

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: October 5, 2010

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

September 30, 2010

Date Prepared

Agenda Title: Ordinance Repealing Oxford Code Of Ordinances
Section 509.10, Entitled "Noise Restrictions", And Adopting New
Section 509.10, Entitled "Noise Restrictions".

Recommendation: N/A

Discussion:

The current language has no provision for persons performing construction or repair work that results in creating loud or unusual noise on week-ends or national holidays except in case of an emergency. The proposed language would allow construction work to be performed on week-ends and national holidays between the hours of 9:00 a.m. and 6:00 p.m.

Approved By:

Initial Date

Department Head:

City Attorney:

City Manager:

 10/11/10

ORDINANCE NO. _____

AN ORDINANCE REPEALING OXFORD CODE OF ORDINANCES SECTION 509.10, ENTITLED "NOISE RESTRICTIONS," AND ADOPTING NEW SECTION 509.10, ENTITLED "NOISE RESTRICTIONS".

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

SECTION I: Council hereby repeals Section 509.10; entitled "Noise Restrictions" and new Section 509.10, entitled "Noise Restrictions" is hereby adopted as follows (language to be removed is stricken through and language to be added is in italics).

509.10 NOISE RESTRICTIONS.

(a) No person shall:

(1) Exhausts, Muffler Systems and Squealing. Operate a motor vehicle which causes excessive noise levels, as a result of a defective or modified exhaust system, or as a result of an unnecessary rapid acceleration, de-acceleration, revving or tire squealing.

(2) Sound Amplifying Equipment. Operate a motor vehicle on a street or highway if the sound from any sound amplifying equipment located inside of, outside of but attached to, or held by a person inside, the motor vehicle, is discernible at a distance of twenty-five feet or more from the vehicle.

(3) Horns and Signaling Devices. Sound any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the City, except as a danger warning.

(4) Televisions, Radios, Electronic Sound Devices, Electronic Music Devices, and Musical and Sound Instruments. Use, operate or permit to be played, used or operated any television, radio receiving set, musical instrument, electronic sound device, electronic music device, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is reasonably necessary for convenient hearing for the person or persons who are in the room, vehicle, or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such radio set, musical instrument, or other machine or sound device in such a manner as to be plainly audible at a distance of twenty-five feet from the vehicle or at a distance of twenty-five feet from the lot upon which the building or structure is located shall be a violation of this section.

(5) Advertising. Use, operate, or permit to be played, used or operated any radio receiving set, musical instrument, loudspeaker, sound amplifier, or other machine or sound device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure, except as provided in Section 509.11.

(6) Defects in Vehicle or Load. Use any automobile, motorcycle, or vehicle so out of repair, so loaded or used in such manner as to create loud and unnecessary grating, grinding, rattling, or other noise.

(7) Blower and Fans. Operate any noise-creating blower or power fan or an internal combustion engine, the operation of which causes noise due to the explosion of operating gasses or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device designed for and sufficient to deaden such noise.

(8) Construction Equipment. Operate *any pile driver, pneumatic hammer, derrick, hoist, chain saw or other appliance, or construction equipment, the use of which is attended by loud and unusual noise.* ~~between the hours of 11:00 p.m. and 7:00 a.m. other than between the hours of 7:00 a.m. and 11:00 p.m. on weekdays or between the hours of 9 a.m. and 6:00 p.m. on weekends or national holidays any pile driver, pneumatic hammer, derrick, hoist, chain saw or other appliance, or construction equipment, the use of which is attended by loud and unusual noise.~~

(9) Yelling, Shouting and Singing. Yell, shout, hoot, whistle, or sing in the public right-of-way between the hours of 11:00 p.m. and 7:00 a.m.; on private property between the hours of 11:00 p.m. and 7:00 a.m. so as to be plainly audible at a distance of twenty-five (25) feet from the lot upon which the building or structure is located; or at any time so as to annoy or disturb the quiet, comfort, or repose of any person in any office or in any dwelling, hotel, or other type of residence.

(10) Animals. Keep any animal which, by causing frequent or loud continued noise, shall disturb the quiet, comfort or repose of any person in the vicinity.

(11) Construction or Repair. Erect (including excavating), demolish, alter, or repair any building other than between the hours of 7:00 a.m. and 11:00 p.m. on

weekdays *and 9:00 a.m. and 6:00 p.m. on weekends and national holidays*, except in case of emergency in the interest of public health and safety, and then only with a permit from the City Engineer, which permit may be granted for a period not to exceed three days while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues. If the City Engineer determines that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 11:00 p.m. and 7:00 a.m. *on weekdays or 6:00 p.m. and 9:00 a.m. on weekends and national holidays*, and the City Engineer further determines that loss or inconvenience would not result to any party in interest, the City Engineer may grant permission for that work to be done between the hours of 11:00 p.m. and 7:00 a.m. *on weekdays and 6:00 p.m. and 9:00 a.m. on weekends and national holidays* upon application being made at the time the permit for the work is awarded or during the progress of the work.

(12) Excessive Noise Adjacent to Schools, Courts, Churches, Hospitals. Create any excessive noise on any street adjacent to any school, church, or court of law while the same are in use, or adjacent to any hospital, which noise unreasonably interferes with the working of that institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in those streets indicating that the same is a school, church, court of law or hospital.

(13) Performance or Show. Use any drum or other instrument or device for the purpose of attracting attention to any performance, show, or sale by the creation of noise.

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

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: October 19, 2010

Service Department
Originating Department

Account Code #: N/A

David Treleaven
Prepared By

Budgeted Amount: N/A

October 7, 2010
Date Prepared

Agenda Title: Environmental Commission Meeting of October 6, 2010

Recommendation: For Review and Consideration

Discussion:

Environmental Commission members present at the Wednesday, October 6, 2010 meeting were: Chair, Mr. Charlie Ford; Vice-Chair, Mr. Wright Gwyn; City Council Representative, Mr. Greig Rutherford; Planning Commission Representative, Mr. Ted Wong, Ms. Kelly Church, Mr. Kevin Armitage, and Mr. Vince Hand. A quorum was present. Graduate students from Miami University's (MU's) Institute of Environmental Sciences (IES) Ms. Sarah Endres and Ms. Abby Hils were in attendance, as were MU undergraduates Mr. Ryan McMahon, Mr. Brent Gerst, Mr. Joseph Haydon, and Mr. Peter Sullivan, of Dr. Prytherch's Geography 451 course. Ms. Gerry Carleton, 602 Melissa Drive, was also in attendance.

Minutes from the July 14, August 4, and September 6, 2010 meetings were unanimously accepted as presented.

The IES students updated the Commission on a public service project (PSP) investigating stream channel erosion of private property within the community, specifically along Bull Run, and developing a potential action plan to address stream bank stabilization on individual properties and at communal levels. The project is tentatively to identify sources of storm water discharge (particularly man-made sources), develop processes to facilitate communication between property owners and governmental agencies, identify potential solutions, and investigate implementation options. The Commission requested that economic considerations be included as part of the investigation. The IES student group had initially requested the Commission sponsor the investigative PSP at the September meeting, but no formal action could be taken as a quorum was not present. The Commission unanimously agreed to sponsor the IES PSP. Monthly status reports on the PSP are expected to the Commission through its completion in April, 2011.

A draft of a newsletter prepared by Vice-Chair, Mr. Wright Gwyn, was reviewed and unanimously accepted by Commissioners. Staff was requested to submit the draft newsletter for internal administrative review within the City and to include a copy with the Staff Summary Report to City Council. Staff was instructed to investigate establishing an email address for the Commission to permit record retention of incoming and outgoing emails, with internal Commission protocols permitting a single individual to have
(Continued)

Approved By:

Department Head:
City Manager:

Initial \ Date
[Signature] \ 10/14/10
[Signature] \ 10/15/10

authorization to send Commission- and City-approved (if necessary) correspondence. Staff was instructed to inquire about establishing a link from the Environmental Commission's webpage on the City web site for publishing newsletters, and potentially allow citizens to contact the Commission with investigative suggestions, comments, or environmentally-related complaints. The Commission unanimously approved the creation of a subcommittee to create future newsletters, manage the citizen comments, and to investigate other methods of informing the general public of community environmental concerns and/or pending issues. Vice-Chair Mr. Wright Gwyn, Ms. Kelly Church, and Mr. Vince Hand volunteered for the subcommittee and were unanimously approved by the Commission.

