

CHAPTER 1153
Flood Plain Regulations and Flood Damage Prevention

1153.01	Statutory authorization, findings of fact, purpose and objectives.	1153.04	Administration.
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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.

- KEEP?**
- (1)~~(a)~~ 'Accessory structure' means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
- (2)~~(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.
- (3)~~(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.
- See (#35)**
- (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.~~
- (4)~~(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.
- (5) **'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).**

- (6) ~~(f)~~ 'Basement' means any area of the building having its floor subgrade (below ground level) on all sides.
- (7) ~~(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.
- (8) **'Enclosure Below the Lowest Floor' See "Lowest Floor."**
- (9) **'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.**
- (10) ~~(h)~~ 'Federal Emergency Management Agency' (FEMA) means the agency with the overall responsibility for administering the National Flood Insurance Program.
- (11) **'Fill' A deposit of earth material placed by artificial means.**
- (12) ~~(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.
- (13) **'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.**
- (14) ~~(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.
- (15) **'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.**
- (16) ~~(k)~~ '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.
- (17) ~~(l)~~ 'Floodplain Administrator' means that member of the City of Oxford staff duly designated to administer and implement the provisions of this chapter.
- ~~'Floodplain Development Permit' permits from the City of Oxford and any applicable State or Federal Agency are required for all projects that meet the~~

~~definition of development, not just “building” projects, that will present a new obstruction to flood flows, alter drainage or have the potential to be a substantial improvement, including but not limited to filling and grading, excavation, mining and drilling, storage of materials, repairs to a damaged building that do not affect structural members, temporary stream crossings, or activities by other government agencies. Activities exempt from the permit requirement may include planting a garden, farming, putting up a mailbox or erecting a flagpole, routine maintenance, such as painting or reroofing.~~

- (18) **‘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.
- (19) ~~(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.
- (20) **‘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.
- ~~‘Grandfathered’ an exemption based on circumstances previously existing. Under the NFIP, buildings located in Emergency Program communities and Pre-FIRM buildings in the Regular Program are eligible for subsidized flood insurance rates. Post-FIRM buildings in the Regular Program built in compliance with the floodplain management regulations in effect at the start of construction will continue to have favorable rate treatment even though higher Base Flood Elevations or more restrictive, greater risk zone designations result from Flood Insurance Rate Map revisions.~~
- (21) ~~(m)~~ **‘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.~~

- (22) **'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.

~~'Increased Cost of Compliance Claims' Coverage under the Standard Flood Insurance Policy for expenses that a property owner must incur, above and beyond the cost to repair the physical damage the building actually sustained from a flooding event, to comply with mitigation requirements of State or local floodplain management ordinances or laws. Acceptable mitigation measures are elevation, floodproofing, relocation, demolition, or any combination thereof.~~

- (23) **'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.

- (24)(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 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).**

- (25)(p) **'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.**

- (26) **'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.

- (27)(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.
- (28) '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.
- (29)(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.
- (30) '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.
- (31)(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.
- (32) '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.
- (33) 'Registered Professional Engineer' A person registered as a professional engineer under Chapter 4733 of the Revised Code.
- (34) 'Registered Professional Surveyor' A person registered as a professional surveyor under Chapter 4733 of the Revised Code.
- (35) '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.
- (36)(e) '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.

(37)(a) **'Structure'** means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

(38)(a) **'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.

(39)(a) **'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.

(40)(a) **'Variance'** means a grant of relief from the standards of this chapter consistent with the variance conditions herein.

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

(41) **'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**. These 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)
Enter any other Flood
Related Studies*

- (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(c), 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 ~~MOVED TO NEW~~ 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 or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. The following information is required:

(d)(b) 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 (\$~~1~~**5**,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:

- (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****

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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; and
- 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) ~~(1)~~ 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:~~

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~~A. New construction and substantial improvement of any residential, 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.~~

(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** ~~used 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.~~
 - 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), (e) 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:

- ~~(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.**

(g) 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.)

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.

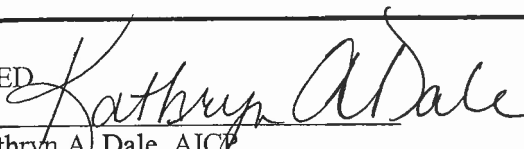
The other major modifications to the regulations are in regards to technical and mapping data and modifying how the chapter is structured. Many of the old regulations are still valid, but they were not necessarily located appropriately within the chapter.

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**

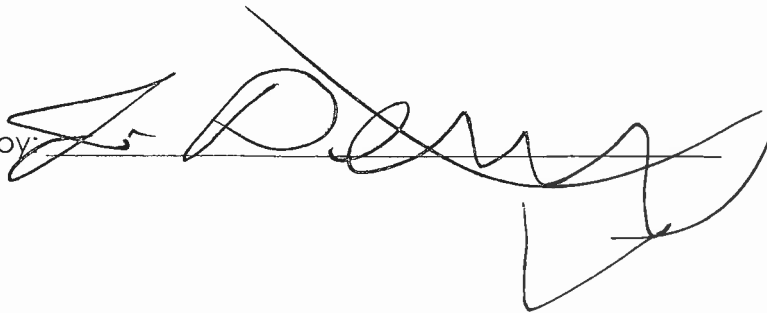
☒ Review ☐ Revisions ☐ Other

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

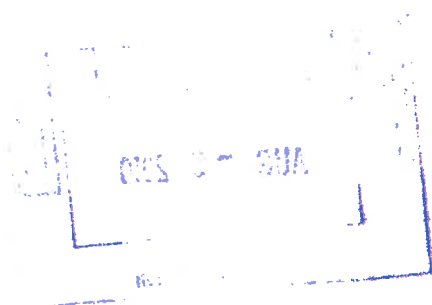
Comments or status update requested by: Lynn Taylor

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



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**

☒ 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 Reg's
Chart. 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

