residential) **Paul Baer Family Trust, Robert Broestl, P.E. Architect, Applicant**

____X_____ Review _____ Revisions _____Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/28/2007** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

not enough info/detail give for comment Eg: parking off street

Drawings reviewed by: [signature]

CITY OF
OXFORD
HOME OF MIAMI UNIVERSITY

CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM

Case No.: **PC-10-2008** **Date of Hearing:** **May 13, 2008**

PC-10-2008 PRELIMINARY SUBDIVISION - South Campus Avenue proposed residential subdivision (R2MS Single and Two Family Residential) **Paul Baer Family Trust, Robert Broestl, P.E. Architect, Applicant**

If you cannot attend the public hearing on this subdivision being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it by **April 28, 2008** to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name: Thomas J. Carroll

Address: 942 Woodbine
Northbrook, IL [illegible]

Telephone: Home: 847-272-2037 Work: 847-272-2037

COMMENTS: I FEEL THAT part of the city IS too congested. WE HAVE 3 homes in AREA WOOSTER/OBERLIN. IS Miami U. interested in purchasing the property? TOM

Signature

Date 3/29/08

As a homeowner on Central Avenue, just south of the proposed project by the Paul Baer Family Trust, I am concerned by the high density nature of this project, as well as the proposed opening up of Rose Avenue through to Campus Street. I am concerned with the possible effect that this increase in traffic - both automobile and human - will have on a neighborhood of single-family dwellings. It is hard to tell what direction Oxford demographics may take in the future, but I worry that this proposed change will prevent the neighborhood between Campus and Main, north of Chestnut, from ever returning to a neighborhood of families.

I can understand the desire of the Baer family to try to recoupe the value of the land at that site, but at what cost to it's surroundings or to the homes which have existed in this quiet neighborhood for over half a century? The pressure of traffic here has already been pushed to the limit by Miami University having now completely built over the former Bunger field, which once ran uninterrupted from Campus to Chestnut. Parking restrictions had to be created on Central Avenue as residents could not park on their own street, because of the increase in traffic due to the Recreation Center. I worry what even more traffic will bring. Will these family homes start to disappear in favor more high density housing?

I hope the Planning Commission will take these worries into consideration as they decide what the future of this area will be.

Thank you for your consideration.

Sincerely,

Chris Stousland, owner
107 E. Central Ave
Oxford

Letter read & submitted @ PC 5/13/08 mtg by Sharon Peterson

Baer Property Rec'd by ~~Susan~~ Peterson @ 5/13/08 PC Mtg.

TO : Oxford Planning Commission
FR: Gisela Bahr
RE: Public Hearing on May 13, 2008

Since I am unable to attend your hearing I'd like to put my concerns in writing.

I understand there are vacancies in the available housing in the City of Oxford. So why build more? What we do need is affordable housing for the people who work in Oxford but can't afford to live here but have to commute to the city, which increases car traffic and air pollution. But the project under consideration by you would not meet this well known need. The Campus Avenue location makes it certain that all houses, whether intended or not, will be taken over by students, and no non-student would want to live among such an overwhelming number of students. What would be created with this 'sub-division' would be a kind of mini-campus. Do you think this is what Oxford needs – a mini-campus in the original square mile?

Don't get me wrong, I like students. After all, they provided me with a rewarding career during my professional years at Miami. But I also remember what Oxford looked like 35 years ago when I got here – a charming, family friendly, and CLEAN community. Do you really want to contribute to the downslide we have been experiencing ever since? There are some who consider Oxford only in terms of making money. And student housing is a great money maker. But I should hope that you who are supposed to plan for the good of all Oxford citizens, would be led by different values and principles. In which case you ought to realize that the proposed housing project is not what Oxford needs right now, which is affordable housing for regular, working people.

My other concern is this: At an earlier hearing there was talk of building up Beech Street and thereby cutting down a number of wonderful old but perfectly healthy trees that give us clean air. But the city of Oxford wants to be recognized as a "green city" and that requires, among other things, to increase rather than diminish trees, preserve as much green space as possible, and not cover ground with concrete wherever preventable. I do hope you are in accord with the city's ambitions to "~~grow~~ go green."

Respectfully,
Gisela Baer
Gisela Bahr
102 E Central Avenue, Oxford

To: Oxford Planning Commission
From: Sharon Peterson
Re: Public Hearing May 13, 2008
South Campus Avenue subdivision/Baer Property

My understanding of this proposal is for 22 duplexes and one single family home to be built on the South Campus property. Given the location of this property I think we know that these units will be for students. Would that give us another 90+ students and perhaps as many cars in this location?

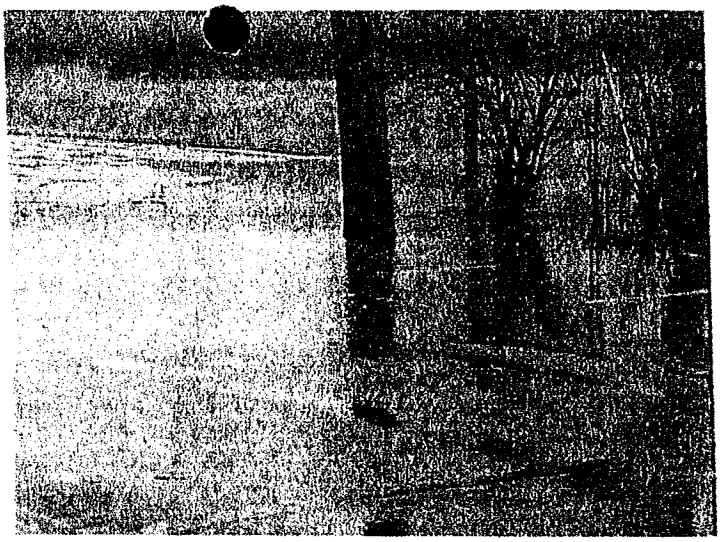
A statement under the Comprehensive Plan caught my eye: *In general, population densities should be reduced in the Mile Square, with the exception of High Street.* If this is part of the comprehensive plan, why would we consider building 22 duplexes and a single family home at the site on South Campus Avenue? Has consideration been given to building single family homes only in this area? How many acres are available at this site?

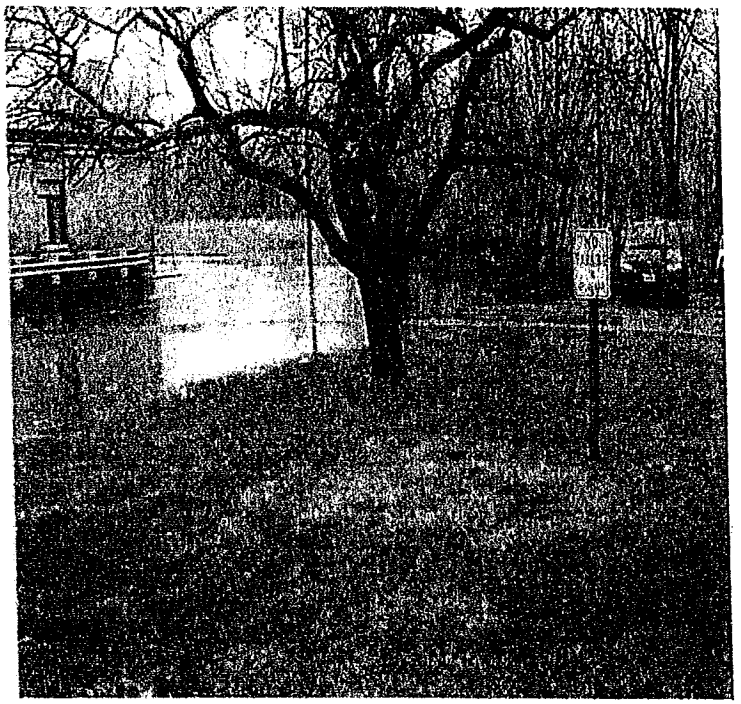
A proposal to have Rose Avenue become a through street from South Main to South Campus is another concern. Given the current heavy parking usage along So. Campus Avenue, we would lose parking and have another street coming out onto Campus Avenue. As it is now, we have three streets feeding into this end of So. Campus, it is difficult to ease out onto Campus with cars parked on both sides of these streets (Ardmore, Plum, and E. Central). Perhaps the police department staff would have a record of accidents occurring along that section of So. Campus.

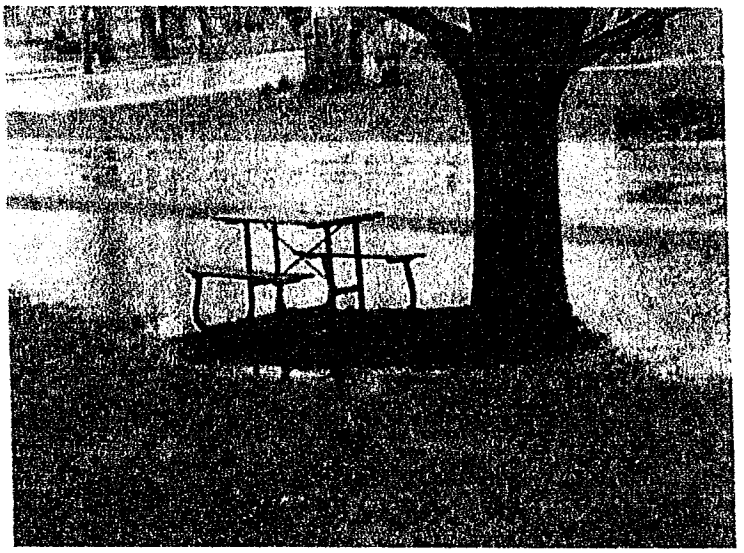
I ask you to consider these concerns; density, parking, traffic flow, lose of green space, and the future of the mile square, as you ponder this proposal.