The thirteen potential topics selected from the 2008 Comprehensive Plan for the Commission's attention were reviewed. In addition to the potential furthering of public environmental education afforded by the newsletter, Commissioners believed that investigating energy efficiency and/or conservation associated with City operations (i.e., street and traffic lights) and City facilities would be worthwhile as the next area of effort. The Commissioners would also like to be of assistance to Oxford's storm water management program. Following completion of efforts on these subjects, investigation into agricultural zoning districts within the Oxford community and encouraging backyard habitats should be the next areas of effort.

The Planning Commission Representative, Mr. Ted Wong, summarized a recent Planning Commission work session. The subdivision development examples presented at the work session utilizing the 50% or more land set-aside recommended by the Environmental Commission's research into conservation development was perceived as causing too great of a loss of buildable lots. Mr. Wong indicated that a set-aside of 20% to 30% was currently being considered by the Planning Commission.

The Commission adjourned at 9:05 p.m. The next regularly scheduled meeting of the Environmental Commission is on Wednesday, November 3, 2010 at 7:00 p.m. in the Municipal Building's Second Floor Conference Room.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: October 5, 2010

Jung-Han Chen

Account Code No. #:

Prepared By

Budgeted Amount:

September 20, 2010

Date Prepared

Agenda Title: PC-11-2010 ZONING CODE TEXT AMENDMENT Update to Chapter 1153 Flood Plain Regulations and Flood Damage Prevention, City of Oxford, Applicant

Recommendation: Approval

Discussion:

The Planning Commission held a Public Hearing of this zoning text amendment request at its September 14, 2010 meeting.

For the last two years, FEMA, in conjunction with ODNR, has been conducting a Flood Map Modernization study which will provide updates to the digital flood hazard information. The proposed amendments come from Staff updating necessary maps and floodplain regulations in order to stay eligible for the National Flood Insurance Program.

The amendments mainly pertain to the Base Flood Elevations; which recommend an increase from 0'-1' to 2' throughout the document. This recommendation is consistent with typical national standards as well as Butler County regulations.

Staff stressed to the Planning Commission that they could still make modifications to the regulations; however there was a hard deadline of December 17, 2010 to both adopt compliant regulations and obtain final approval from ODNR and FEMA. If final approval is not obtained from ODNR and FEMA prior to the deadline, the City community will automatically be suspended from the NFIP on that date.

The Planning Commission voted 7-0-0 to recommend approval of the text amendment to City Council.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JHC 9/20/10

[Signature] 10/1/10

ORDINANCE NO.

ORDINANCE REPEALING ZONING CODE CHAPTER 1153 OF THE CODIFIED ORDINANCES OF THE CITY OF OXFORD, OHIO, ENTITLED FLOOD PLAIN REGULATIONS AND FLOOD DAMAGE PREVENTION, AND ADOPTING NEW CHAPTER 1153, ENTITLED FLOOD PLAIN REGULATIONS AND FLOOD DAMAGE PREVENTION.

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 September 14, 2010 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Chapter 1153 of the Codified Ordinances of the City of Oxford, Ohio, entitled Flood Plain Regulations and Flood Damage Prevention and adopting new Chapter 1153 of the Codified Ordinances of the City of Oxford, Ohio, entitled Flood Plain Regulations and Flood Damage Prevention for the purpose of updating necessary maps and flood plain regulations to remain eligible for the National Flood Insurance Program.

SECTION II: Council hereby repeals Chapter 1153 of the Oxford Code of Ordinances and adopts new Chapter 1153 as follows:

CHAPTER 1153

Flood Plain Regulations and Flood Damage Prevention

1153.01	Statutory authorization, findings of fact, purpose and objectives.	1153.04	Administration.
1153.02	Definitions.	1153.05	Provisions for flood hazard reduction.
1153.03	General Provisions.	1153.06	Appeals and Variances
		1153.07	Enforcement

CROSS REFERENCES

Construction permit and prohibitions for dams, dikes or levees - see Ohio R.C. 1521.06

Reduction of assessed valuation for establishing reservoirs - see Ohio R.C. 1521.09

1153.01 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

(a) Statutory Authorization. Article XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the City of Oxford, County of Butler, State of Ohio does ordain as follows:

(b) Findings of Fact.

- (1) The flood hazard areas of the City of Oxford are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

- (2) These flood losses are caused by the cumulative effect of obstructions that increase flood heights and velocities in areas of special flood hazards and, when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss. **In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.**

(c) Statement of Purpose. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to **protect property and** minimize future flood blight areas;
- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(d) Methods of Reducing Flood Losses. In order to accomplish its purposes, this chapter includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood, waters or which may increase flood hazards in other areas.(Ord. 2782. Passed 5-20-03.)
- (6) **Minimize the impact of development on adjacent properties within and near flood prone areas;**
- (7) **Ensure that the flood storage and conveyance functions of the floodplain are maintained;**
- (8) **Minimize the impact of development on the natural, beneficial values of the floodplain;**
- (9) **Prevent floodplain uses that are either hazardous or environmentally incompatible; and**
- (10) **Meet community participation requirements of the National Flood Insurance Program.**

1153.02 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter it's most reasonable application.

- (a) 'Accessory structure' means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
- (b) 'Appeal' means a request for review of the Floodplain Administrator's interpretation of any provision of this chapter or a request for a variance.
- (c) 'Area of shallow flooding' means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- (d) 'Area of special flood hazard' means the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Areas of special flood hazard are designated by the Federal Emergency Management Agency as Zone A, AE, AH, AO, A1-30, and A99.
- See (ii) (d)(e) 'Base Flood' means the flood having a one (1%) percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one (1%) chance annual flood or one-hundred (100) year flood.
- (e) 'Base (100-Year) Flood Elevation (BFE)' The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).
- (f) 'Basement' means any area of the building having its floor subgrade (below ground level) on all sides.
- (g) 'Development' means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operation or storage of equipment or materials.
- (h) 'Enclosure Below the Lowest Floor' See "Lowest Floor."
- (i) 'Executive Order 11988 (Floodplain Management)' Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.
- (j)(h) 'Federal Emergency Management Agency' (FEMA) means the agency with the overall responsibility for administering the National Flood Insurance Program.
- (k) 'Fill' A deposit of earth material placed by artificial means.
- (l)(i) 'Flood' or 'flooding' means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters; and/or
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (m) 'Flood Hazard Boundary Map (FHBM)' Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.
- (n)(j) 'Flood Insurance Rate Map' (FIRM) means an official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.
- (o) 'Flood Insurance Risk Zones' Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:
 - Zone A: Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.
 - Zones A1-30 and Zone AE: Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.

Zone AO: Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.

Zone AH: Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

Zone A99: Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

Zone B and Zone X (shaded): Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

Zone C and Zone X (unshaded): Areas determined to be outside the 500-year floodplain.

- (p)(~~e~~) **'Flood Insurance Study'** means the official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries, and the water surface elevations of the base flood.
- (q)(~~f~~) **'Floodplain Administrator'** means that member of the City of Oxford staff duly designated to administer and implement the provisions of this chapter.
- (r) **'Flood Protection Elevation'** The Flood Protection Elevation, or FPE, is the base flood elevation plus two feet of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.
- (s)(~~m~~) **'Floodway'** means the channel of a river or other watercourse and the adjacent land areas that ~~must be~~ have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulatively-increase in the water surface elevation of the base flood discharge height is no more than one foot at any point within the community. The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.
- (t) **'Freeboard'** A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.
- (u)(~~n~~) **'Historic structure'** means any structure that is:
- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (3) Individually listed on a ~~state~~ the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; ~~in states with historic preservation programs which have been approved by the Secretary of the Interior; or~~