“Revocation of an approved conditional use permit of a fraternity house – Sigma Chi, located at 401 E. Sycamore Street, failing to satisfy the definition of a fraternity house”

Definition of “fraternity house”, Chapter 1159 Definitions, Section 1159.07(10) fraternity/sorority house. A building that is occupied by a group of enrolled Miami University students who are active members of a fraternal organization recognized by Miami University. These organizations shall be limited to fraternities, sororities, and like groups in good standing with, and approved by Miami University for communal off-campus living on that site. Occupancy exception: may include employees or agents of the organization not to exceed three (3) persons. (Ordinance 3061, passed 7-7-09)

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/13/2010

To: (Fire Department) Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: **PC-12-2010**

Description:

PC-12-2010 APPROVED CONDITIONAL USE PERMIT REVOCATION, 401 E. Sycamore Street, Sigma Chi Fraternity, failure to satisfy the definition of a fraternity house, City of Oxford. Applicant

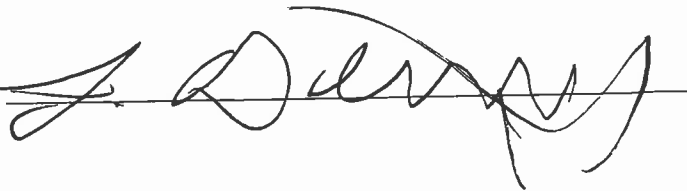
☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **9/8/ 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:



Date: 8-16-10

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/13/2010

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: **PC-12-2010**

Description:

PC-12-2010 APPROVED CONDITIONAL USE PERMIT REVOCATION, 401 E. Sycamore Street, Sigma Chi Fraternity, failure to satisfy the definition of a fraternity house, City of Oxford. Applicant

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

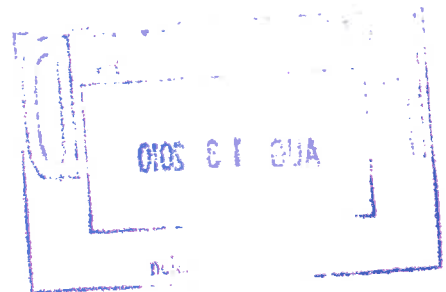
Please return no later than: **9/8/ 2010** Note: If no comments are received, we will assume the project meets your department's standards.

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

Drawings reviewed by:

A. [Signature]

Date: 8-17-10



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/13/2010

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: **PC-12-2010**

Description:

PC-12-2010 APPROVED CONDITIONAL USE PERMIT REVOCATION, 401 E. Sycamore Street, Sigma Chi Fraternity, failure to satisfy the definition of a fraternity house, City of Oxford, Applicant

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **9/8/ 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: JSchwe

Date: 8/14/10



August 24, 2010

CERTIFIED LETTER

Sigma Chi Fraternity
c/o Connor Greenlees
401 E. Sycamore St.
Oxford, OH 45056

Dear Mr. Greenlees,

Please be advised that the Oxford Planning Commission will hold a public hearing, on September 14, 2010, 7:30 pm at the Courthouse, to discuss the revocation of an approved conditional use permit, at 401 E. Sycamore St, Sigma Chi Fraternity Chapter for failure to satisfy the definition of a fraternity house.

The Oxford Zoning Ordinance, per Section 1159.07 (10), defines Fraternity/Sorority House as " A building that is occupied by a group of enrolled Miami University students who are active members of a fraternity organization recognized by Miami University. These organizations shall be limited to fraternities, sororities, and like groups in **good standing** with, and approved by Miami University for communal off-campus living on that site."

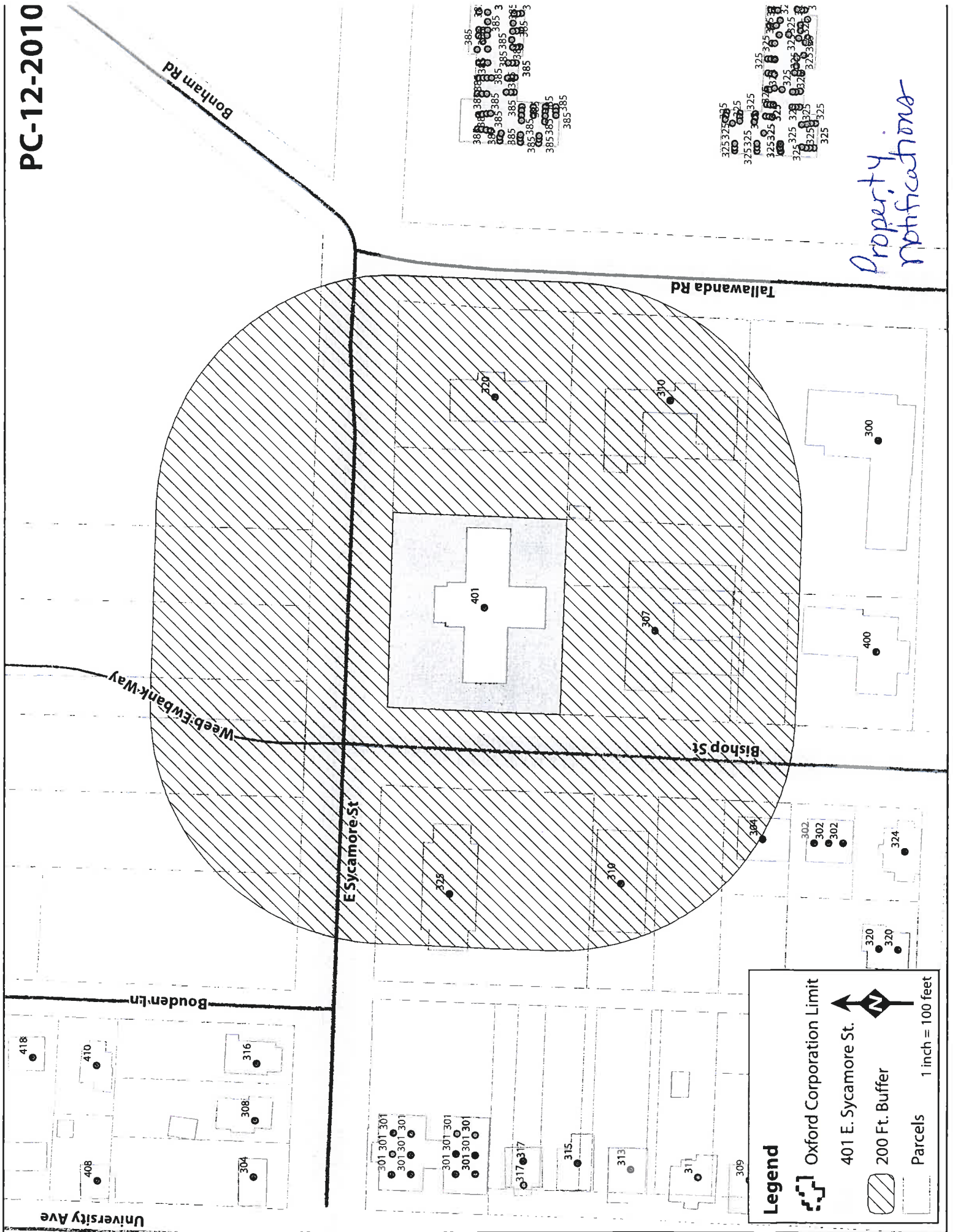
Sigma Chi Fraternity was sanctioned by Miami University, on March 26, 2010, for violating the Code of Student Conduct and was suspended until December 31, 2010. Based on this disciplinary action imposed by Miami University, Sigma Chi Fraternity is **not in good standing** with Miami University. Based on the Oxford Zoning Ordinance, the City of Oxford has the legal right to revoke the conditional use permit upon recommendation of the Planning Commission.