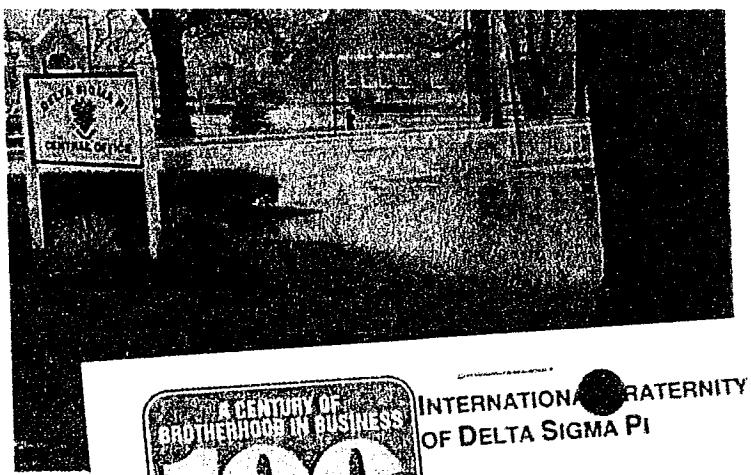
Thank you,
Sharon Peterson
101 East Central Avenue
Oxford

Baer Property Rec'd by Sharon Peterson @ 5/13/08 PC Mtg









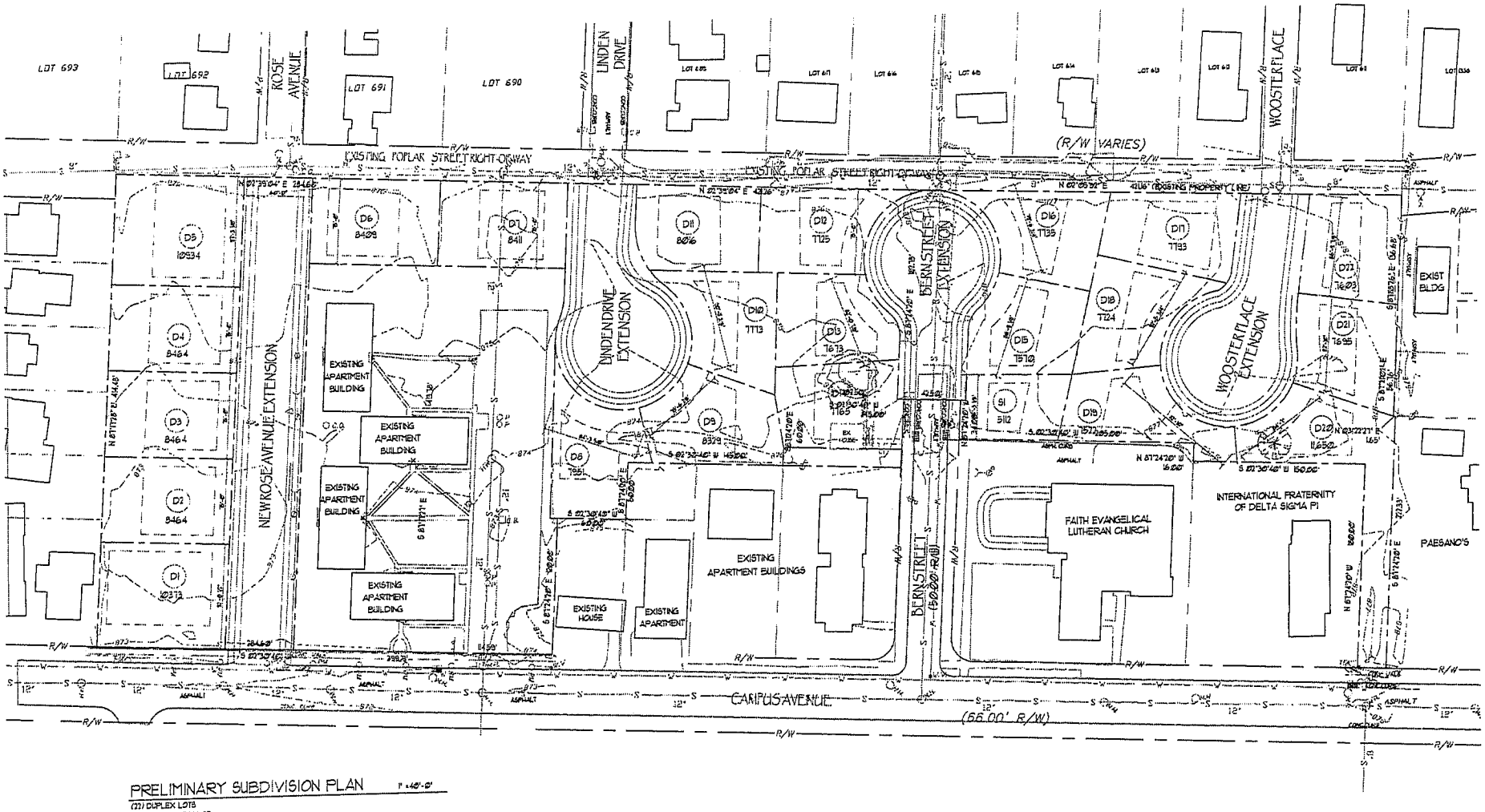
INTERNATIONAL FRATERNITY
OF DELTA SIGMA PI

WILLIAM C. SCHILLING
Executive Director

330 South Campus Avenue
Oxford, OH 45056
Web Site: www.dspnet.org

513-523-1907, Ext. 231
Fax: 513-523-7292
Email: bill@dspnet.org

Rec'd 5/13/08 PC Mtg. from Bill Schilling



PRELIMINARY SUBDIVISION PLAN

1" = 40'-0"

(22) DUPLEX LOTS
(1) SINGLE FAMILY LOT

TOTAL LAND AREA:	7.8 ACRES (HOUSE INCLUDED)
LESS CAMPUS COURTS:	- 1.73 ACRES
	6.07 ACRES

ZONING DISTRICT: R-2MS

SITE DEVELOPMENT REGULATIONS:

MINIMUM LOT AREA	2-FAMILY = 7,500 SF.
MINIMUM LOT AREA	1-FAMILY = 5,000 SF.
MINIMUM LOT WIDTH	2-FAMILY = 75 FEET
MINIMUM LOT WIDTH	1-FAMILY = 50 FEET

Old Prelim Sub that was w/drawn

SCOTT WEBB ARCHITECT
102 West Walnut Street
Oxford, Ohio 45056
(513) 523-3658
www.scottwebbarchitect.com

REVISIONS

PROPOSED RESIDENTIAL SUBDIVISION
Campus Commons
PAUL H. BAER FAMILY TRUST
1 CAMPUS AVENUE
RD, OHIO 45056

May 24, 2007

A-1

fIRST
first financial wealth resource

Another step on the path to success

ACT AS AGENT LETTER

March 3, 2008

Oxford Planning Commission
And Oxford City Council
Oxford, Ohio 45056

Dear Sirs:

Please let this letter serve as our authorization for Robert E. Broestl, Professional Engineer, to act as our Agent for the Campus Commons Subdivision Application process. Mr. Broestl will be representing First Financial Bank, Trustee for the Paul W. Baer Trust Properties, LLC Under Will.

Sincerely,

Kathy D. Carmack
First Vice President/Trust Officer
First Financial Bank

Case No.: PC-10-2008
Date filed: 3/17/08

Preliminary Subdivision Application

City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant:	Paul W. Baer Trust Properties, LLC / Robert Broestl, P.E.
	(Attach a letter of agency if the applicant is not the property owner)
Mailing Address:	30 Park Terrace Court
	Walnut Creek, CA 94597
Telephone Number(s):	(925) 945-6987
Name of Subdivision:	Campus Commons
Location of Property:	South Campus Avenue, South Poplar Street
Legal Description:	See attached Plat of Survey
Zoning District:	R2MS
Number of Lots:	23
Total Acreage:	6.08 Acres
Surveyor/Engineer:	DDS Surveying / Brosey Surveying Company
Address:	318 S. College Ave. / 4045 Stillwell Rd.
	Oxford, OH 45056 / Hamilton, OH 45013-9172
Phone Number:	(513) 523-4270 / (513) 863-0237

DRAWING REQUIREMENTS

Please submit twelve copies of the plat. Drawing size must be at least 18"x 24" and should never exceed 24"x 36 ". The plat must be prepared in accordance with Chapter 1101, Subdivision Regulations and Chapters 1121-1159, Zoning Code of the City of Oxford. The following information must appear on the plat:

a) A vicinity map, drawn to scale, showing the general location within the City.
b) The location of all present property lines, streets, alleys, rights-of-way, buildings, easements, lakes, watercourses and drainage ways.
c) Size of the tract in acres and lots in square feet and the boundary lines along with the linear measurement thereof.
d) Any existing water mains, culverts, water or sewer lines, easements, buildings and streets within the tract or immediately adjacent thereto.
e) The proposed location and width of streets, alleys lots and easements.
f) The name of the proposed subdivision and the name of the surveyor, engineer and owner at the time of subdivision.
g) The names and record owners of all adjoining subdivisions and the names of recorded owners of adjoining parcels of un-subdivided land.
h) North arrow, scale and date.
i) Contours with intervals of five feet or less referenced to U. S. Geological Survey datum and obtained from a field survey.
j) The seal, registry number and signature of the public surveyor who prepared the plat.
k) An evaluation of existing watercourses, channels, storm sewers, culverts and proposed improvements pertaining to drainage and flood control in regard to their ability to handle the anticipated volume of run-off generated during peak flow.
l) Any portion of the floodplain as delineated by the Flood Insurance Rate Map (FIRM) Community Panel Number 390731 0001- 0003, revised January 3, 1997, must be clearly illustrated and labeled on the plat.