- (4) Individually listed on a local inventory of historic places **maintained by the City of Oxford's Historic Architectural Preservation Commission and historic program which is certified by the Ohio Historic Preservation Office.** ~~in communities with historic preservation programs that have been certified either:~~
- A. ~~By an approved state program as determined by the Secretary of the Interior or;~~
 - B. ~~Directly by the Secretary of the Interior in states without approved programs.~~
- (v) **'Hydrologic and hydraulic engineering analysis'** An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.
- (w) **'Letter of Map Change (LOMC)'** A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:
- Letter of Map Amendment (LOMA)** A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.
 - Letter of Map Revision (LOMR)** A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.
 - Conditional Letter of Map Revision (CLOMR)** A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.
- (x)(e) **'Lowest floor'** means the lowest floor of the lowest enclosed area (including basement) **of a structure.** ~~This definition excludes "enclosure below the lowest floor" which is a~~An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is built in accordance with the applicable design requirements specified in this chapter for enclosures below the lowest floor. **Refer also to Section 1153.05(e)(4).**
- (y)(e) **'Manufactured home'** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term 'manufactured home' does not include a 'recreation vehicle'. **For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.**
- (z) **'Manufactured home park'** As specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the

facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

- (aa) ~~(e)~~ **'Manufactured home subdivision'** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale. This definition shall exclude any manufactured home park as defined in Ohio R.C. 3733.01, for which the Public Health Council has exclusive rule making power.
- (bb) **'National Flood Insurance Program (NFIP)'** The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.
- (cc) ~~(e)~~ **'New construction'** means structures for which the 'start of construction' commenced on or after the initial effective date of the Flood Insurance Rate Map, and includes any subsequent improvements to such structures.
- (dd) **'Person'** Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.
- (ee) ~~(e)~~ **'Recreational vehicle'** means a vehicle which is
 - (1) Built on a single chassis,
 - (2) 400 square feet or less when measured at the largest horizontal projection,
 - (3) Designed to be self-propelled or permanently towable by a light duty truck, and
 - (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (ff) **'Registered Professional Architect'** A person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Revised Code.
- (gg) **'Registered Professional Engineer'** A person registered as a professional engineer under Chapter 4733 of the Revised Code.
- (hh) **'Registered Professional Surveyor'** A person registered as a professional surveyor under Chapter 4733 of the Revised Code.
- (ii) **'Special Flood Hazard Area'** Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high

water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

- (jj) ~~(j)~~ **'Start of construction'** means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring slab or footings, the installation of piles, the construction columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.
- (kk) ~~(k)~~ **'Structure'** means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
- (ll) ~~(l)~~ **'Substantial damage'** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.
- (mm) ~~(m)~~ **'Substantial improvements'** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the 'start of construction' of the improvement. This term includes structures that have incurred 'substantial damage', regardless of the actual repair work performed. The term does not, however, include:
- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified **prior to the application for a development permit** by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
 - (2) Any alteration of a 'historic structure', provided that the alteration will not preclude the structure's continued designation as a 'historic structure'; or
 - (3) Any improvement to a structure that is considered new construction.
- (nn) ~~(n)~~ **'Variance'** means a grant of relief from the standards of this chapter consistent with the variance conditions herein.
(Ord. 2782. Passed 5-20-03.)
- (oo) **'Violation'** **The failure of a structure or other development to be fully compliant with these regulations.**

1153.03 GENERAL PROVISIONS.

(a) **Lands to Which this Chapter Applies.** This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City of Oxford as identified by the Federal Emergency Management Agency, **and Section 1153.03(b)**, including any additional flood hazard areas annexed by the City of Oxford that are not identified on the effective Flood Insurance Rate Map.

(b) **Basis for Establishing the Areas of Special Flood Hazard.**

- (1) The areas of special flood hazard have been identified by the Federal Emergency Management Agency in scientific and engineering reports entitled 'Flood Insurance Study ~~for the City of Oxford~~ and 'Flood Insurance Study for Butler County, Ohio and Incorporated Areas' **effective 12/17/2010.** ~~Thisee studies,~~ with accompanying Flood Boundary and Floodway Maps and/or Flood Insurance Rate Maps ~~for Butler County, Ohio and Incorporated Areas effective dated August 4,~~

~~1988 and May 4, 1981 respectively~~ **12/17/2010** and any revisions thereto are hereby adopted by reference and declared to be part of this chapter.

- ~~(2) The areas of special flood hazard have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled 'Flood Insurance Study for the City of Oxford'. This study, with accompanying Flood Insurance Rate Maps dated January 3, 1997, and any revisions thereto, are hereby adopted by reference and declared to be part of this chapter.~~

Says same thing as (b)(1)

- (2) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Oxford as required by Section 1153.05(d).**

~~(e) Compliance. No structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this chapter and all other applicable regulations which apply to uses within the jurisdiction of this chapter, unless specifically exempted from filing for a development permit as stated in Section 1153.04, Exemption from Filing a Development Permit. MOVED TO ENFORCEMENT SECTION~~

(c)(d) Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions, **including subdivision regulations, zoning or building codes.** However, where this chapter and another ordinance, easement, covenant, or deed restriction, **subdivision regulation, zoning or building code** conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(d)(e) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of this chapter may be in conflict with a state law, such state law shall take precedence over the chapter.

(e)(f) Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the City of Oxford, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on this chapter or any administrative decision lawfully made hereunder.

~~(g) Violations and Penalties. Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor of the third degree. Any person who violates this chapter or fails to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Oxford. Each day that such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Oxford from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Oxford shall prosecute any violation of this chapter in accordance with the penalties stated herein. (Ord. 2782, Passed 5-20-03.) MOVED TO ENFORCEMENT SECTION~~

(f) Severability. Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1153.04 ADMINISTRATION.

~~(a)(e)~~ Designation of the Floodplain Damage Prevention Ordinance Administrator. The Floodplain Administrator City Manager and /or designee is hereby appointed to administer and implement this chapter as the Floodplain Administrator, by granting or denying development permit applications in accordance with its provisions.

~~(b)(d)~~ Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include but not limited to:

- (1) **Evaluate applications for permits to develop in special flood hazard areas.**
- (2) **Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.** Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be conflict between a mapped boundary and actual field conditions). Where map boundary and field elevations disagree, the elevations delineated in the flood elevation profile shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1153.06, Appeals and Variances.
- (3) **Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.**
- (4) **Inspect buildings and lands to determine whether any violations of these regulations have been committed.**
- (5) **Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.**
- (6) **Enforce the provisions of these regulations.**
- (7) **Provide information, testimony, or other evidence as needed during variance hearings.**
- (8) **Coordinate map maintenance activities and FEMA follow-up.**
- (9) **Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.**
- ~~(1) — Permit review.~~
 - ~~A. — Review all development permits to determine that the permit requirements of this chapter have been satisfied.~~
- (10) ~~B.~~ Review all floodplain development permits to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the Department of the Army under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.
- (11) ~~C. — Review all development permits to determine if the proposed development is located within a designated floodway. Floodways are delineated in the Flood Boundary and Floodway Map or the Flood Insurance Rate Map of the Flood Insurance Study. Floodways may also be delineated in other sources of flood~~

~~information.~~ If the proposed development is located within a designated floodway, assure that the encroachment provision of Section 1153.05(K) is met.

- (2) ~~Use of other base flood elevation and floodway data.~~ Areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency in accordance with Section 1153.03(b), Basis for Establishing the Areas of Special Flood Hazard, are designated as Zone A on the community's Flood Insurance Rate Map. Within these areas, the FPA shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, including data obtained under Section 1153.05(b)(6), Subdivisions and Large Developments, in order to administer Section 1153.05(b)(1), Specific Standards, Residential Construction; 1153.03(b)(2), Specific Standards, Nonresidential Construction; and 1153.05(e), Floodways. **THIS IS THE SAME AS 1153.03(b)**
- (3) ~~Information to be obtained and maintained.~~ Where base flood elevation data are utilized within areas of special flood hazard on a community's Flood Insurance Rate Map, regardless of the source of such data, the following provisions apply:
- A. ~~Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and record whether or not such structures contain an enclosure below the lowest floor;~~
 - B. ~~For all new or substantially improved flood proofed nonresidential structures:~~
 - 1. ~~Verify and record the actual elevation (in relation to mean sea level) to which the structure was flood proofed; and~~
 - 2. ~~Maintain the flood proofing certifications required in Section 1153.05(b)(2)A.~~
 - C. ~~Maintain for public inspection all records pertaining to the provisions of this chapter.~~
- (4) ~~Alteration of watercourses.~~ **MOVED TO PROVISIONS**
- A. ~~Notify adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. A watercourse is considered to be altered if any change occurs within its banks.~~
 - B. ~~Maintain engineering documentation required in subsection (a)(4) hereof that the flood carrying capacity of the altered or relocated portion of said watercourse will not be diminished.~~
 - C. ~~Require that necessary maintenance will be provided for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished.~~
- (5) ~~Interpretation of flood boundaries.~~ Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be conflict between a mapped boundary and actual field conditions). Where map boundary and field elevations disagree, the elevations delineated in the flood elevation profile shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection (e) hereof, Variance Procedure. **COMBINED WITH (b)(2)**

(c)(a) Establishment of Building Floodplain Development Permit. A building floodplain development permit shall be obtained from the Oxford Housing and Building Community Development Department before construction or development begins within any area of special

flood hazard area established in Section 1153.03(b), ~~Basis for Establishing the Areas of Special Flood Hazard.~~

Applications for a ~~building floodplain development~~ permit shall include, but not limited to the following development activity; filling, grading, construction, alteration, remodeling, or expanding any structure or alteration of any watercourse wholly within or partially within, or in contact with any specified special flood hazard area established in Section 1153.03(b), be made on forms furnished by the Housing and Building Department and may include, but not be limited to: site specific topographic plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing ~~(e)(5) & (6)~~ structures, fill, storage of materials, drainage facilities, and the location of the foregoing. The following information is required:

~~(d)(4)~~ Exemption from Filing a Floodplain Development Permit. An application for a Development Permit shall not be required for:

- (1) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than one five thousand dollars (\$15,000).
- (2) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.
- (3) Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
- (4) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
- (5) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.