Please be advised that your presence at this public hearing is required to present your appeal. Please contact me if you have any questions regarding this matter.

Sincerely,

Jung-Han Chen, AICP
Community Development Director

101 East High Street • Oxford, Ohio 45056-1887
Phone: (513) 524-5200 • Fax: (513) 523-7298 • www.cityofoxford.org



Property
Notifications

Legend

- Oxford Corporation Limit
- 401 E. Sycamore St.
- 200 Ft. Buffer
- Parcels
- 1 inch = 100 feet

Conditional Use Permit Application
City of Oxford, Ohio

REQUIRED INFORMATION (print clearly)

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 Email Address _____
Telephone Number(s): 524-5204
Name of Property Owner (if other than Applicant) Sigma Chi Fraternity
Location of Property: 401 E. Sycamore Street
Legal Description: _____
Zoning District: R2MS
Total Area: _____ Acres / Square Feet (circle one)
Existing Use Description: Fraternity
Proposed Use Description: Revocation of an approved Conditional Use permit for a fraternity house

SUBMISSION REQUIREMENTS

The required fee of **\$400.00**, made payable to the City of Oxford, must accompany the application. The entire submission must be prepared in accordance with Chapter 1147, Conditional Uses, of the Zoning Code of the City of Oxford.

Attach thirteen (13) copies of a site plan indicating the following:

1. North arrow
2. Scale
3. Vicinity Map
4. All existing and proposed lot lines within the site
5. Dimensions of all lots and of the entire site and any adjacent rights-of-way
6. Location, height, and use of all proposed and existing structures
7. Location and design of all proposed vehicle management areas
8. Location, size, and type of all proposed signs
9. Location, height, and type of all proposed screening and landscaping
10. Distances to residential zoning districts if within 1,000 feet
11. The use of land and location of structures on adjacent property and across adjacent rights-of-way
12. Elevations of proposed structure, or typical elevations if structures are not yet designed, shall be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use
13. Photographs of the existing use and its surroundings.
14. Other information as required by the Planning Commission

Attach a Narrative Statement describing how the proposed Conditional Use meets the following Decision Standards of the zoning district in which it is to be located:

- A. The proposed use is in fact a Conditional Use in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.

- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. All necessary permits and licenses for the Conditional Uses and its operation have been or can be obtained for the use at the proposed location.

On a separate sheet of paper, provide the names and addresses of all adjoining property owners within 200 feet of the site, including those across streets, roads, alleys and highways. *Property Owner names will not be included in the agenda packet.

NOTE: The Butler County website (www.butlercountyohio.org/auditor) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number.

All materials must be delivered to the office of the Community Development Director, City of Oxford, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. The issue will be placed on the next possible agenda.

Incomplete applications will not be processed.

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


Date: 7/30/10

Signature of Applicant
Printed Name

FEE / RECEIPT

\$400 Fee Paid / Receipt Number: NA



MIAMI
UNIVERSITY

Office of Ethics and Student Conflict Resolution
9 Warfield Hall
Oxford, OH 45056-3629
513-529-1417

March 26, 2010

CERTIFIED LETTER

Sigma Chi Fraternity
c/o Connor Greenlees
401 E. Sycamore St.
Oxford, OH 45056

Dear Mr. Greenlees:

The University Appeals Board considered Sigma Chi Fraternity's appeal on March 26, 2010. As noted in Section 501, appeals may be filed for reasons of: 1) Inappropriate sanction; 2) procedural defect; or 3) new evidence. The Board found that:

1. **No new evidence was presented.**
2. **There was no defect in the procedure used by Gerald Olson, in his March 2, 2010 administrative hearing.**
3. **The Board believes that the sanctions imposed were appropriate. However, they have been revised. Therefore, the Board is imposing the following sanctions:**
 - a. *In accordance with Section 302 of the Code of Student Conduct, Sigma Chi Fraternity will be suspended from Miami University from March 2, 2010 through December 31, 2010.*
 - b. *In accordance with Section 304: In order for the chapter to be recognized as a Miami University student organization, a reorganization plan must be presented to the Office of Ethics & Student Conflict Resolution and approved by the Cliff Alexander Office of Fraternal Life by December 3, 2010. This plan must include a new member education program which includes risk management and alcohol education initiatives. An advisory board shall exist to provide oversight of the fraternity, the names of which must be detailed in the plan. Furthermore, all initiatives ordered by the National Office of Sigma Chi must also have been completed prior to recognition as a student organization, with verification of such completion on national office letterhead and submitted as part of the reorganization of the fraternity.*
 - c. *In accordance with Section 303 of the Code of Student conduct, upon the fraternity's return to Miami University, the fraternity will be placed on Disciplinary Probation from January 1, 2011 through August 23, 2011. Further the chapter is not permitted to host, co-host, or sponsor any functions with alcohol on their property or elsewhere. They will be required to host three alcohol educational programs which at least 80% chapter attendance is required at all programs. The content of these programs must be preapproved by the Office of Ethics & Conflict Resolution. The chapter adviser or representative of the national fraternity will be required to provide proof of completion of these programs to the Office of Ethics & Conflict Resolution By April 27, 2011.*

You have the right to apply for a Vice-Presidential Review as outlined in Section 502 (Vice-Presidential Review) of the Code of Student Conduct. Your written appeal must be submitted to Dr. Barbara Jones within three University working days of the receipt of this letter (at the latest March 31, 2010).

Sincerely,



Dr. Gerald Granderson, Chair
University Appeals Board

d Me

C: Office of Ethics and Student Conflict Resolution, Judicial File
Lora McCargish, Registrar
Virginia Layton, Bursar
April Robles, Director, Cliff Alexander Office
Ryan Stephens, Director of Accountability

address
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present
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To: Jung-Han Chen, Director of Community Development, City of Oxford
From: Katie Wilson, Senior Director for Student Engagement (KW)
Date: June 23, 2010
Re: Notice of Suspension of Recognition: Sigma Chi Fraternity
CC: Dr. Barbara Jones, Vice President of Student Affairs
Dr. Susan Mosley-Howard, Dean of Students
Bobbe Burke, Coordinator of Off-Campus Affairs

Under the Miami University Fraternity and Sorority Standards Policy (Miami University Student Handbook: Part 5, Chapter 3. Fraternities and Sororities), the recognition of Sigma Chi Fraternity has been suspended until December 31, 2010. Sigma Chi Fraternity was found responsible by the Office of Ethics and Student Conduct Resolution for violating the Miami University Code of Student Conduct sections 104 (Damage, Theft, or Unauthorized Use of Property), 105A (Intoxication), and 113 (Disorderly Conduct).

A fraternity or sorority under suspension or dismissal from Miami University is not in "good standing". The organization may not have any presence on the campus and may not utilize any campus services. This includes but is not limited to:

- use of rooms for chapter sponsored events,
- access to organization financial accounts,
- recognition and advisement by the Cliff Alexander Office and the Greek Governing Councils.

If you have any questions concerning Sigma Chi Fraternity's status, please contact me at wilso106@muohio.edu or 513-529-1462.

Sigma Chi
PC

JAY C. BENNETT
ATTORNEY AT LAW
Oxford Professional Building
5995 Fairfield Road, Suite #5
Oxford, Ohio 45056-1587
Telephone 513.523.4104
Fax 513.523.1525

September 7, 2010

Steve McHugh
Altick & Corwin Co. LPA

Re: Sigma Chi Fraternity; proposed agreement of 8/13/10

Dear Steve:

Please forgive the tardy response to your letter of August 13, 2010 which contained a proposed agreement that we had spoken of earlier. The agreement and the letter to which it was appended dealt with the allegation that Sigma Chi Fraternity had ceased to be an organization in "good standing" endangering the conditional use under which the City deems the fraternity is operating. Regrettably, I cannot advise my clients to execute this agreement for the following reasons.

As you know, my clients do not have, nor have ever applied for a conditional use permit. The fraternity house at 401 E. Sycamore Street was built and initially occupied by Sigma Chi Fraternity in 1971. At that time it was located in an R-5 Residential district that included fraternity and sorority houses as principal permitted uses. Said building was used as a fraternity house from 1971 through the present. In 2003 the City amended its zoning code whereby fraternity house was no longer considered a principal permitted use but rather, a lawful pre-existing nonconforming use. Said nonconforming use remains the use of the property to date.

A plethora of case law holds that lawful pre-existing nonconforming uses can continue indefinitely after amendment and revision of a zoning code as long as said use is not enlarged, extended, nor voluntarily abandoned for a stated period of time. Such a lawful pre-existing nonconforming use constitutes vested rights that cannot be abrogated by succeeding legislation. You and I are both familiar with an entire body of case law dealing with the vested rights of lawful pre-existing nonconforming uses and the circumstances under which they may be abrogated by a zoning authority.

I believe that the agreement that we are speaking of as well as the notification of the September 14, 2010 public hearing before Oxford Planning Commission is based upon Oxford City Ordinance 1147.02(f)(3) since the conditional use assigned to my client's property was never approved by a "legislative, quasi-judicial or administrative review". According to that section, my client's lawful pre-existing nonconforming use is "considered an approved conditional use and is subject to the provisions of this chapter." That would seemingly include revocation of said conditional use. The ordinance is unconstitutional regulatory taking as applied to my client's property since the effect of the same would be to nullify my client's vested rights.

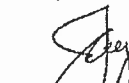
The requirement that an organization continue "in good standing" I believe refers to 1147.02(e)(1) as well as 1147.02 (e)(3)(B). In both said sections the alleged violation of Sigma Chi is that the property "ceases to be operated as an approved conditional use" which is one of the grounds for revocation of the conditional use permit set out in 1147.02(e)(3)(B). I believe the incident which generated the proposed revocation of conditional use inquiry was a social probation sanction levied against the Sigma Chi Fraternity for a 10 month period ending December 31, 2010. Such sanction was the product of an administrative proceeding that occurred between a state university and the fraternity, Sigma Chi Corporation. Certain social activity sanctions were levied by the University in that regard. However, the property itself does not "cease to be operated" as a fraternity house.