Provide the names and addresses of all adjoining property owners including those across streets, roads, alleys and highways (attach a separate sheet if necessary).

See attached list

Note: Incomplete applications cannot be processed.

Submit this application, required copies of the preliminary plan containing all required information and the required fee **($400.00 plus $100.00 per acre** for preliminary subdivision or planned unit development), made payable to the City of Oxford, to the office of the Planning Director, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Planning Department at (513) 524-5204. The plan will be placed on the next possible agenda. **Incomplete applications will not be processed.**

NOTE: Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed Planning Commission meeting date.

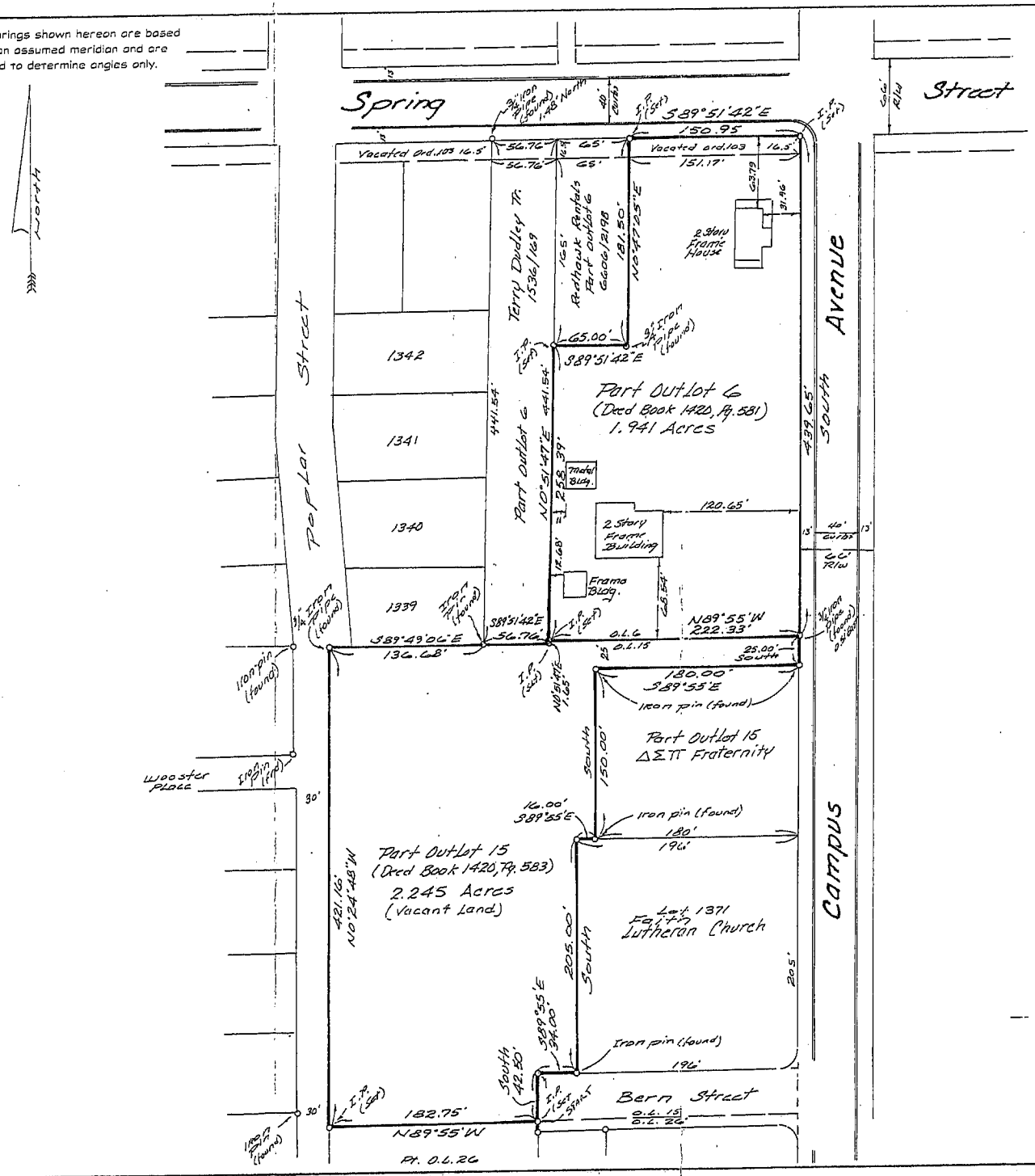
SIGNATURE OF APPLICANT: Robt E Broestl **Date:** 3-15-08

PRINTED NAME: Robert E. Broestl

FEE / RECEIPT

$400.00 + $100.00 per acre Fee Paid / Receipt Number: $1,008.00 #807435

Bearings shown hereon are based on an assumed meridian and are used to determine angles only.



Volume _____ Page _____.
Butler County Engineer's
Record of Land Surveys.

NOTES
1) Source documents are as shown hereon.
2) Occupation in general fits Survey except as shown.
3) Monumentation found is in good condition.
4) —o— Indicates 5/8" iron rod with I. D. cap [set] unless otherwise noted.
5) Subject to all easements & restrictions of record.

PLAT OF SURVEY

Part Outlots 6 & 15
City of Oxford
Butler County, Ohio

For: Paul W. Baer Trust
Date: June 22, 2005
Scale: 1" = 60

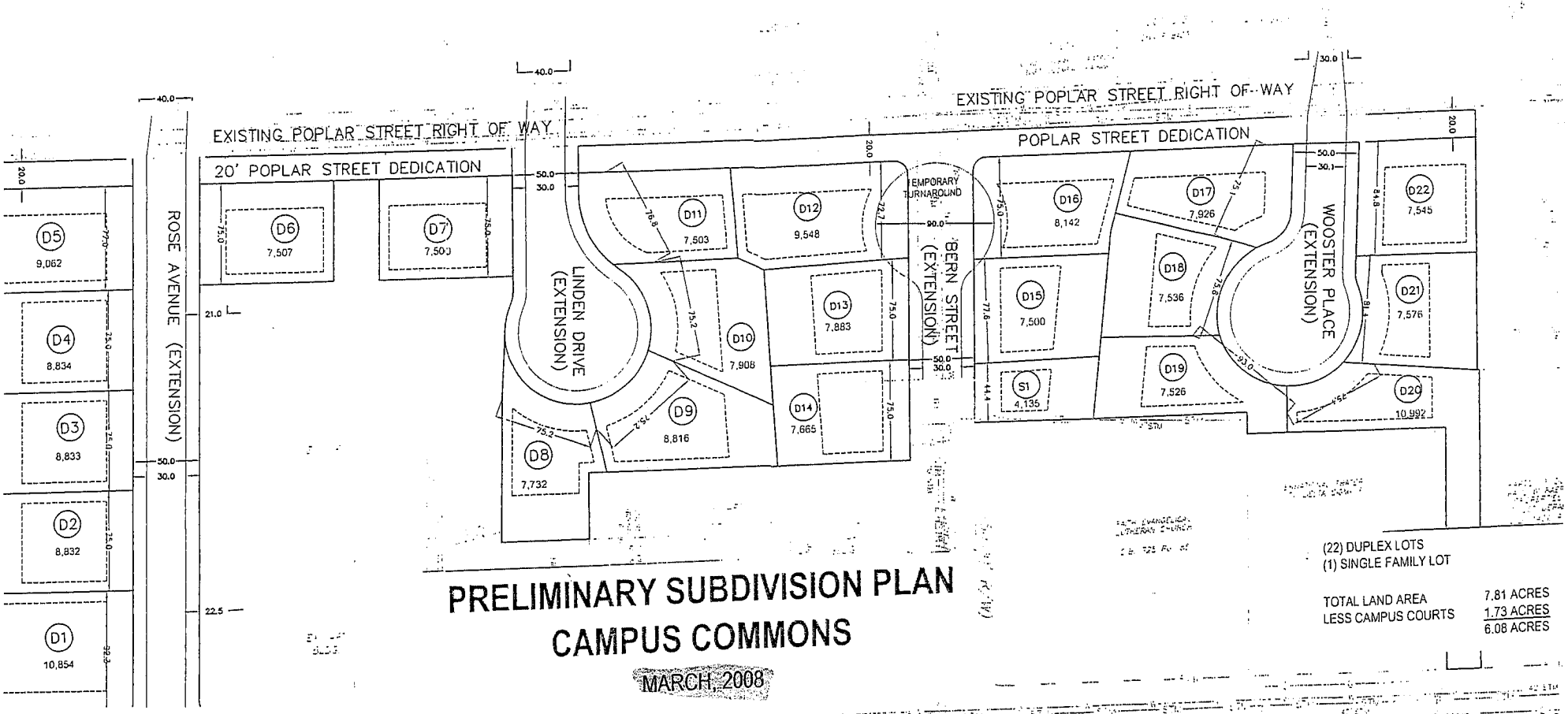
0' 60' 120'

By: Brosey Surveying Company
Hamilton, Ohio.