Any proposed action exempt from filing for a Development Permit is also exempt from the standards of this chapter.

(e) Application Required. An application for a floodplain development permit shall be required to be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

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- (1) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures located in special flood hazard areas where base flood elevation data are utilized;
 - (2) Elevation in relation to mean sea level to which any proposed structure will be flood proofed in accordance with Section 1153.03(b) where base flood elevation data are utilized;
 - (3) Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 1153.05(g)(2)A. where base flood elevation data are utilized;
 - (4) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished.
 - (5) Site specific topographic plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question;

- (6) Existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- (7) Elevation of the existing, natural ground where structures are proposed.
- (8) Elevation of the lowest floor, including basement, of all proposed structures.
- (9) Other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- (10) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 - A. Floodproofing certification for nonresidential floodproofed structure as required in Section 1153.05(g)(2)C.
 - B. Certification that fully enclosed areas below the lowest floor of a structure that do not meet the design requirements of Section 1153.05(e)(4) are designed to automatically equalize hydrostatic flood forces.
 - C. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1153.05(k)(4).
 - D. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1153.05(k)(2).
 - E. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1153.05(k)(1).
 - F. Generation of base flood elevation(s) for subdivision and large scale developments as required by Section 1153.05(d).

(f) Review and Approval of a Floodplain Development Permit Application.

(1) Review:

- A. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 1153.04(e) has been received by the Floodplain Administrator.

(2) Approval:

- A. Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

(g) **Inspections.** The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

(h) **Post-Construction Certifications Required.** The following as-built certifications are required after a floodplain development permit has been issued:

- (1) For new or substantially improved residential structures, including manufactured homes, or nonresidential structures that have been elevated, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
- (2) For all development activities subject to the standards of Section 1153.04(j)(1), a Letter of Map Revision.

(i) **Revoking a Floodplain Development Permit.** A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 1153.06 of these regulations.

(j) **Map Maintenance Activities.** To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that City of Oxford's flood maps, studies and other data identified in Section 1153.03(b) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

(1) **Requirement to Submit New Technical Data.**

A. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

- i. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
- ii. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
- iii. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
- iv. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 1153.05(d).

B. It is the responsibility of the applicant to have technical data, required in accordance with Section 1153.04(j)(1), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

C. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

- i. Proposed floodway encroachments that increase the base flood elevation; ;

- ii. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
- D. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1153.04(j)(1)A.

- (2) Right to Submit New Technical Data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the City Manager of City of Oxford, and may be submitted at any time.
- (3) Annexation / Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Oxford have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Oxford's Flood Insurance Rate Map accurately represent the City of Oxford boundaries, include within such notification a copy of a map of the City of Oxford suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Oxford has assumed or relinquished floodplain management regulatory authority.

(k) Data Use and Flood Map Interpretation. The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

- (1) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
- (2) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
- (3) When Preliminary Flood Insurance Rate Maps and / or Flood Insurance Study have been provided by FEMA:
 - A. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.
 - B. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and /or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in

existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and / or appeal to FEMA.

- (4) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1153.06, Appeals and Variances.
- (5) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, *etc.*) shall prevail.

(l) **Substantial Damage Determinations.** Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, *etc.* After such a damage event, the Floodplain Administrator shall:

- (1) Determine whether damaged structures are located in special flood hazard areas;
- (2) Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
- (3) Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

1153.05 PROVISIONS FOR FLOOD HAZARD REDUCTION.

~~(a) General Standards.~~ ~~In all areas of special flood hazard the following standards are required:~~ The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1153.03(d) or 1153.04(k)(1):

(a) **Use Regulations.**

- (1) **Permitted Uses.** All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by City of Oxford are allowed provided they meet the provisions of these regulations.
- (2) **Prohibited Uses.**
 - A. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.
 - B. Infectious waste treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code.

(b) ~~(4)~~ **Anchoring.**

- (1) A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. **Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring, herein, and construction materials resistant to flood damage in Section 1153.05(e) are satisfied.**
 - (2) ~~B. All manufactured homes, not otherwise regulated by the Ohio Revised Code pertaining to manufactured home parks,~~ shall be **affixed to a permanent foundation and** anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- (c) ~~(3)~~ **Utilities, Water & Wastewater Systems.** The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:
- (1) A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
 - (2) B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood water; and
 - (3) ~~C.~~ On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (d) ~~(4)~~ **Subdivisions (and Large Developments)** ~~proposals.~~ All subdivision proposals, including manufactured home subdivisions, shall be consistent with the need to minimize flood damage **and are subject to all applicable standards in these regulations;**
- (1) ~~B.~~ All subdivision proposals, including manufactured home subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
 - (2) ~~C.~~ All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage; and
 - (3) ~~D.~~ ~~All subdivision proposals, including manufactured home subdivisions, shall meet the specific standards of subsection (b)(6), Subdivisions and Large Developments.~~ In all areas of special flood hazard where base flood elevation data are not available, **the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.**
 - (4) **The applicant shall meet the requirement to submit technical data to FEMA in Section 1153.04(j)(1)A. when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by subsection (d)(3) above.**
 - (5) ~~Standards in areas of special flood hazard without base flood elevation data. In all areas of special flood hazard identified as Zone A on the Flood Insurance Rate Map where base flood elevation data are not available from any source, the following provisions apply:~~
 - A. ~~New construction and substantial improvement of any residential, commercial, industrial, or other nonresidential structure shall have~~

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Section*

~~the lowest floor, including basement, elevated to at least two feet above the highest adjacent natural grade.~~

(e) ~~(2)~~ Construction materials and methods. **The following standards apply to all new and substantially improved residential and nonresidential structures:**

- (1) ~~A.~~ All new construction and substantial improvements shall be constructed with materials resistant to flood damage;
- (2) ~~B.~~ All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and
- (3) ~~C.~~ All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning and/or located so as to prevent water from entering or accumulation within the components during conditions of flooding.

~~(4)(5)~~ Enclosures below the lowest floor. **The following standards apply to all new construction and substantially improved residential, including manufactured homes, and nonresidential structures that are elevated to two feet above the base flood elevation using pilings, columns, or posts or solid foundation perimeter walls, with openings sufficient to allow unimpeded movement of flood waters, may have an enclosure below the lowest floor provided the enclosure meets the following standards:**

~~A. Fully enclosed areas below the lowest floor that are~~ **Be useable solely only for parking of vehicles, building access, or storage; and**

~~B. in an area other than a basement and which are subject to flooding shall~~ **Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or. Designs for meeting this requirement must:**

~~A. Be certified by a registered professional engineer or architect; or~~

~~B. Must meet or exceed the following criteria:~~

- ~~C. 1. Have a minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area, and subject to flooding shall be provided.~~
- ~~D. 2. the bottom of all openings shall be no higher than one foot above grade. The openings may be equipped with screens, louvers, valves, or other openings coverings or devices provided that they permit the automatic entry and exit of floodwaters.~~

(5) **Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of this Section.**

~~(b) Specific Standards. In all areas of special flood hazard where base flood elevation data have been provided as set forth in Section 1153.03(b), Basis for Establishing the Areas of Special Flood Hazard; Section 1153.04(d)(2), Use of Other Base Flood Elevation and Floodway Data; or subsection (b)(6) hereof, Subdivisions and Large Developments, the following provisions are required:~~

(f) ~~(1)~~ Residential construction.

- (1) **New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated two feet above to the base flood elevation.**

~~All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting~~

~~from hydrodynamic and hydrostatic loads, including the effects of buoyancy.~~

- (2) ~~All Manufactured homes, not otherwise regulated by the Ohio Revised code pertaining to manufactured home parks, shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. in accordance with Section 1153.05(b) and (f)(1) above.~~

- (g) (2) Nonresidential construction.
- (1) **New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1153.05.**
- (2) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated **two feet above** ~~to the level of the base flood elevation;~~ or, together with attendant utility and sanitary facilities, shall **meet all of the following:**
- A. Be **dry** floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the base flood **protection** elevation. In order to be eligible for lower flood insurance rates, the structure should be flood proofed at least one foot above the base flood elevation.
 - B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - C. Be certified by a registered professional engineer or architect **through the use of a Federal Emergency Management Agency Floodproofing Certificate**, that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of subsection (g)(2)A and B above. Such certification shall be provided to the official as set forth in Section 1153.04(c) and (e).