The disciplinary action taken has no relationship to the police power of the City that includes zoning since the use continues despite the disciplinary sanctions of the University. It is impossible for an administrative proceeding that occurs between the University and the fraternity to have any effect on the status of the pre-existing lawful nonconforming use of the property. The fraternity is still in existence, its charter has not been revoked by the national fraternity in Evanston, Illinois. Hence, as long as the fraternity is in existence as a corporation not for profit, and that organization recognizes the Alpha Chapter of Sigma Chi in Oxford, Ohio, said fraternity continues to exist and to be operated.

More importantly, the entity that possesses the vested land use rights previously mentioned in this letter is not the Sigma Chi Fraternity itself, but a separate not for profit corporation known as The Alpha Chapter House Association of Sigma Chi Fraternity. This organization actually owns and maintains the fraternity house itself and is the possessor of the vested land use rights. This house corporation has nothing to do with the disciplinary actions taken by the University nor the social standing of the fraternity itself. It holds title to and maintains the fraternity house and leases the same to members of the fraternity organization. Said house corporation has no involvement with the disciplinary action taken by Miami University against the Sigma Chi Fraternity. Once again, such disciplinary administrative activity has no effect upon the vested rights possessed by the house corporation, ie. the pre-existing nonconforming fraternity use of the property. The maintenance of such rights are addressed in 1137 of the Oxford City Ordinances dealing with nonconformities according to Oxford City Ordinance Section 1147.02(e)(1),

In summary, the house corporation possesses all the aforementioned vested zoning and land use rights and will continue to hold and exercise the same until said organization voluntarily ceases said pre-existing lawful nonconforming use. Given the legalities of this situation, I have advised my clients not to sign the aforesaid agreement. I'd be happy to discuss this matter with you or any other City officials at your convenience. With regard to the hearing scheduled for September 14, 2010, it is my opinion that the entity that holds the vested rights is not the entity disciplined by Miami University. As a result, neither entity will appear Tuesday. Should you have any questions, please don't hesitate to call.

Very truly yours,



Jay C. Bennett
Attorney at Law

JCB/da

Cc: Client

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-12-2010

Date – September 14, 2010

APPLICATION

Applicant: City of Oxford

Action Request: **Revocation of an approved Conditional Use Permit for a fraternity house, Sigma Chi, 401 E. Sycamore Street, for failure to satisfy the definition of a fraternity house.**

DESCRIPTION

In 2008, City Council established an Ad-Hoc Committee to study fraternity/sorority houses as they related to the Conditional Use Permit. The Committee consisted of University representatives from the Greek Community, local residents, a Planning Commission representative and City staff. This Committee met numerous times to discuss City regulations, fraternity organizations, community expectations and other related matters. At the conclusion of the study, this Committee put forth a set of recommendations to City Council for consideration, including modifying the fraternity/sorority definition to help strengthen the monitoring and enforcement authority from the City as well as from the University. Attached is Ordinance # 3061 reflecting changes made to the Conditional Use Regulations governing the fraternity/sorority house and its definition.

Sigma Chi Fraternity was found to have violated Miami University's Code of Student Conduct and received significant sanctions by the University:

- Sigma Chi Fraternity was suspended from Miami University from March 2, 2010 through December 31, 2010
- In order for this Chapter to be recognized as a Miami University student organization, a reorganization plan must be presented to the Office of Ethics and Student Conflict Resolution and approved by both the Office of Ethics and Student Conflict Resolution and the Cliff Alexander Office of Fraternity Life by December 3, 2010.

The information of this formal action became available in April. City Staff requested clarification from the University whether this Chapter was or was not in good standing and did not receive this information until mid-summer. This delay caused Public Hearing notices to be sent out in August. Furthermore, it was prudent to have the affected parties present at the Commission meeting to voice their case.

ZONING CODE

The relevant section of the Zoning Code is attached.

AGENCY REVIEWS

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

Police:	Returned without comment
Fire:	Returned without comment
Engineering:	Returned without comment
Econ. Dev.	No comments received.

DECISION CRITERIA

Decision of revocation is attached as part of the Zoning Code

ANALYSIS

Modifications to the Conditional Use permit was a product of an extensive discussion involving a Committee consisting of the Greek Community, University and local residents to consider all aspects of fraternity/sorority life in Oxford. The legislation to establish this Committee is attached for your information. The purpose of this format was to engage a diverse group of entities to review any potential changes that should be made to address concerns raised during the public hearing for a proposed fraternity house to be established on Vine St. Input from the Greek Community was particularly sought to insure any changes would be mutually beneficial.

Since the proposed changes would impact the students' interaction greatly, the input from the Student Community Relations Commission (SCRC) was also solicited. The SCRC felt the changes would be beneficial to the overall community and therefore supported the changes in March, 2009.

Since the changes dealing with the modifications of the Oxford Zoning Code, the amendment process took place first before the Planning Commission in May, 2009 and City Council July, 2009.

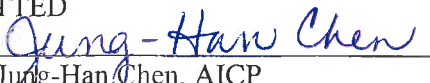
The group-living environment of fraternity chapter houses has been a well-established tradition with the University. These chapters have well-meaning goals and have done great deeds for the community. The fraternity house symbolizes certain prestige and pride that no other organizations have. Because of this status it is even more critical that these chapters be examples for fellow students to follow.

Several recent incidents involving fraternities/sororities have revealed the fact that changes to the City's regulations either did not seem to filter down to each fraternity or simply within each fraternity the information of new regulations was not passed down from Chapter officials.

It is necessary for the City to move forward the revocation process to underscore the importance of observing City regulations and adhering to community standards. The revocation process allows the Planning Commission to hear the case and deliberate the Decision Standards and to make a recommendation to City Council for legislative action.