I certify that the hereon platted property was measured to acceptable Survey Standards only.

Daniel R. Brosey
Registered Surveyor, 6492 in Ohio

STATE OF OHIO
DANIEL R. BROSEY
6492
REGISTERED
PROFESSIONAL SURVEYOR

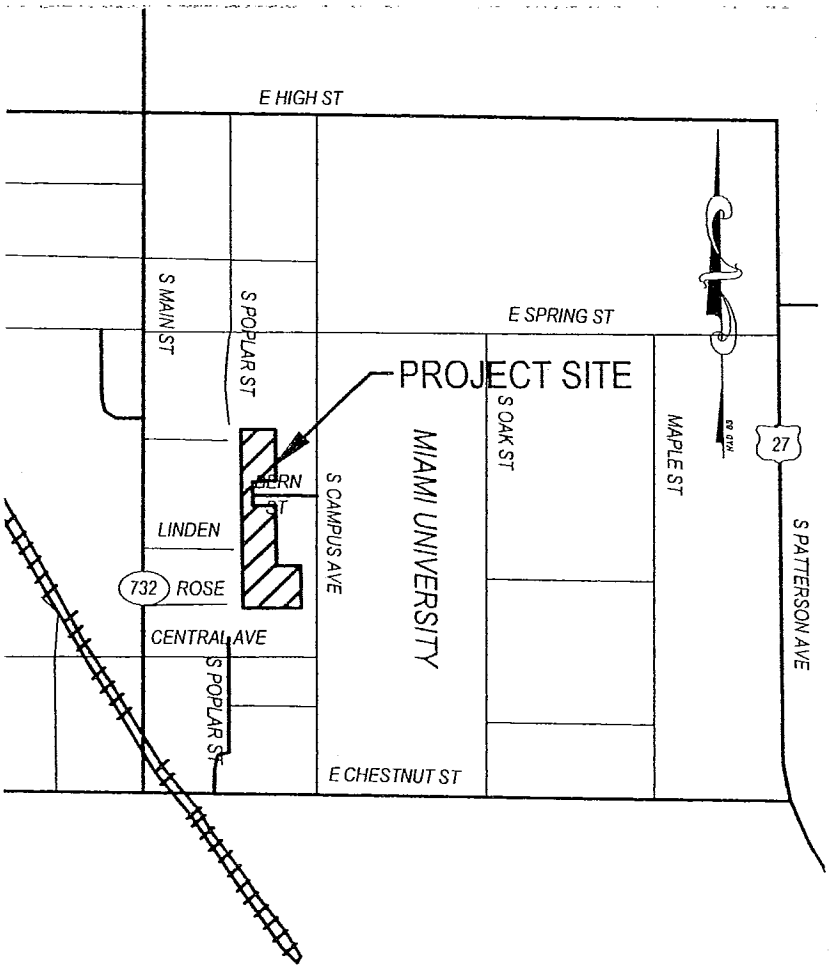


PRELIMINARY SUBDIVISION PLAN
CAMPUS COMMONS

MARCH, 2008

(22) DUPLEX LOTS
(1) SINGLE FAMILY LOT

TOTAL LAND AREA	7.81 ACRES
LESS CAMPUS COURTS	1.73 ACRES
	6.08 ACRES



VICINITY MAP

SCALE 1" = 1,000'

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 6/3 & 6/17

Account Code No. _____

Heidi Hill
Prepared By

Budgeted Amount: _____

5/27/08
Date Prepared

Agenda Title: **Year 2009 Tax Budget submitted to the County**

Recommendation: **Approve**

Discussion:

This is the annual Tax Budget for the General Fund to be submitted for the coming year to the Butler County Tax Commission, in accordance with requirements stipulated by Ohio Revised Code. Approval by the legislative body is required by July 15th and it is due to the County by July 20th.

The tax budget required for the County is essentially a preliminary budget estimate for next year. Beginning in August we will undertake our normal detailed line-item budget analysis and preparation. We will spend approximately 3 months of intensive preparation on our detailed budget, and the final approved budget will then be submitted to the County Budget Commission to replace this preliminary estimate.

This tax budget provides our first glimpse at 2009's General Fund budget. It was prepared as follows:

1) Income Tax Revenue: Increased income tax based on current year to date percentage increase in revenue.

2) Local Government Revenue Sharing (LGF): Level fund.

3) Tangible Personal Property Tax: Level fund for potential phase out.

4) Interest income was reduced within miscellaneous: Due to federal rate cuts, interest income will not flourish as it has in prior years.

5) All other revenue: Increases vary, but generally range between a 0%-3% increases.

The net of the income tax and other increases, offset by the reductions noted above, enables the expenses to be increased by 6%. Please keep in mind this is just a preliminary estimate.

Ohio Revised Code requires one public hearing be held, advertised at least 10 days in advance. We have advertised the public hearing for the Council meeting of June 17th.

Approved By:	**Initial**	**Date**
Department Head:	JN	5/29
City Manager:		

ORDINANCE NO.

ORDINANCE AUTHORIZING THE TAX BUDGET FOR THE YEAR 2009 AND DIRECTING THAT THE SAME BE TRANSMITTED TO THE BUTLER COUNTY AUDITOR.

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

SECTION 1: The Year 2009 Tax Budget, attached hereto as 'Attachment A' for the City of Oxford is hereby adopted and the Finance Director is directed to transmit a copy of said budget to the Butler County Auditor.

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

_____
MAYOR

ADOPTED: _____

ATTEST:

_____
DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

CITY OF OXFORD

BUTLER COUNTY, OHIO

27-May-08

This Budget must be adopted by the Council or other legislative body on or before July 15th, and two copies must be submitted to the County Auditor on or before July 20th. FAILURE TO COMPLY WITH SECTION 5705.28, O.R.C. SHALL RESULT IN LOSS OF LOCAL GOVERNMENT FUND ALLOCATION.

TO THE BUTLER COUNTY AUDITOR:

The following Budget for the fiscal year beginning 01 / 01 / 2009, has been adopted by the City of Oxford City Council and is herewith submitted for consideration of the Butler County Budget Commission.

Signed _____
Joseph G. Newlin

Title Director of Finance

SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY COMMISSION, AND COUNTY AUDITOR'S ESTIMATED RATES

FOR SUBDIVISION USE		FOR BUDGET COMMISSION USE		FOR COUNTY AUDITOR USE	
FUND (Include only those funds which are requesting general property tax revenue)	BUDGET YEAR AMOUNT REQUESTED OF BUDGET COMMISSION INSIDE / OUTSIDE	BUDGET YEAR AMOUNT APPROVED BY BUDGET COMMISSION INSIDE 10 MILL LIMITATION	BUDGET YEAR AMOUNT TO BE DERIVED FROM LEVIES OUTSIDE 10 MILL LIMITATION	COUNTY AUDITOR'S ESTIMATE OF TAX RATE TO BE LEVIED	
				INSIDE 10 MILL LIMIT BUDGET YEAR	OUTSIDE 10 MILL LIMIT BUDGET YEAR
	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
GENERAL FUND	$ 963,355	$	$		
TOTALS: ALL FUNDS	$ 963,355	$	$		

INSTRUCTIONS: List only those funds which are requesting general property tax revenue. Complete column 1 with the amount that you are requesting for general property taxes. DO NOT COMPLETE COLUMNS 2 THROUGH 5.

Signed: BUDGET COMMISSION _____

SCHEDULE B

LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	MAXIMUM RATE AUTHORIZED TO BE LEVIED	TAX YEAR COUNTY AUDITOR'S ESTIMATE OF YIELD OF LEVY (Carry to Schedule A Column 3)
GENERAL FUND:		
Current Expense Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C.		$
Current Expense Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C.		
Current Expense Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C.		
Current Expense Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C.		
Current Expense Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C.		
Current Expense Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C.		
Current Expense Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C.		
Current Expense Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C.		
TOTAL GENERAL FUND OUTSIDE 10 MILL LIMITATION		$
OTHER FUNDS:		
Fire Fund, Levy authorized by voters on 05/08/1990, not to exceed cont. years. Authorized under Section _____, O.R.C.		$
_____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C.		
_____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C.		
_____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C.		
_____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C.		
_____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C.		
_____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C.		
_____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C.		
_____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C.		
_____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C.		
_____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C.		
_____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C.		
_____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C.		
_____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C.		
_____ Fund, Levy authorized by voters on ___/___/___, not to exceed _____ years. Authorized under Section _____, O.R.C.		