- (h) (3) Accessory structures.
- (1) ~~A.~~ A relief to the elevation or dry flood proofing standards may be granted for accessory structures (e.g., sheds, detached garages) containing **no more than 576 600** square feet ~~or less~~ in gross floor area. Such structures ~~must~~ **shall** meet the ~~encroachment provisions of subsection (e)(1) hereof and the following additional standards:~~
- A. 1. They shall not be used for human habitation;
 - B. 2. They shall be designed **of flood resistant materials** ~~to have low flood damage potential;~~
 - C. 3. They shall be constructed and placed on the ~~building site~~ **lot** so as to offer the minimum resistance to the flow of floodwaters;
 - D. 4. They shall be firmly anchored to prevent flotation; and
 - E. 5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed **two feet above the base flood elevation; and**
 - F. They shall meet the opening requirements of Section 1153.05(e)(4)C .

- (i) (4) Manufactured homes and Recreational vehicles. ~~The following standards shall apply to all new and substantially improved manufactured homes not subject~~

~~to the manufactured home requirements of Ohio R.C. 3733.01: Recreational vehicles shall meet at least one of the following standards:~~

~~A. Manufactured homes shall be anchored in accordance with subsection (a)(1)B.~~

~~B. Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at the base flood elevation.~~

- ~~(1) These standards also apply to recreational vehicles that are either~~ **They shall not be located on sites in special flood hazard areas for 180 days or more, or**
- ~~(2) They shall be~~ **are not fully licensed and ready for highway use, or**
- ~~(3) They must meet all standards of Section 1153.05(b), (c) and (f) above.~~

(j) Above Ground Gas or Liquid Storage Tanks. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

(k) Assurance of Flood Carrying Capacity. Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

*Consolidated w/New
Item (c) Subdivisions
Above*

~~(6) Subdivisions and large developments. In all areas of special flood hazard where base flood elevation data have not been provided in accordance with Section 1153.03(b), Basis for Establishing the Areas of Special Flood Hazard or Section 1153.04(d)(2), Use of Other Base Flood Elevation Data, the following standards apply to all subdivision proposals, including manufactured home subdivisions, and other proposed developments containing at least fifty lots or five acres (whichever is less):~~

~~A. The applicant shall provide base flood elevation data performed in accordance with standard engineering practices;~~

~~B. If subsection (b)(6)A hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of subsection (a) hereof, General Standards, and subsection (b) hereof, Specific Standards.~~

~~(c) Floodways:~~

~~(1) Development in Areas with floodways. The Flood Insurance Study referenced in Section 1153.03(b) identifies a segment within areas of special flood hazard known as a floodway. Floodways may also be delineated in other sources of flood information as specified in Section 1153.04(d)(2). The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and erosion potential. The following provisions apply within all delineated floodway areas:~~

~~A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a hydrologic and hydraulic analysis performed in accordance with standard engineering practices by a registered professional engineer, demonstrates that the proposed encroachment development would not result in any increase in flood levels during the occurrence of the base flood discharge.~~

~~B. If subsection (c)(1)A hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of subsection (b) hereof, Specific Standards.~~

B.C. Any encroachment development within the floodway that would result in an increase in base flood elevations can only be granted upon **may be permitted provided all of the following are completed by the applicant; the prior approval by the Federal Emergency Management Agency. Such requests must be submitted by the Floodplain Administrator to the Federal Emergency Management Agency and must meet the requirements of the National Flood Insurance Program.**

- i. Meet the requirements to submit technical data in Section 1153.04(j)(1);**
- ii. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;**
- iii. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;**
- iv. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and**
- v. Concurrence of the City Manager of the City of Oxford and the Floodplain Administrator of any other communities impacted by the proposed actions.**
- vi. Approval by the Federal Emergency Management Agency.**

(2) Development in Special Flood Hazard Areas with Base Flood Elevations but No Floodways. Areas without floodways.

- A. In all areas of special flood hazard areas identified by FEMA where has provided base flood elevation data as set forth in Section 1153.03(b) are provided but FEMA has not delineated a no floodways have been designated, the following provisions apply:**
 - A. New construction, substantial improvements, or other development (including fill) shall only be permitted if it is demonstrated that the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or**
 - B. If subsection (c)(2)A. hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section. (Ord. 2782. Passed 5-20-03.)**
- B. Development in special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:**
 - i. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;**
 - ii. Section 1153.04(e) and 1153.05(a) thru (j) as applicable.**

- (3)(5) ~~Standards in areas of special flood hazard areas without base flood elevation data.~~ In all areas of special flood hazard identified as Zone A on the Flood Insurance Rate Map where base flood elevation data are is not available from any source, the following provisions apply:
- A. New construction and substantial improvement of any residential, **manufactured home**, commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated to at least two feet above the highest adjacent natural grade.
- (4) Alteration of watercourses. For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the *USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique* or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:
- A. Notify adjacent communities, ~~and the Ohio Department of Natural Resources, Division of Water, the U.S. Army Corps of Engineers~~ prior to any alteration or relocation of a watercourse, ~~and submit Evidence of such notification must be submitted to the Federal Emergency Management Agency. A watercourse is considered to be altered if any change occurs within its banks.~~
 - B. **The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull Maintain-engineering documentation required in subsection (a)(4) hereof that the flood carrying capacity of the altered or relocated portion of said watercourse will not be diminished.**
 - C. ~~Require that~~ **The applicant shall be responsible for providing the necessary maintenance will be provided for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the City of Oxford specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.**
 - D. **The applicant shall meet the requirements to submit technical data in Section 1153.04(j)(1) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.**

1153.06 APPEALS AND VARIANCES

(a)(e) Variance Procedure. All documentation and procedure as outlined in accordance with Chapter 1129 and Chapter 1139 of the Oxford Planning & Zoning Code shall be followed in addition to the requirements herein.

- (1) Appeal Board.

- A. The Oxford Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The Oxford Board of Zoning Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter, **and in accordance with Chapter 1129 and Chapter 1139 of the Oxford Planning & Zoning Code.**
- C. Those aggrieved by the decision of the Oxford Board of Zoning Appeals or any taxpayer, may appeal such decision to the Butler County Court of Common Pleas, as provided in Ohio R.C. Chapter 2506.
- D. In passing upon such application, the Oxford Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - i. The danger that materials may be swept onto other lands to the injury of others;
 - ii. The danger to life and property due to flooding or erosion damage;
 - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. The importance of the services provided by the proposed facility to the community;
 - v. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
 - vi. The necessity to the facility of a waterfront location, where applicable;
 - vii. The compatibility of the proposed use with existing and anticipated development;
 - viii. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - ix. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - xi. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- E. Upon consideration of the factors of subsection D. i-xi. hereof and the purposes of this chapter, the Oxford Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- F. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(2) Conditions for variances.

- A. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- C. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the items in subsection D. i-xi. hereof have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- D. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- E. Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship **due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship** to the applicant; and
 - iii. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this chapter, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection D. i-xi hereof, or conflict with existing local laws or ordinances.
 - iv. **A determination that the structure or other development is protected by methods to minimize flood damages.**
 - v. **A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.**
- F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 2782. Passed 5-20-03.)

1153.07 ENFORCEMENT

(a) ~~(e)~~ Compliance. No structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this chapter and all other applicable regulations which apply to uses within the jurisdiction of this chapter, unless specifically exempted from filing for a development permit as stated in Section 1153.04(d), Exemption from Filing a Development Permit.

- (1) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 6.3.
- (2) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 6.3.

(b) Notice of Violation. Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- (1) Be put in writing on an appropriate form;
- (2) Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;
- (3) Specify a reasonable time for performance;
- (4) Advise the owner, operator, or occupant of the right to appeal;
- (5) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

(c) Violations and Penalties. Violation of the provisions of this chapter or failure to comply with any of its requirements **shall be deemed to be a strict liability offense, and** shall constitute a misdemeanor of the third degree. Any person who violates this chapter or fails to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Oxford. Each day that such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Oxford from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Oxford shall prosecute any violation of this chapter in accordance with the penalties stated herein. (Ord. 2782. Passed 5-20-03.)

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:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

The Floodplain Maps that will be effective December 17, 2010 are available for review at City Hall during normal business hours.