SUBMITTED

BY:


Jung-Han Chen, AICP
Community Development Director

DATE: August 23, 2010

ATTACHMENT

(e) Issuance and Revocation of Conditional Use Permit. The Zoning Administrator shall issue a Conditional Use Permit after the Planning Commission recommends and Council approves an application. Construction permits shall not be issued unless the plans substantially conform to those approved by Council. Any changes to a Conditional Use that are not approved by the Zoning Administrator shall constitute a violation of the Zoning Code.

(1) Expiration and reinstatement of conditional use permit. A Conditional Use Permit shall automatically expire if the Conditional Use ceases operation for more than one year. Expiration of a legal nonconforming Conditional Use is subject to the provisions of Chapter 1137 - Nonconformities.

(2) Period of Validity.

A. An approved Conditional Use must be substantially operational within 2 years of its approval. Applications for any construction permits necessary for the operation of the Conditional Use must be filed within 1 year of approval.

B. If an approved Conditional Use fails to meet these deadlines, the applicant may request a time extension from City Council. No application materials are required, however, the Zoning Administrator may request information he or she deems necessary for City Council to make a decision. City Council will consider the request at its next regularly scheduled meeting. Such request does not require a public hearing.

C. If the scope of the approved Conditional Use has not changed and the proposed use still satisfies the decision standards, City Council shall grant a 6-month extension of time for compliance. No more than four such extensions may be granted.

(3) Revocation of Conditional Use Permit. A Conditional Use Permit may be revoked by City Council upon an affirmative recommendation from the Planning Commission if the existing Conditional Use Permit fails to meet one of the following requirements:

A. The conditions of approval are not met or maintained.

B. The property ceases to be operated as an approved conditional use.

C. The continuance of the conditional use would pose a substantial risk to the public health, safety and welfare.

(Ord. 3061 Passed 07-07-09)

(2) General decision standards. All Conditional Uses shall satisfy these General Decision Standards.

A. The proposed use is in fact a Conditional Use in the zoning district in which it is proposed.

B. The use and site will satisfy the general intent of this Zoning Code.

C. The use and site will be compatible with the general intent of the Comprehensive Plan.

D. The size and shape of the site are sufficient for the proposed use.

E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.

F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.

G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.

H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.

I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.

J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.

K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.

L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

RESOLUTION NO. 4373

A RESOLUTION ESTABLISHING AN AD-HOC COMMITTEE OF CITY, COMMUNITY AND MIAMI UNIVERSITY REPRESENTATIVES TO STUDY THE FEASIBILITY OF NEW AND/OR EXPANDED FRATERNITY HOUSES IN OXFORD.

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

SECTION 1: Council herewith establishes an Ad-Hoc Committee of City, Community, and Miami University representatives to study the feasibility of new and/or expanded fraternity houses in Oxford. The Committee shall be made up of the following positions: (i) Coordinator of Off-Campus Affairs and Miami Tribe Relations; (ii) Interim Director of the Alexander Office of Fraternal Life; (iii) President, Associated Student Government; (iv) Director of Business Services; (v) President, Interfraternity Council; and (vi) a Student Community Relations Commission representative; (vii) Planning Commission member; (viii) City Council member; (ix) Community Development Department member.

SECTION 2: The purpose of the Ad-Hoc Committee of City, Community, and Miami University representatives shall be to (1) study the feasibility of new and/or expanded fraternity houses in Oxford; and (2) identify and address issues of all the interested parties and make recommendations to the Student Community Relations Commission, Planning Commission and City Council.

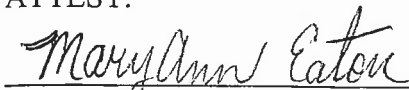
SECTION 3: Council shall fill the Committee by appointing the members by motion.

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


MAYOR

ADOPTED: August 19, 2008

ATTEST:


DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

ORDINANCE NO. 3061

AN ORDINANCE AMENDING ZONING CODE SECTION 1147.02 ISSUANCE AND REVOCATION OF CONDITIONAL USE PERMIT, ZONING CODE SECTION 1147.03 USE SPECIFIC REGULATIONS AND POTENTIAL CONCERNS AND SECTION 1159.07(10) DEFINITIONS.

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

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on May 12, 2009 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended modifying Section 1147.02 Issuance and Revocation of Conditional Use Permit, Section 1147.03 Use Specific Regulations and Potential Concerns, and Section 1159.07(10) Fraternity/Sorority Definition.

SECTION II: Council hereby repeals Sections 1147.02, 1147.03 and 1159.07(10) of the Oxford Code of Ordinances and adopts new Sections 1147.02, 1147.03 and 1159.07(10) as follows:

1147.02 PROCEDURE

(a) Application. An application for a Conditional Use Permit shall be filed with the Zoning Administrator. An application shall be complete prior to being scheduled for a public hearing. An application will be considered complete only if the Zoning Administrator is satisfied that all of the materials required by this chapter are included and are sufficient in their content to satisfy the intent of the application requirements.

- (1) Contents of application for conditional use permit. Thirteen complete sets of all information shall be submitted with an application. The Zoning Administrator may modify this requirement based upon the type of materials included. Please contact the Zoning Administrator prior to submitting an application to discuss the submission requirement. If any information is submitted in color or on non-standard paper, more copies may be required.

A. Application Fee

B. Description of Use and Site

A written, detailed description shall include the following information. A separate response is required for each subsection.