STATEMENT OF FUND ACTIVITY

(Complete only for General Fund, Bond Retirement Fund, and any other funds requesting general property tax revenue)

EXHIBIT I

FUND: **GENERAL FUND**

DESCRIPTION	FOR 2006 ACTUAL	FOR 2007 ACTUAL	2008 CURRENT YEAR ESTIMATE	2009 BUDGET YEAR ESTIMATE
REVENUES:				
Property Taxes (Real & Personal)	$ 911,586	$ 971,757	$ 942,000	$ 963,355
Municipal Income Tax	$ 6,556,224	$ 6,539,440	$ 6,530,028	$ 6,904,324
Local Govmn't/Rev. Ass't. Fund	$ 749,446	$ 745,988	$ 765,791	$ 765,791
Other Revenues	$ 2,230,579	$ 2,987,707	$ 2,591,716	$ 2,352,290
TOTAL REVENUES	$ 10,447,835	$ 11,244,892	$ 10,829,535	$ 10,985,760
TOTAL EXPENDITURES	$ 10,067,011	$ 10,086,046	$ 10,815,212	$ 10,945,577
REVENUES OVER (UNDER) EXPENDITURES	$ 380,824	$ 1,158,846	$ 14,323	$ 40,182
BEGINNING CASH BALANCE	$ 4,156,496	$ 4,537,320	$ 5,696,166	$ 5,710,489
ENDING CASH BALANCE	$ 4,315,311	$ 5,432,045	$ 5,710,489	$ 5,750,671
ENCUMBRANCES AT YEAR END	$ 222,009	$ 264,121	$ -	$ -

FUND: _____

DESCRIPTION	FOR 2006 ACTUAL	FOR 2007 ACTUAL	2008 CURRENT YEAR ESTIMATE	2009 BUDGET YEAR ESTIMATE
REVENUES:				
Property Taxes (Real & Personal)	$	$	$	$
Homestead and Rollbacks				
Other Revenues				
TOTAL REVENUES				
TOTAL EXPENDITURES				
REVENUES OVER (UNDER) EXPENDITURES				
BEGINNING CASH BALANCE				
ENDING CASH BALANCE				
ENCUMBRANCES AT YEAR END				

SCHEDULE OF INDEBTEDNESS

EXHIBIT II

PURPOSE OF BONDS AND NOTES	AUTHORITY FOR LEVY OUTSIDE 10 MILL LIMIT *	DATE OF ISSUE	DATE DUE	ORDINANCE OR RESOLUTION	SERIAL OR TERM	RATE OF INTEREST	AMOUNT OF BONDS / NOTES OUTSTANDING AT BEGINNING OF BUDGETED YEAR 1/1/2009	AMOUNT REQUIRED FOR PRINCIPAL & INTEREST PAYMENTS 1/1/2009 TO 12/31/2009
INSIDE TEN MILL LIMIT:								
Payable from Bond Retirement Fund								
General Obligation								
Parks Improvement Bonds	N/A	12/99	2019	Ordinance	Serial & Term	Varies	$ 2,635,000	$ 324,398
2002 Refunding Water Bonds	N/A	12/02	2014	Ordinance	Serial	3.42% Average	$ 4,880,000	$ 929,250
Revenue Bonds								
NONE								
Other -OWDA Issued Debt								
1987 OWDA Sewer debt	N/A	1987	2009	Ordinance	Serial	7.73%	$ -	$ -
1995 OWDA Landfill debt	N/A	1995	2015	Ordinance	Serial	4.35%	$ 1,681,906	$ 299,843
1997 OWDA Sewer Collection System Debt	N/A	4/97	2018	Ordinance	Serial	4.12%	$ 357,936	$ 50,341
1997 OWDA Sewer Plant Construction, Sewer Plen and Design Debt	N/A	5/97	2019	Ordinance	Serial	4.12%	$ 3,966,190	$ 487,932
1998 Sandra Drive Collection System Debt	N/A	3/98	2019	Ordinance	Serial	3.98%	$ 172,170	$ 22,948
TOTAL							**$ 13,693,201**	**$ 2,114,711**
OUTSIDE TEN MILL LIMIT:								
NONE								
TOTAL							$	$

* If the levy is outside the 10 mill limit by vote enter the words "by vote" and the date of the election.
If outside the 10 mill limit without a vote, enter the reference to the statute under which the levy is exempt from the 10 mill limit.

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: June 2, 2008

Account Code No. #:

Jung-Han Chen
Prepared By

Budgeted Amount:

May 22, 2008
Date Prepared

Agenda Title:	**AN ORDINANCE REPEALING CURRENT SECTION 521.12 OUTDOOR FURNITURE RESTRICTION AND ADOPTING NEW SECTION 521.12 OUTDOOR FURNITURE RESTRICTION.**

Recommendation:	**Approval**

Discussion:
Council member Fischer requested this item be brought back to City Council to amend the penalty provision of this Section as shown in 521.12 (b).

Approved By:

	Initial	Date
Department Head:	JHC	5/22/08
City Attorney:		
City Manager:		

ORDINANCE NO.

AN ORDINANCE REPEALING CURRENT SECTION 521.12 OUTDOOR FURNITURE RESTRICTION AND ADOPTING NEW SECTION 521.12 OUTDOOR FURNITURE RESTRICTION, REDUCING THE PENALTY FOR VIOLATION.

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

SECTION I: The City of Oxford, Ohio, seeks to promote a clean environment free of trash, litter, and other blighting effects in order to promote the health, safety, and welfare of the community.

SECTION II: Current Section 521.12 Outdoor Furniture Restriction is repealed and new Section 521.12 Outdoor Furniture Restriction is adopted to read as follows:

521.12 OUTDOOR FURNITURE RESTRICTION.

(a) No person shall allow to remain, keep, store or maintain any couches, chairs, tables, or other furniture not manufactured for outdoor use; plywood boards; construction materials; saw horses; tubes, pipes; or rigid materials suspended between two supports so as to be used as a table in any yard, alley, front porch, unenclosed rear porch or in any other outside area. However, it will be an affirmative defense to any alleged violation of this provision that such furniture was placed in an outside location designated for the collection of garbage, refuse or recyclable materials, in accordance with the City's garbage, refuse and recycling service, for the purpose of having such furniture removed, and said placement at said location is not more than 24 hours before the designated collection time or that the plywood boards; construction materials; sawhorses; tubes; pipes or rigid materials are actively being used for construction purposes.

(b) Whoever violates this section is guilty of a ~~misdemeanor of the fourth degree~~ minor misdemeanor on the first offense, and each subsequent offense shall render such person guilty of a misdemeanor of the ~~third~~ fourth degree.

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

_____
MAYOR

ADOPTED:

ATTEST:

_____
DEPUTY CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: ALYSIA FISCHER
PREPARED BY: LAW (STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: June 2, 2008

Account Code No. #:

Jung-Han Chen
Prepared By

Budgeted Amount:

May 22, 2008
Date Prepared

Agenda Title:	**An Ordinance Amending Chapter 1301 of the Oxford Codified Ordinance and Adopting Changes to 1301 Ohio Building Code**

Recommendation:	**Approval**

Discussion:
As directed by City Council to rectify different allowance between City regulations regarding projections into the right-of-way, the recommended language is being proposed for City Council's consideration.

Ohio Building Code Chapter 32: Encroachment into the public right-of-way allows certain architectural elements to be extended over the right-of-way. However, some allowances need modified to better suit the Oxford community. By amending Chapter 1301 to prohibit certain building elements would provide a clean and easy reference for building designers to follow. It also retains design flexibility to compliment the nostalgic ambience the Uptown has to offer. With the proposed amendment, the discrepancies would be minimized between various codes,

The Planning Commission provided staff invaluable guidance to develop this legislation and supports the amendment, even though the Planning Commission does not normally take a position on building code issues.

Approved By:

	Initial	**Date**
Department Head:	JHC	5/22/08
City Attorney:		
City Manager:		

ORDINANCE NO.

AN ORDINANCE AMENDING THE OXFORD CODE OF ORDINANCES BY REPEALING CHAPTER 1301, OHIO BUILDING CODE AND ADOPTING NEW CHAPTER 1301, OHIO BUILDING CODE.

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

SECTION 1: City Council hereby finds that the City of Oxford Planning Commission reviewed the revisions at a public meeting on the 13th day of May 2008, and that following the public meeting did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Chapter 1301, Ohio Building Code, and adopting new Chapter 1301, Ohio Building Code.

SECTION 2: City Council finds that this Code amendment is in the best interest of the City and will serve to protect the health, safety and welfare of the citizens of Oxford.

SECTION 3: City Council finds the revisions are necessary in defining how building structures in the City of Oxford are to be constructed.

SECTION 4: City Council hereby repeals the entirety of current Chapter 1301 of the Oxford Code of Ordinances and adopts new Chapter 1301, a copy of which as been attached hereto as Exhibit "A" and is incorporated herein by reference.