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

<u>Report Date</u>	October 5, 2010
<u>Case Number</u>	PC-11-2010
<u>Applicant Information</u>	City of Oxford, Applicant
<u>Requested Action</u>	Zoning Text Amendment
<u>Summary of Request</u>	Update of Chapter 1153 Flood Plain Regulations and Flood Damage Prevention in order to continue eligibility in the National Flood Insurance Program.
<u>Public Hearing Information</u>	At the September 14, 2010 Planning Commission meeting a Public Hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on August 13, 2010.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 to recommend approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission agreed with staff amendments to Chapter 1153 and voted 7-0-0 to recommend approval of the language.
<u>Exhibits Submitted to the Commission</u>	1. Community Development Staff Report dated August 23, 2010. 2. Inter-Office Staff Reviews . 3. Chapter 1153 language modifications. 4. Zoning Code Text Amendment Application dated July 30, 2010.

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-11-2010

Date – September 14, 2010

APPLICATION

Applicant: City of Oxford

Action Request: **Zoning Code Text Amendment Update to Chapter 1153 Floodplain Regulations and Flood Damage Prevention**

DESCRIPTION

The City of Oxford participates in the National Flood Insurance Program (NFIP) Community Rating System (CRS). The NFIP CRS provides flood insurance premium discounts to policy holders in communities that implement floodplain management practices that exceed the Federal requirements. For approximately the last two years FEMA, in conjunction with the assistance of ODNR, has been conducting a Flood Map Modernization study which will provide digital flood hazard information. The City has submitted necessary map amendments for this process; however, the floodplain regulations also need to be updated in order to stay eligible for the NFIP program. Being a community that is in the NFIP CRS program means FEMA must review and comment on these regulations before they are officially modified and adopted by a community. Staff provided the attached draft regulations to ODNR & FEMA for review and we received official word on August 5, 2010 that the regulations as proposed are acceptable to them and we could proceed with the City's adoption process.

There is a hard deadline of December 17, 2010 to both adopt compliant regulations and obtain final approval from ODNR & FEMA. In the event that the final approval is not obtained from ODNR & FEMA prior to the deadline the City community will be automatically suspended from the NFIP on that date.

ZONING CODE

Amendments as attached herein.

AGENCY REVIEWS

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

Police:	Comments returned with no comments on this request.
Fire:	Comment returned with no comments on this request.
Engineering:	Comment returned with no comments on this request.
Econ. Dev.	Comment returned with no comments on this request.

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

FEMA has provided Model Regulations to participating communities to work from. Included in the Model Regulations are minimum standards that FEMA would like to see incorporated into local

regulations. There is some flexibility to some regulations as to how strict or lenient we wish to make them, specifically to construction in a flood hazard area and how high a structure must be elevated above a flood area, known as the base flood elevation. In the copy of the proposed regulations, staff is recommending that this be increased from 0'-1' to 2' feet throughout the document. This is in line with typical national standards as well as Butler County regulations, but is specifically modified because there are limited, known base flood elevations present in our City limits.

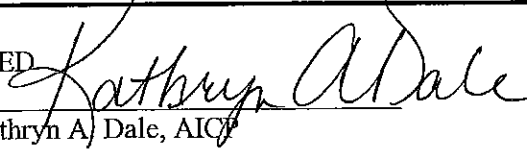
The other major modifications to the regulations are in regards to technical and mapping data and modifying how the chapter is structured. Many of the old regulations are still valid, but they were not necessarily located appropriately within the chapter.

RECOMMENDATION

Approval as Presented

SUBMITTED

BY:


Kathryn A. Dale, AICP
City Planner

DATE: August 23, 2010

ATTACHMENT:

- (c) Planning Commission and Council Review. The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation. If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.
- (1) Decision standards. A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

Text Amendments

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

Map Amendments

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- B. The proposed amendment will make the map conform more closely to the Comprehensive Plan.
- C. There has been a substantial change in area conditions that necessitates the amendment.
- D. There is a legitimate need for additional land area in the zoning district that will be expanded

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/9/2010

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-11-2010

Description:

PC-11-2010 ZONING CODE TEXT AMENDMENT Update to Chapter 1153 Flood Plain Regulations and Flood Damage Prevention, **City of Oxford, Applicant**

 X Review Revisions Other

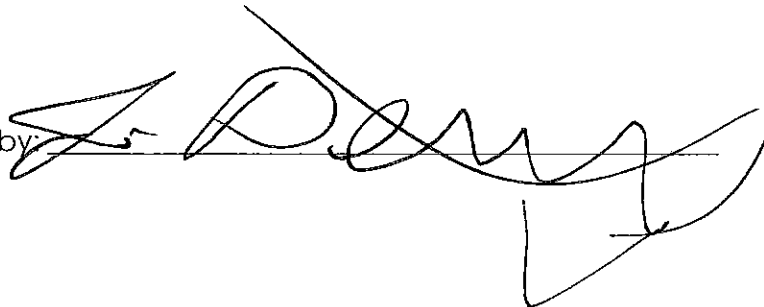
Comments or status update requested by: Lynn Taylor

Please return no later than: **09/07/2010**. 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:



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/9/2010

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-11-2010

Description:

PC-11-2010 ZONING CODE TEXT AMENDMENT Update to Chapter 1153 Flood Plain Regulations and Flood Damage Prevention, **City of Oxford, Applicant**

 X Review Revisions Other

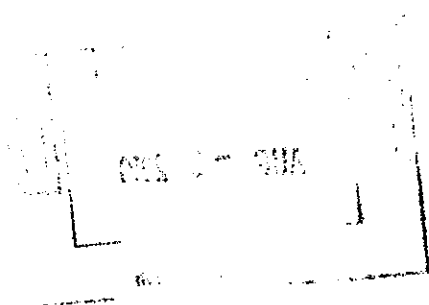
Comments or status update requested by: Lynn Taylor

Please return no later than: **09/07/2010**. 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: A. Perera 8-19-10



Drawings reviewed by: _____

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/9/2010

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-11-2010

Description:

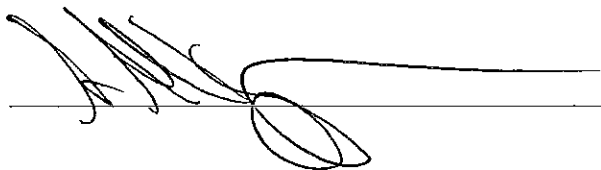
PC-11-2010 ZONING CODE TEXT AMENDMENT Update to Chapter 1153 Flood Plain Regulations and Flood Damage Prevention, **City of Oxford, Applicant**

☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **09/07/2010**. 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: 

Zoning Code Text Amendment Application
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant: City of Oxford
(Attach a Letter of Agency if the applicant is not the property owner.)
Mailing Address: 101 E. High Street
Oxford, OH 45056
Telephone Number(s): (513) 524-5204
Email Address: _____

*Text Amendment
to Floodplain Regs
Chapt. 1153*

SUBMISSION REQUIREMENTS

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

All applications must include:

- A. A general description of the proposed amendment.
- B. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
- C. A statement that identifies potential negative consequences of the proposed amendment.
- D. Any existing section number and text that is proposed to be deleted or amended.
- E. Any new or amended text as it is proposed to be codified including its proposed location in the Code.
(section numbers)
- F. A narrative statement that describes the expected effects of the proposed text.
- G. 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 45 days prior to the proposed meeting date. Any questions should be directed to the Community Development Department at (513) 524-5204.

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

SIGNATURE OF APPLICANT: Kathryn A Dale Date: 7/30/10
PRINTED NAME: Kathryn A. Dale

FEE / RECEIPT

\$150 Fee Paid / Receipt Number: NA

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: October 19, 2010

Account Code #: N/A

Budgeted Amount: N/A

Service Department
Originating Department

Michael Dreisbach, Service Director
Prepared By

October 12, 2010
Date Prepared

Agenda Title: Partial release of a Performance Bond in the amount of \$40,710 for Campus Commons Subdivision (Phase One) and acceptance of a new Performance and Maintenance Bond.

Recommendation: Approval

Discussion:

The Engineering Division has inspected Campus Commons Subdivision, Phase 1, and determined that the subdivision is being constructed in conformance with the plans and specifications.

Approximately 95% of planned public improvements have been completed; the remaining work within the right-of-way consists of installing the finish course of asphalt.

The City has determined the cost of the remaining public improvements to be \$21,375. In addition, the City will hold 10% of the total value of all public improvements, \$43,159, for a one year maintenance period; therefore a total of \$64,534 shall be retained from the developer's bond – in this case, a letter of credit drawn on First Financial Bank.