1. The name, mailing address, and telephone number of the applicant and the property owner
2. If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf
3. A legal description of the site, including all separate lots
4. A description of the existing uses of the site.
5. The zoning district in which the site is located
6. A description of the proposed use
 - a. A description of operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles
 - b. The hours of operation
7. A narrative statement that evaluates the compatibility of the proposed use with the general vicinity and adjacent properties
 - a. How the use is similar to or different from existing area uses and if there will be any interaction between the proposed use and existing uses

- b. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites
 - c. If the use will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions
 - d. How any potential negative effects on adjacent land will be mitigated
- 8. A statement about why the location proposed is more appropriate for the use than other locations
- 9. A statement of the necessity or desirability of the proposed use to the neighborhood or community
- 10. Separate, detailed statements that individually address each of the items listed as potential concerns for the proposed use.
- 11. A list of the names and mailing addresses of all land owners within 200 feet of the site.
- 12. Such other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by Planning Commission
- C. Site Plan. A scaled site plan shall include the following information in detail. The required information may be submitted on multiple site plans if inclusion of all information on a single plan makes it illegible or difficult to understand.
 - 1. North arrow
 - 2. Scale
 - 3. Vicinity map
 - 4. All existing and proposed lot lines within the site
 - 5. Dimensions of all lots and of the entire site and any adjacent rights-of-way
 - 6. Location, height, and use of all proposed and existing structures
 - 7. Location and design of all proposed vehicle management areas
 - 8. Location, size, and type of all proposed signs
 - 9. Location, height, and type of all proposed screening and landscaping
 - 10. Distances to residential zoning districts if within 1,000 feet
 - 11. The use of land and location of structures on adjacent property and across adjacent rights-of-way
 - 12. Other information as required by the Planning Commission
- D. Elevations of proposed structures, or typical elevations if structures are not yet designed, shall be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use.
- E. Other. Photographs of the existing use and its surroundings.

(b) Reapplication.

- (1) No application for a Conditional Use that is substantially similar to an application that has been denied, wholly or in part, shall be accepted for one year from the date denial. The Zoning Administrator shall determine if a similar application differs enough to be considered a different application and not subject to this section. The Zoning Administrator may consider factors such as the nature or size of a proposal, changes in the development or traffic patterns of the area, or newly discovered evidence pertinent to a decision on a previous application.
- (2) An applicant may appeal the decision of the Zoning Administrator according to the Board of Zoning Appeals.

(c) Planning Commission Review. The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible testimony presented during the public hearing.

If the Planning Commission finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

- (1) Burden of Proof

- A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.
- B. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.

(2) General Decision Standards All Conditional Uses shall satisfy these General Decision Standards.

- A. The proposed use is in fact a Conditional Use appropriate for in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

(d) Action by Planning Commission

- (1) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.
- (2) The Planning Commission shall base its recommendation to Council upon how well the application satisfies the General Decision Standards and the Decision Standards for the proposed use. In its recommendation, Planning Commission may waive or

modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code.

(e) Issuance and Revocation of Conditional Use Permit. The Zoning Administrator shall issue a Conditional Use Permit after the Planning Commission recommends and Council approves an application. Construction permits shall not be issued unless the plans substantially conform to those approved by Council. Any changes to a Conditional Use that are not approved by the Zoning Administrator shall constitute a violation of the Zoning Code.

(1) Expiration and Reinstatement of Conditional Use Permit. A Conditional Use Permit shall automatically expire if the Conditional Use ceases operation for more than one year. Expiration of a legal nonconforming Conditional Use is subject to the provisions of Chapter 1137- Nonconformities.

(2) Period of Validity

A. An approved Conditional Use must be substantially operational within 2 years of its approval. Applications for any construction permits necessary for the operation of the Conditional Use must be filed within 1 year of approval.

B. If an approved Conditional Use fails to meet these deadlines, the applicant may request a time extension from the Planning Commission. No application materials are required, however, the Zoning Administrator may request information he or she deems necessary for the Planning Commission to make a decision. Planning Commission will consider the request at its next regularly scheduled meeting. Such request does not require a public hearing.

C. If the scope of the approved Conditional Use has not changed and the proposed use still satisfies the decision standards, the Planning Commission shall grant a 6-month extension of time for compliance. No more than four such extensions may be granted.

(3) Revocation of Conditional Use Permit. A Conditional Use Permit may be revoked by City Council upon an affirmative recommendation from the Planning Commission if the existing Conditional Use Permit fails to meet one of the following requirements:

A. The conditions of approval are not met or maintained.

B. The property ceases to be operated as an approved conditional use.

C. The continuance of the conditional use would pose a substantial risk to the public health, safety and welfare.

(f) Changes to a Conditional Use

(1) Minor Changes to an approved Conditional Use. An operator of an approved Conditional Use may submit a written request for approval of changes to the site or operating conditions of the use. The Zoning Administrator may administratively approve changes to a Conditional Use if such changes:

A. Do not change the use

B. Are of a magnitude that will not substantially alter the appearance of the use from off of the site

C. Will not substantially or detrimentally affect the provision of public services to the site or general vicinity

D. Will not substantially or detrimentally increase potential demand on public or private utilities

E. Are not of a scope, scale, or character, that would cause a negative impact on adjoining properties and neighborhood

F. Are not contrary to and in no way diminish the intent of the originally approved permit.

Administrative approvals shall be clearly documented and made part of the original Conditional Use permit on file.

(2) Major Changes to an Approved Conditional Use. Any changes to an approved conditional use that do not meet the criteria of a minor change are considered a major change. A major change requires an entirely new Conditional Use application (including the fee), according to the provisions of this chapter.

(4) Changes to a Conditional Use not procedurally approved. An existing use that is listed in this code as a Conditional Use, that is in a zoning district where such use is permitted as a Conditional Use, that was never approved by a legislative, quasi-judicial, or administrative review, and that was legal at the time of its establishment is considered an approved Conditional Use and is subject to the provisions of this chapter.

An existing use that is listed in this code as a Conditional Use and is in a zoning district where such use is not permitted is considered a legal nonconformity. Any proposed changes to such uses are subject to the provisions of Chapter 1137.

1147.03 USE SPECIFIC REGULATIONS & POTENTIAL CONCERNS

The uses listed in this section are Conditional Uses in at least 1 zoning district. Each use is listed with Potential Concerns and may be listed with specific regulations.