SECTION 5: This ordinance shall take effect at the earliest date allowed by law.

_____
MAYOR

ADOPTED: _____

ATTEST:

_____
DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

Exhibit "A"

CHAPTER 1301- OHIO BUILDING CODE

1301.01 ADOPTION.

The Ohio Building Code (OBC) as adopted by the Ohio Board of Building Standards, Department of Industrial Relations and as published in the Ohio Administrative Code (OAC), including all such amendments, changes and replacements as are from time to time adopted, is hereby adopted by reference and fully incorporated herein so that each Ohio Building Code in effect in Ohio shall at all times be effective as the law of this Municipality except as the same shall be expressly altered or modified by legislation enacted and contained in this chapter.
(Ord. 2842. Passed 3-15-05.)

1301.02 ADDITIONS, INSERTIONS AND CHANGES.

1301.02.1: ***No encroachment shall be permitted which extends past the curb line or into an alley right-of-way, except as permitted in 1301.02.4.***

1301.02.2: ***Awnings, canopies and marquees must be supported from the building only.***

1301.02.3 ***No balcony shall be projected beyond or over the right-of-way.***

1301.02.4 ***Where the vertical clearance above grade to a projecting architectural feature or mechanical equipment is more than 15 feet (4572 mm) above grade, a maximum encroachment of 2 feet is permitted into an alley right-of-way.***

1301.02.5: ***No temporary encroachment shall be permitted.***

1301.03 COPIES.

Copies of Codes as adopted in this chapter are on file with the Clerk of Council for inspection by the public, and also on file in the County Law Library, and the Clerk has copies available for distribution to the public at cost.
(Ord. 2842. Passed 3-15-05.)

1301.04 FIRE INSURANCE PROCEEDS.

(a) The City hereby adopts and accepts the provisions set forth in Ohio R.C. 3929.86, particularly subsections (c) and (d) thereof, providing for the transfer and receipt of portions of fire insurance proceeds as set forth in such section.
(b) The City Manager is hereby designated as the officer of the City authorized to carry out the duties under Ohio R.C. 3929.86.
(Ord. 2842. Passed 3-15-05.)

1301.99 PENALTY

Whoever violates any provision of this chapter or any Code adopted herein or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars ($1,000) or imprisoned not more than six months or both. Each day during which noncompliance or violation continues shall constitute a separate offense. The municipality may institute injunction proceedings in the Common Pleas Court to abate the nuisance or failure to cease work after receipt of a stop work order.

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: June 2, 2008

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

May 22, 2008
Date Prepared

Agenda Title:	**PC-06-2008- Zoning Text Amendment- To Amend Chapter 1141, Section 1141.03 Supplemental Regulations, Regarding Projections into the Right-of-Way in the (UP) Uptown District**

Recommendation:	**Approval**

Discussion:

As directed by City Council, to rectify different allowances between City regulations regarding the projections into the right-of-way, staff prepared the recommended language to address the discrepancies while addressing the community's desire to maintain appropriate streetscape.

The recommended change is to simply insert one paragraph making reference to the City's Building Code which pertains to the projection into the public right-of-way in the Oxford Zoning Code, unless specifically allowed by the Zoning Code.

Approval of this legislation should occur after the recommended changes in the City's Building Code, Codified Ordinance Chapter 1301, is adopted.

The Planning Commission is recommending approval of this text amendment. The Planning Commission also supports changes being made to Codified Ordinance Chapter 1301, Building Code.

Approved By:	**Initial**	**Date**
Department Head:	JHC	5/22/08
City Attorney:		
City Manager:		

ORDINANCE NO.

ORDINANACE REPEALING ZONING CODE SECTION 1141.03, SUPPLEMENTAL REGULATIONS, AND ADOPTING NEW SECTION 1141.03, SUPPLEMENTAL 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 May 13, 2008 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1141.03, Supplemental Regulations, and adopting new Section 1141.03, Supplemental Regulations..

SECTION II: Council hereby repeals Section 1141.03 of the Oxford Code of Ordinances and adopts new Section 1141.03 as follows:

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 on one lot.

(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. Any addition to a residential building that results in or enables a new dwelling unit is not permitted.

(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.

SECTION III: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

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

_____
MAYOR

ADOPTED:

ATTEST:

_____
DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

Certification of Action
Oxford Planning Commission
Recommendation to City Council

Report Date	May 13, 2008
Case Number	PC-06-2008
Applicant Information	City of Oxford, Applicant
Requested Action	Zoning Text Amendment
Summary of Request	Request for additional regulations regarding projections into the right-of-way in the (UP) Uptown District.
Public Hearing Information	At the March 11, 2008 a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on February 8, 2008. The Planning Commission tabled the consideration in its March 11, 2008 meeting. On May 13, 2008, this case was brought back before the Planning Commission for consideration.
Commission Action	The Planning Commission voted 6-0-0 to recommend City Council approval.
Commission Findings and Conclusions	The Planning Commission voted to recommend approval without conditions.
Exhibits Submitted to the Commission	1. Community Development Staff Report dated May 8, 2008 and Staff Report dated February 28, 2008 2. Inter-Office Review Transmittal Sheets. 3. Zoning Code Text Amendment Application dated January 25, 2008. 4. Staff Drawing. 5. Chapter 32 Encroachments into the public right-of-way.

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-06-2008

Date – March 11, 2008
REVISED - May 13, 2008

APPLICATION	
Applicant:	City of Oxford
Action Request:	Chapter 1141, Section 1141.03 Supplemental Regulations, additional regulations regarding projections into the right-of-way in the (UP) Uptown District.

DESCRIPTION

During the public comment forum at the January 15, 2008 City Council meeting, concerns were raised on how the Planning Department staff interprets projections into the right-of-way in the Uptown zoning district, and conflicting language between the Ohio Building Code and the Oxford Planning & Zoning Code. At the February 5, 2008 City Council meeting, City Council referred the matter back to the Planning Commission for further review.

The Ohio Building Code contains an entire chapter dedicated to encroachments into the public right-of-way; however, from only the building construction aspect. There are other City rules and regulations that staff have to follow when reviewing building applications. The Oxford Zoning Code is one of those additional regulations that each application must adhere to as well.

The Oxford Zoning Code allows different building elements to project into a required *yard* as outlined in Section 1141.03(h). The Oxford Zoning Code also allows signs to project into the public right-of-way per Chapter 1151. The Definition Section of the Code provides some insight for interpretation, but other than these provisions, the Zoning Code is silent in the projecting into the pubic right-of-way issue.

§1159.03 DEFINITIONS

*(8) **BUILDING LINE** - A line parallel to the street right-of-way line at any story level of a building and representing the distance which all or any part of the building is to be set back from said right-of-way property line.*

§1159.17 DEFINITIONS

*(19) **PUBLIC WAY** - Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky which is deeded, dedicated or otherwise permanently appropriated to the public for public use.*

§1159.20 DEFINITIONS

*(3) **SETBACK** - The distance between the building and any lot line.*

§1159.25 DEFINITIONS

*(1) **YARD** - An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning ordinance.*

Property located in the "UP" Uptown District has a front yard and rear yard setback requirement of zero feet. Setback requirements are taken from the property line, and in the "UP" District this is typically the same as the right-of-way line. Based on the Definitions and Sections mentioned above, the Planning Department staff has interpreted that projections are permitted provided that the projections are *in* the required yard.

Some building elements listed in the Ohio Building Code that may not be covered in the Zoning Code could cause ambiguity and confusion in future building applications. Those elements would need to be considered and deliberated under the umbrella of the right-of-way encroachment issue. City Council has advised there is a need to reconcile the inconsistency between these two codes.

Staff presented recommended language to Planning Commission during its March meeting. The Planning Commission felt that the proposed zoning language could create more confusion on this issue. Therefore, the Planning Commission tabled the case and directed staff to come back with a cleaner approach. Unfortunately, staff did not complete the modified language prior to the agenda being published for the April regular meeting. Therefore, this case is being brought back to the Planning Commission's consideration.

The proposed language is very simple. It states that the projection into the right-of-way in the Uptown District is governed under the Oxford Codified Ordinance Chapter 13, Building Code and Chapter 1151, Signs. The actual changes will take place in the Oxford Building Code. In the Oxford Building Code, the regulations will follow the Ohio Building Code except the Oxford Code will prescribe what are not permissible. Attached is the proposed language to modify the Oxford Building Code for your information.

STAFF ANALYSIS

The proposed language will remove the Placement of Any Building Elements Over the Right-Of-Way from the Oxford Zoning Code to the Oxford Building Code. The Oxford Zoning Code will only make reference that any projection into the Right-of-Way will be governed by the Oxford Building Code.

Decision Criteria

Any proposed amendment shall be considered and 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:

a. Make the Code conform more closely to the Comprehensive Plan.
b. Improve the public health, safety, and general welfare of Oxford.
c. Clarify the intent of the Code.
d. Better implement the intent of the Code.
e. Improve enforcement of the Code.

RECOMMENDATION

Not Applicable

SUBMITTED

BY: Jung-Han Chen /ltt
Jung-Han Chen, Director
Community Development Department

DATE: February 28, 2008
Revised May 8, 2008

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 on one lot.