The City of Oxford holds a performance bond (First Financial Bank Letter of Credit) valued at \$105,244. The Developer has requested that the above bond be reduced to a lesser amount as 95% of all public improvements have been completed satisfactorily. The City will retain the bond equivalent of \$64,534.

Staff recommends City Council approve the reduction of the Letter of Credit in the amount of \$40,710. Upon Council's approval, a new Letter of Credit will be issued payable to the City of Oxford in the amount of \$64,534.00. This amount assures completion of all remaining public improvements within the project footprint and warranties the improvements for a period of one year from acceptance.

Approved By:

Department Head:

City Manager:

Initial

Date

MDE

10/12/10

MDE

10/15/10

RESOLUTION NO.

A RESOLUTION AUTHORIZING A \$40,710.00 REDUCTION OF A PERFORMANCE BOND IN THE FORM OF A LETTER OF CREDIT IN THE AMOUNT OF \$105,244.00 FOR CAMPUS COMMONS SUBDIVISION, PHASE ONE, AND ACCEPTING A NEW PERFORMANCE BOND IN THE FORM OF A LETTER OF CREDIT IN THE AMOUNT OF \$64,534.00.

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

SECTION 1: The developer, having partially met the terms and conditions for which a letter of credit in the amount of \$105,244.00 was given, is hereby partially released by Council, and a new performance bond in the form of a letter of credit in the amount of \$64,534.00 is hereby accepted.

SECTION 2: The City Manager and the Clerk of Council are hereby authorized to execute the necessary paperwork, reducing the letter of credit performance bond and to take all other steps necessary.

SECTION 3: This reduction is hereby given upon report of the City Engineer that a portion of the work secured by the letter of credit performance bond has been satisfactorily completed.

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

MAYOR

ADOPTED:

ATTEST:

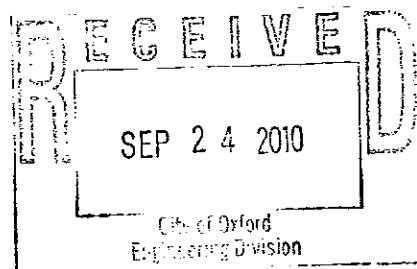
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

September 21, 2010

Victor Popescu, P.E.
City Engineer
City of Oxford
101 East High Street
Oxford, OH 45056



Subject: **Campus Commons Subdivision Letter of Credit**

Dear Victor:

We have completed the public improvements for the Campus Commons Subdivision. We hereby request the release of the remaining amount on the letter of credit, for the construction of all public improvements, less the amount of 10% to be retained for a one year maintenance bond. Upon acceptance by the City, we will issue a new letter of credit for the maintenance bond in the amount of \$43,159.00.

The cost summary for the project is as follows:

Original Letter of Credit Amount	\$ 431,590.50
Letter of Credit Reduction (July 2010)	<u>(\$ 326,346.50)</u>
Balance on Letter of Credit	\$ 105,244.00
Adjustment for Constructed Improvements*	<u>(\$ 62,085.00)</u>
10% Amount to be Retained for the Maintenance Bond	\$ 43,159.00

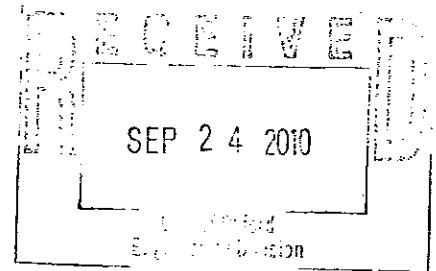
*Enclosed is a detailed breakdown showing the completed items of work.

If you require additional information to facilitate the release of the requested amount, please contact our Contractor, Doug Murdock, at 513-777-9800 or Liz Baer-Broestl, at 925-945-6987.

Sincerely,

Kathy D. Carmack
First Vice President and Trust Officer
First Financial Bank, N.A., Trustee of the Paul W. Baer Testamentary Trust
Paul W. Baer Trust Properties, LLC

City of Oxford
Engineering Division
Public Improvement Cost Estimate



PROJECT: CAMPUS COMMONS PHASE I

ENGINEER: ROBERT BROESTL

DATE: Sept. 16, 2010

ITEM-ODOT No. ITEM #	ITEM DESCRIPTION	QTY	UNIT	UNIT COST	COST EXTENSION	WORK COMPLETE
1 201	Clearing and Grubbing	1	LS	\$8,000.00	\$8,000.00	\$8,000.00
2 203	Earthwork (Cut & Fill)	5,400	CY	\$14.00	\$75,600.00	\$75,600.00
3 609	Curb and Gutter	1,800	LF	\$15.00	\$27,000.00	\$27,000.00
4 608	Concrete Sidewalk (Inc. Curb Ramps & Driveways)	8,500	SF	\$4.60	\$39,100.00	\$39,100.00
5 304	Aggregate Base	710	CY	\$32.00	\$22,720.00	\$22,720.00
6 448	Asphalt Concrete (Inc. Prime & Tack Coat)	450	TN	\$95.00	\$42,750.00	\$42,750.00
7 603	8" PVC Sanitary Sewer	18	LF	\$35.00	\$630.00	\$630.00
8 603	18" DIP Sanitary Sewer	18	LF	\$75.00	\$1,350.00	\$1,350.00
9 603	18" PVC Sanitary Sewer	620	LF	\$65.00	\$40,300.00	\$40,300.00
10 604	Core Drill 18" SS Through 54" SD	1	LS	\$6,500.00	\$6,500.00	\$6,500.00
11 604	Sanitary Sewer Connections (Inc. Bypass Pumping)	1	LS	\$5,000.00	\$5,000.00	\$5,000.00
12 604	Sanitary Sewer Manhole	5	EA	\$2,000.00	\$10,000.00	\$10,000.00
13 603	Sanitary Sewer Services	7	EA	\$500.00	\$3,500.00	\$3,500.00
14 638	8" Water Main (Inc. Valves & Appurtenances)	440	LF	\$65.00	\$28,600.00	\$28,600.00
15 638	Water Services	7	EA	\$500.00	\$3,500.00	\$3,500.00
16 638	Fire Hydrants	2	EA	\$2,500.00	\$5,000.00	\$5,000.00
17 603	12" Storm Drain	610	LF	\$43.00	\$26,230.00	\$26,230.00
18 603	15" Storm Drain	136	LF	\$65.00	\$8,840.00	\$8,840.00
19 604	Storm Drain Manhole	1	EA	\$1,750.00	\$1,750.00	\$1,750.00
20 604	Storm Drain Inlets	12	EA	\$1,250.00	\$15,000.00	\$15,000.00
21 604	Storm Drain Metering Structure	1	EA	\$5,000.00	\$5,000.00	\$5,000.00
22 604	Storm Drain Connections	3	EA	\$750.00	\$2,250.00	\$2,250.00
23 625	Street Lights	4	EA	\$1,250.00	\$5,000.00	\$5,000.00
24 642	Signing and Striping	1	LS	\$2,500.00	\$2,500.00	\$2,500.00
25 661	Tree Planting	29	EA	\$215.00	\$6,235.00	\$6,235.00
Subtotal					\$392,355.00	\$392,355.00
10% Contingency					\$39,235.50	\$39,235.50
Grand Total					\$431,590.50	\$431,590.50

PERCENTAGE COMPLETE 100%

CITY OF OXFORD APPROVAL

City Engineer

Date

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: October 19, 2010

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

October 12, 2010

Date Prepared

Agenda Title: Notice to Legislative Authority - Transfer permit from Twins Group PH LLC 135 Lynn Street Oxford, Ohio 45056 to SCAP PH LLC DBA Pizza Hut 135 Lynn Street Oxford, Ohio 45056.

Recommendation:

Discussion:

This is a permit transfer as indicated above. The permit is for:

D1 - Beer only for on premises consumption and in sealed containers for carry out.

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

Approved By:

Initial Date

Department Head:

City Attorney:

City Manager:

 10/15/10

NOTICE TO LEGISLATIVE
AUTHORITY

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

76391470105		TRFO		TO SCAP PH LLC	
PERMIT NUMBER		TYPE		135 LYNN ST	
06	01	2009		OXFORD OHIO 45056	
ISSUE DATE					
09	30	2010			
FILING DATE					
D1					
PERMIT CLASSES					
09	088	A	F03822		
TAX DISTRICT		RECEIPT NO.			

FROM 10/04/2010

RECEIVED

OCT 06 2010

City of Oxford

91190980015				TWINS GROUP PH LLC	
PERMIT NUMBER		TYPE		135 LYNN ST	
06	01	2009		OXFORD OHIO 45056	
ISSUE DATE					
09	30	2010			
FILING DATE					
D1					
PERMIT CLASSES					
09	088				
TAX DISTRICT		RECEIPT NO.			