(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 13, Building Code; or by Chapter 1151, Signs.

(j) Residential Building Additions. Any addition to a residential building that results in or enables a new dwelling unit is not permitted.

(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.

(Ord. 2924. Passed 9-19-06)

CODIFIED ORDINANCE OF OXFORD
CHAPTER 13: BUILDING CODE

1301.01 ADOPTION.

The Ohio Building Code (OBC) as adopted by the Ohio Board of Building Standards, Department of Industrial Relations and as published in the Ohio Administrative Code (OAC), including all such amendments, changes and replacements as are from time to time adopted, is hereby adopted by reference and fully incorporated herein so that each Ohio Building Code in effect in Ohio shall at all times be effective as the law of this Municipality except as the same shall be expressly altered or modified by legislation enacted and contained in this chapter.
(Ord. 2842. Passed 3-15-05.)

1301.02 ADDITIONS, INSERTIONS AND CHANGES.

1301.02.1: No encroachment shall be permitted which extends past the curb line or into an alley right-of-way, except as permitted in 1301.02.4.

1301.02.2: Awnings, canopies and marquees must be supported from the building only.

1301.02.3 No balcony shall be projected beyond over the right-of-way.

1301.02.4 Where the vertical clearance above grade to a projecting architectural feature or mechanical equipment is more than 15 feet (4572 mm) above grade, a maximum encroachment of 2 feet is permitted into an alley right-of-way.

1301.02.5: No temporary encroachment shall be permitted.

1301.03 COPIES.

Copies of Codes as adopted in this chapter are on file with the Clerk of Council for inspection by the public, and also on file in the County Law Library, and the Clerk has copies available for distribution to the public at cost.
(Ord. 2842. Passed 3-15-05.)

1301.04 FIRE INSURANCE PROCEEDS.

(a) The City hereby adopts and accepts the provisions set forth in Ohio R.C. 3929.86, particularly subsections (c) and (d) thereof, providing for the transfer and receipt of portions of fire insurance proceeds as set forth in such section.
(b) The City Manager is hereby designated as the officer of the City authorized to carry out the duties under Ohio R.C. 3929.86.
(Ord. 2842. Passed 3-15-05.)

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-06-2008 **Date – March 11, 2008**

APPLICATION

Applicant:	City of Oxford
Action Request:	Chapter 1141, Section 1141.03 Supplemental Regulations, additional regulations regarding projections into the right-of-way in the (UP) Uptown District.

DESCRIPTION

During the public comment forum at the January 15, 2008 City Council meeting, concerns were raised on how the Planning Department staff interpret projections into the right-of-way in the Uptown zoning district, in addition to conflicts between the Ohio Building Code and the Oxford Planning & Zoning Code. At the February 5, 2008 City Council meeting, City Council referred the matter to the Planning Commission for further review.

The Ohio Building Code contains an entire chapter dedicated to encroachments into the public right-of-way; however, from only the building construction aspect. There are other City rules and regulations that staff have to follow when reviewing building applications. The Oxford Zoning Code is one of those additional regulations that each application must adhere to as well.

The Oxford Zoning Code allows different building elements to project into a required *yard* as outlined in Section 1141.03(h). The Oxford Zoning Code also allows signs to project into the public right-of-way per Chapter 1151. The Definition Section of the Code provides some insight for interpretation, but other than these provisions, the Zoning Code is silent in the projecting into the pubic right-of-way issue.

§1159.03 DEFINITIONS

*(8) **BUILDING LINE** - A line parallel to the street right-of-way line at any story level of a building and representing the distance which all or any part of the building is to be set back from said right-of-way property line.*

§1159.17 DEFINITIONS

*(19) **PUBLIC WAY** - Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky which is deeded, dedicated or otherwise permanently appropriated to the public for public use.*

§1159.20 DEFINITIONS

*(3) **SETBACK** - The distance between the building and any lot line.*

§1159.25 DEFINITIONS

*(1) **YARD** - An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning ordinance.*

Property located in the "UP" Uptown District has a front yard and rear yard setback requirement of zero feet. Setback requirements are taken from the property line, and in the "UP" District this is typically the same as the right-of-way line. Based on the definitions and Sections mentioned above, the Planning Department staff has interpreted that projections are permitted provided that the projections are *in* the required yard.

Some building elements listed in the Ohio Building Code that may not be covered in the Zoning Code could cause ambiguity and confusion in future building applications. Those elements would need to be considered and deliberated under the umbrella of the right-of-way encroachment issue. City Council has advised there is a need to reconcile the inconsistency between these two codes.

STAFF ANALYSIS

The proposed language essentially replicates the minimum requirements of the Ohio Building Code with the exception of attributes that are unique to Oxford such as flower boxes and awnings, canopies and marquees higher than 15 feet.

Any projection into the public right-of-way, other than those explicitly allowed by the Oxford Zoning Code, would require approval either from City Council or from the Board of Zoning Appeals.

Decision Criteria

Any proposed amendment shall be considered and 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:

a. Make the Code conform more closely to the Comprehensive Plan.
b. Improve the public health, safety, and general welfare of Oxford.
c. Clarify the intent of the Code.
d. Better implement the intent of the Code.
e. Improve enforcement of the Code.

RECOMMENDATION

Not Applicable

SUBMITTED
BY: Kathryn A Dale
Kathryn A. Dale, AICP
City Planner
Community Development Department
DATE: February 28, 2008

ATTACHMENT – Chapter 32 of the 2007 Ohio Building Code.

CHAPTER 1141
Accessory, Temporary, Supplemental and Environmental Regulations

1141.01 Accessory regulations.
1141.02 Temporary regulations.
1141.03 Supplemental regulations.
1141.04 Environmental regulations.

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 on one lot.

(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) The required front yard depth may be reduced. The amount of reduction shall be based on the average setback of the principal buildings along the street frontage of the block where the new construction is proposed. A new building may project to, but not beyond, the average front yard so established.

(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 pubic right-of-way unless specifically allowed by this chapter. Signs are regulated under Chapter 1151.**

(1) **Projection below grade. A part of a building erected below grade that is necessary for structural support of the building or structure shall not project beyond the lot lines, except that the footings of street walls or their supports which are located below grade shall not project more than 12 inches beyond the right-of-way line.**

(2) **Projections above grade and below 8 feet in height. Encroachment into the public right-of-way above grade and below 8 feet shall be prohibited except as provided in this section. Doors and windows shall not open or project into the public right-of-way.**

A. **Street level:**

i. **Architectural features: Columns and pilasters, including bases and molding, belt courses, lintels, sills, architraves, pediments and similar architectural features shall not project more than 4 inches into the public right-of-way.**

ii. **Awnings, canopies. The vertical clearance from the public right-of-way to the lowest part of any awnings, including valances, shall be 7 feet minimum.**

(3) **Projection above grade more than 8 feet. No balcony or deck is permitted to project into the right-of-way.**

A. **Windows and architectural features: When the vertical clearance above grade to projecting windows, architectural features is more than 8 feet, 1 inch of encroachment is permitted for each additional 1 inch of clearance above 8 feet, but the maximum encroachment shall be 2 feet.**

B. **Awning, canopies, and marquees: Awnings, canopies, marquees with less than 15 feet clearance above the sidewalk can be extend as far as without supporting structure attached to the sidewalk.**

C. **Flower boxes: Flower boxes may be extended as far as without supporting structure attached to the sidewalk.**

(j)~~(i)~~ Residential Building Additions. Any addition to a residential building that results in or enables a new dwelling unit is not permitted.

(k)~~(j)~~ 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.

(Ord. 2782. Passed 5-20-03.)

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 2/14/2008

To: (Fire Department) Engineering Division Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-06-2008

Description:

PC-06-2008 **ZONING TEXT AMENDMENT** Chapter 1141, Section 1141.03 Supplemental Regulations, additional regulations regarding projections into the right-of-way in the (UP) Uptown District, **City of Oxford, Applicant**

____X_____ Review _____ Revisions _____Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/5/08** 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: Alan Enders Fire Chief

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 2/14/2008

To: Fire Department Engineering Division Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-06-2008

Description:

PC-06-2008 **ZONING TEXT AMENDMENT** Chapter 1141, Section 1141.03 Supplemental Regulations, additional regulations regarding projections into the right-of-way in the (UP) Uptown District, **City of Oxford, Applicant**

____X_____ Review _____ Revisions _____Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/5/08** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

SEE MEMO DATED 2-20-2008

Drawings reviewed by: 2-20-08

CITY OF
OXFORD
HOME OF MIAMI UNIVERSITY

Memo

Service Department
Engineering Division
513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: Case #: PC-06-2008
Zoning Text Amendment

DATE: February 20, 2008

The Engineering Department assumes that the proposed "Zoning Text Amendment" may address building encroachment in the public right-of-way.

If the assumption is correct, the Engineering Division is not supportive of any type of encroachments within the public right-of-way.