MAILED 10/04/2010

RESPONSES MUST BE POSTMARKED NO LATER THAN. 11/04/2010

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL

WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

A TRFO 7639147-0105

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING. ☐

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

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

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

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

FOR OFFICE USE ONLY NEW	TRANSFER
PERMIT # 76391470605	

OHIO DEPARTMENT OF COMMERCE - DIVISION OF LIQUOR CONTROL
6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005
Telephone: (614) 644-2431 - http://www.com.ohio.gov/liqr

LIMITED LIABILITY COMPANY DISCLOSURE FORM

(This form must accompany all applications of an LLC business entity)

SECTION A.

Name of Limited Liability Company SCAP-PH, LLC	DBA Name Pizza Hut	
Permit Premises Address 7577 Central Parke Blvd. #100	City, State Mason, Ohio	Zip Code 45040
Township, if in Unincorporated Area	Tax Identification No. (TIN) 27-3085724	

Limited Liability Company ("LLC") - Chapter 1705 Ohio Revised Code. Indicate below the managing members, LLC Officers, and all persons with a 5% or greater membership or voting interest, and attach a copy of the Articles of Organization filed with the Ohio Secretary of State.

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement an enforcement action, or collect taxes.

SECTION B. List the top five (5) officers of the captioned business. If an office is NOT held, please indicate by writing NONE.

EACH OFFICER LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BC&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191.

NAME OF OFFICER	SOCIAL SECURITY NUMBER	DATE OF BIRTH
1) CEO <i>None</i>		
2) President <i>Philip Oreste</i>		<i>10-8-44</i>
3) Vice-President <i>None</i>		
4) Secretary <i>None</i>		
5) Treasurer <i>None</i>		

SECTION C. List the managing members and all persons with a 5% or greater membership or voting interest in the LLC.

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BC&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191.

1) Name Stewart PH LLC	Social Security No. (if individual)	☒ Managing Member ☒ 5% or greater voting interest ☒ 5% or greater membership interest
Residence Address <i>19154 Mohawk</i>	Tax Identification No. (if applicable) <i>27-2891738</i>	
City and State <i>Stillwell KS 66085</i>	Zip Code <i>66085</i>	
Telephone No. <i>(913) 638-7809</i>	Date of Birth	
2) Name Philip Oreste	Social Security No. (if individual)	☒ Managing Member ☒ 5% or greater voting interest ☒ 5% or greater membership interest
Residence Address 7119 White Oak Court	Tax Identification No. (if applicable)	
City and State Mason, Ohio	Zip Code <i>45040</i>	
Telephone No.	Date of Birth <i>10-8-44</i>	

(PLEASE SEE REVERSE SIDE SHOULD YOU NEED ADDITIONAL SPACE)

STATE OF OHIO, *Butler* COUNTY ss,

I, *Philip Oreste* being first duly sworn, according to law, deposes and says that he/she is (Title) *President*

of the *Scap PH, LLC*, a business duly authorized by law to do business in the State of Ohio, and that the statements made in the foregoing affidavit are true

(Signature) *Philip Oreste* (Print Name and Title) *Philip Oreste Pres*

Sworn to and subscribed in my presence this *10th* day of *September* *2010*

(Notary Public)

(Notary Expiration)



OHIO DIV. LIQUOR CONTROL
LICENSED
2010 SEP 28 PM 2:16

FOR OFFICE USE ONLY	
NEW	TRANSFER
PERMIT #	

OHIO DEPARTMENT OF COMMERCE - DIVISION OF LIQUOR CONTROL
6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005
Telephone: (614) 644-2431 - <http://www.com.ohio.gov/liqr>

LIMITED LIABILITY COMPANY DISCLOSURE FORM
(This form must accompany all applications of an LLC business entity)

SECTION A.

Name of Limited Liability Company Stewart PH LLC	DBA Name	
Permit Premises Address 19154 Mohawk	City, State Stillwell KS	Zip Code 66085
Township, if in Unincorporated Area	Tax Identification No. (TIN) 27-2891738	

Limited Liability Company ("LLC") - Chapter 1705 Ohio Revised Code. Indicate below the managing members, LLC Officers, and all persons with a 5% or greater membership or voting interest, and attach a copy of the Articles of Organization filed with the Ohio Secretary of State.

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement an enforcement action, or collect taxes.

SECTION B. List the top five (5) officers of the captioned business. If an office is NOT held, please indicate by writing NONE.

EACH OFFICER LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191.

NAME OF OFFICER	SOCIAL SECURITY NUMBER	DATE OF BIRTH
1) CEO None		
2) President Paul S. Pickard		6/15/1961
3) Vice-President None		
4) Secretary None		
5) Treasurer None		

SECTION C. List the managing members and all persons with a 5% or greater membership or voting interest in the LLC.

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191.

1) Name Stewart Capital Management LLC	Social Security No. (if individual)	☒ Managing Member ☐ 5% or greater voting interest ☒ 5% or greater membership interest
Residence Address 19154 Mohawk	Tax Identification No. (if applicable)	
City and State Stillwell KS	Zip Code 66085	
Telephone No.	Date of Birth	
2) Name	Social Security No. (if individual)	☐ Managing Member ☐ 5% or greater voting interest ☐ 5% or greater membership interest
Residence Address	Tax Identification No. (if applicable)	
City and State	Zip Code	
Telephone No.	Date of Birth	

(PLEASE SEE REVERSE SIDE SHOULD YOU NEED ADDITIONAL SPACE)

STATE OF KANSAS JOHNSON COUNTY ss,
I, Paul S. Pickard being first duly sworn, according to law, deposes and says that he/she is (Title) President
of the Stewart PH, LLC, a business duly authorized by law to do business in the State of Ohio, and that the statements made in the foregoing affidavit are true.

(Signature) [Signature] (Print Name and Title) Paul S. Pickard President
Sworn to and subscribed in my presence this 21 day of September 2010

KRISTIN BOBILYA
Notary Public - State of Kansas
My Appl. Expires 2/26/2014

[Signature]
(Notary Public)

5/26/2014
(Notary Expiration)

09 BUTLER		088 OXFORD		POPULATION	23,134
CLASS	RATIO	PERMIT QUOTA	PERMITS ISSUED	PERMITS AVAILABLE	APPLICATIONS ON FILE
C1	1,000	24	19	5	0
C2	1,000	24	20	4	0
D1	2,000	12	12	0	3
D2	2,000	12	12	0	4
D3	2,000	12	11	1	1
D3A	0	0	7	7	0
D4	2,000	12	1	11	0
D5	2,000	12	12	0	3

Ohio Division of Liquor Control

D8 \$500 ORC 4303.184 Sale of tasting samples of beer, wine, and mixed beverages, but not spirituous liquor, at retail, for consumption on premises.

Restaurant / Night Club

Permit Class	Permit Fee	Description
D1	\$376	<u>ORC 4303.13</u> Beer only for on premises consumption or in sealed containers for carry out.
D2	\$564	<u>ORC 4303.14</u> Wine and mixed beverages for on premises consumption or in sealed containers for carryout.
D2X	\$376	<u>ORC 4303.141</u> Beer only for on premises consumption or in sealed containers.
D3	\$750	<u>ORC 4303.15</u> Spirituous liquor for on premises consumption only until 1:00am.
D3X	\$300	<u>ORC 4303.151</u> Wine only for on premises consumption only until 1:00am.
D3A	\$938	<u>ORC 4303.16</u> Extend issued permit privileges until 2:30am.
D5	\$2,344	<u>ORC 4303.18</u> Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am.
D5I	\$2,344	<u>ORC 4303.181</u> (Same as D5). Restaurant meeting certain criteria.
D7	\$469	<u>ORC 4303.183</u> (Same as D5). RESORT area only.

Club

Permit Class	Permit Fee	Description
D4	\$469	<u>ORC 4303.17</u> Beer and any intoxicating liquor to members only, for on premises consumption only until 1:00am.
D4A	\$750	<u>ORC 4303.171</u> Airline club only - Beer and any intoxicating to members and guests until 2:00am.
D5C	\$1,563	<u>ORC 4303.181</u> (Same as D5.)(This class can no longer be applied for.)
D5D	\$2,344	<u>ORC 4303.181</u> (Same as D5) located at airport.

Hotel And Motel

Permit Class	Permit Fee	Description
D5A	\$2,344	<u>ORC 4303.181</u> (Same as D5) for hotel or motel with 50 or more rooms for transient guests.

Enclosed Shopping Mall