If there are questions, please contact the Engineering Division at 513-524-5208.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 2/14/2008

To: Fire Department Engineering Division Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-06-2008

Description:

PC-06-2008 **ZONING TEXT AMENDMENT** Chapter 1141, Section 1141.03 Supplemental Regulations, additional regulations regarding projections into the right-of-way in the (UP) Uptown District, **City of Oxford, Applicant**

___X___ Review _____ Revisions _____Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/5/08** 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: S Sellers

Case No.: PC-6-2008
Date filed: 1/25/08

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 St

Telephone Number(s) 524-5204

1141.03 Supplemental Regulations, Projections into the ROW in the Uptown District

SUBMISSION REQUIREMENTS

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

All applications must include:

1. A general description of the proposed amendment.
2. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
3. A statement that identifies potential negative consequences of the proposed amendment.
4. Any existing section number and text that is proposed to be deleted or amended.
5. Any new or amended text as it is proposed to be codified including its proposed location in the Code. (section numbers)
6. A narrative statement that describes the expected effects of the proposed text.
7. 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:

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

All materials and the application fee in the amount of $150.00 payable to the City of Oxford must be delivered to the office of Community Development, 101 East High Street, Oxford, Ohio 45056. **Incomplete applications will not be processed.** Any questions should be directed to the Community Development Department at (513) 524-5204.

NOTE: **Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed meeting date.**

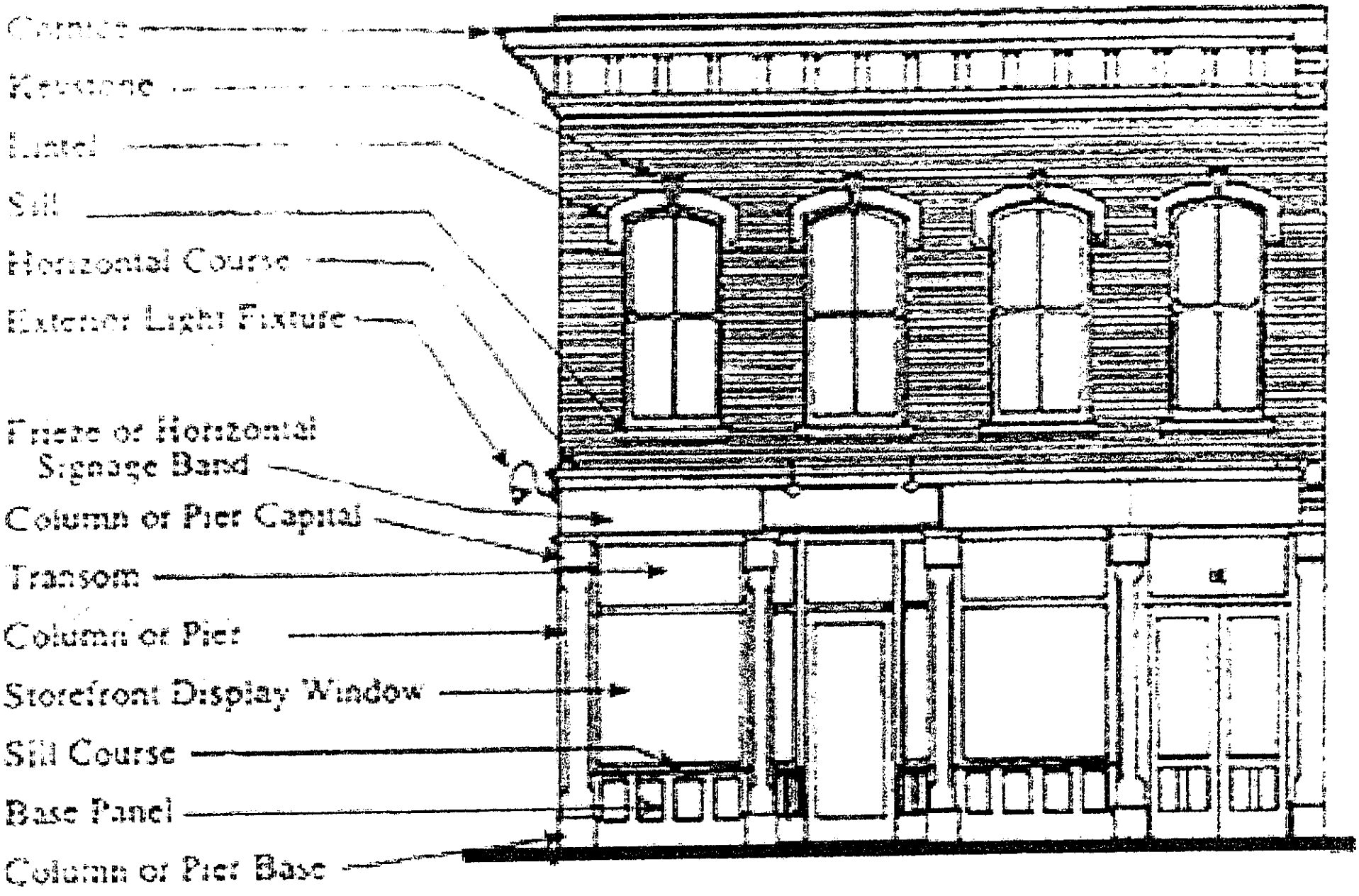
SIGNATURE OF APPLICANT: Jung-Han Chen Date: 1.25.08

PRINTED NAME: Jung-Han Chen

FEE / RECEIPT

$150 Fee Paid / Receipt Number: NA

Staff provided



CHAPTER 32

ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY

SECTION 3201
GENERAL

3201.1 Scope. *In the absence of local, state or federal laws or other ordinances regulating the public right-of-way, the* provisions of this chapter shall govern the encroachment of structures into the public right-of-way.

3201.2 Measurement. The projection of any structure or portion thereof shall be the distance measured horizontally from the lot line to the outermost point of the projection.

3201.3 Other laws. *Deleted.*

3201.4 Drainage. Drainage water collected from a roof, awning, canopy or marquee, and condensate from mechanical equipment shall not flow over a public walking surface.

SECTION 3202
ENCROACHMENTS

3202.1 Encroachments below grade. Encroachments below grade shall comply with Sections 3202.1.1 through 3202.1.3.

3202.1.1 Structural support. A part of a building erected below grade that is necessary for structural support of the building or structure shall not project beyond the lot lines, except that the footings of street walls or their supports which are located at least 8 feet (2438 mm) below grade shall not project more than 12 inches (305 mm) beyond the street lot line.

3202.1.2 Vaults and other enclosed spaces. The construction and utilization of vaults and other enclosed space below grade shall be subject to the terms and conditions of the authority or legislative body having jurisdiction.

3202.1.3 Areaways. Areaways shall be protected by grates, guards or other approved means.

3202.2 Encroachments above grade and below 8 feet in height. *Subject to the local authority having jurisdiction, encroachments* into the public right-of-way above grade and below 8 feet (2438 mm) in height shall be prohibited except as provided for in Sections 3202.2.1 through 3202.2.3. Doors and windows shall not open or project into the public right-of-way.

3202.2.1 Steps. Steps shall not project more than 12 inches (305 mm) and shall be guarded by approved devices not less than 3 feet (914 mm) high, or shall be located between columns or pilasters.

3202.2.2 Architectural features. Columns or pilasters, including bases and moldings shall not project more than 12 inches (305 mm). Belt courses, lintels, sills, architraves, pediments and similar architectural features shall not project more than 4 inches (102 mm).

3202.2.3 Awnings. The vertical clearance from the public right-of-way to the lowest part of any awning, including valances, shall be 7 feet (2134 mm) minimum.

3202.3 Encroachments 8 feet or more above grade. Encroachments 8 feet (2438 mm) or more above grade shall comply with Sections 3202.3.1 through 3202.3.4.

3202.3.1 Awnings, canopies, marquees and signs. Awnings, canopies, marquees and signs shall be constructed so as to support applicable loads as specified in Chapter 16. Awnings, canopies, marquees and signs with less than 15 feet (4572 mm) clearance above the sidewalk shall not extend into or occupy more than two-thirds the width of the sidewalk measured from the building. Stanchions or columns that support awnings, canopies, marquees and signs shall be located not less than 2 feet (610 mm) in from the curb line.

3202.3.2 Windows, balconies, architectural features and mechanical equipment. Where the vertical clearance above grade to projecting windows, balconies, architectural features or mechanical equipment is more than 8 feet (2438 mm), 1 inch (25 mm) of encroachment is permitted for each additional 1 inch (25 mm) of clearance above 8 feet (2438 mm), but the maximum encroachment shall be 4 feet (1219 mm).

3202.3.3 Encroachments 15 feet or more above grade. Encroachments 15 feet (4572 mm) or more above grade shall not be limited.

3202.3.4 Pedestrian walkways. The installation of a pedestrian walkway over a public right-of-way shall be subject to the approval of local authority having jurisdiction. The vertical clearance from the public right-of-way to the lowest part of a pedestrian walkway shall be 15 feet (4572 mm) minimum.

3202.4 Temporary encroachments. *Vestibules* and storm enclosures shall not be erected for a period of time exceeding 7 months in any one year and shall not encroach more than 3 feet (914 mm) nor more than one-fourth of the width of the side-walk beyond the street lot line. Temporary entrance awnings shall be erected with a minimum clearance of 7 feet (2134 mm) to the lowest portion of the hood or awning where supported on removable steel or other approved noncombustible support.

HISTORY: Eff. 7-1-07