The Potential Concerns are use-specific criteria that Planning Commission shall consider when it makes a recommendation to Council on an application for a Conditional Use. The Planning Commission may also consider additional use-specific concerns not listed here if it deems them appropriate.

The Additional Regulations are more strict or additional dimensional regulations or operational conditions that apply to the use, regardless of whether it is permitted or conditional, and regardless of the zoning district in which it is located, and are enforced by the Zoning Administrator.

(a) General. Wherever no specific area, lot width, or setback requirements are specified in the provisions for specific Conditional Uses, then the dimensional regulations for the most restrictive permitted use in the applicable zoning district shall apply.

(b) Uses.

(1) Agricultural Services

A. Potential Concerns

1. Produce and meat storage areas
2. Noise, dust, and odor from operations
3. Truck routes from municipal boundary
4. Temporary sales

B. Regulations

1. Farm product storage buildings shall be setback a minimum of 100 feet from a residential zoning district
2. No outdoor farm machinery repair unless entirely enclosed within a screening fence
3. Animal enclosures shall be setback a minimum of 200 feet from all lot lines

(2) Airports and Landing Strips

A. Potential Concerns

1. Aircraft noise
2. Dust from operations
3. Lighting
4. Proximity of powered aircraft on the ground to lot lines and adjacent uses

B. Regulations

1. Compliance with FAA regulations
2. Runway locations will not require height restrictions on other properties less than would normally be required by dimensional regulations of the zoning district
3. Runways and taxiing areas shall be setback a minimum of 100 feet from a residential zoning district
4. Aircraft storage and service buildings shall be setback a minimum of 100 feet from a residential zoning district

(3) Animal Hospitals, Veterinary Clinics, and Kennels

A. Potential Concerns

1. Traffic generation from associated retail sales
2. Location of diagnosis and outdoor activity areas relative public streets and residential zoning district
3. Design of facilities that will help ensure humane conditions and treatment of animals
4. Animal noise and odor

B. Regulations

1. Outdoor pens are not permitted
2. Outdoor activity shall be limited to diagnosis and temporary outdoor activity for boarded animals

(4) Bed & Breakfast

A. Potential Concerns

1. Appropriate number of rooms for the neighborhood in which it is proposed
2. Location of separate entrances

B. Regulations

1. No more than 8 rooms for rent in any structure
2. Owner or manager must live in the structure
3. At least one meal must be provided to guests on site

(5) Gas Station with Convenience Store

A. Potential Concerns

1. Adequate design of vehicle management area
2. Location of fuel pumps and pump canopy
3. Outdoor sales and storage

B. Regulations

1. All merchandise shall be located within a completely enclosed structure
2. Fuel pumps shall be setback a minimum of 30 feet from lot lines or 40 feet from a residential zoning district
3. Fuel pump canopies shall be set back a minimum of 20 feet from lot lines or 40 feet from a residential zoning district

(6) Vehicle Service and Repair

A. Potential Concerns

1. Proper design of vehicle management area

2. Proximity of service areas to lot lines and adjacent uses
 3. Outdoor sales and storage
 4. Tow truck storage
- B. Regulations
1. All disassembly, service, and assembly of vehicles shall be within a completely enclosed structure
 2. All service equipment and supplies shall be within a completely enclosed structure
 3. Vehicles being serviced or awaiting service shall not be stored in an unenclosed area for more than 7 days
 4. Vehicle service bays shall be setback a minimum of 100 feet from a residential zoning district

(7) Vehicle Washing Facility

- A. Potential Concerns
1. Design of vehicle management area
 2. Enclosure of potential nuisances
 3. Screening from adjacent uses residential
 4. Lighting
 5. Hours of operation
- B. Regulations
1. Wash bays shall be setback a minimum of 100 feet from a residential zoning district
 2. Outdoor equipment (such as vacuum stations) shall not be located in a yard adjacent to a residential zoning district
 3. Queuing spaces shall not be located in a yard adjacent to a residential zoning district

(8) Drive-Through Banking and Pharmacy Facilities

- A. Potential Concerns
1. Design of vehicle management area
 2. Noise from operations (vehicle and loudspeaker)
 3. Screening from adjacent uses
- B. Regulations
1. Drive-through stations shall not be located in a yard adjacent to a residential zoning district
 2. Queue spaces shall not be located in a yard adjacent to a residential zoning district

(9) Drive-Through Convenience and Beverage Facilities

- A. Potential Concerns
1. Design of vehicle management area
 2. Noise from operations (vehicle and loudspeaker)
 3. Proximity to churches, schools, other similar institutions
 4. Location and adequacy of dumpsters
- B. Regulations
1. Structure shall be setback a minimum of 50 feet from a residential zoning district
 2. Drive-through stations shall be completely enclosed
 3. Cue Queue spaces shall not be located in a yard adjacent to a residential zoning district
 4. Site shall be a minimum of 500 feet from a church, school, or similar institution, except in a commercial zoning district

(10) Drive-Through Restaurant Facilities

A. Potential Concerns

1. Design of vehicle management area
2. Noise from operations (vehicle and loudspeaker)
3. Signs and menu boards
4. Location and adequacy of dumpsters

B. Regulations

1. Drive-through stations shall not be located in a yard adjacent to a residential zoning district
2. Cue Queue spaces shall not be located in a yard adjacent to a residential zoning district
3. Drive-up stations shall be setback a minimum of 50 feet from a residential zoning district

(11) Bars and Taverns

A. Potential Concerns

1. Evening traffic
2. Noise from operations (music)
3. Location and adequacy of dumpsters

B. Regulations

1. Site shall be a minimum of 500 feet from a church, school, or similar institution, except in a commercial zoning district
2. Structure shall be setback a minimum of 50 feet from a residential zoning district

(12) Indoor Sports and Recreation Facilities such as Bowling Alleys, Skating Rinks, Tennis and Racquetball Courts, Soccer Fields, and Swimming Pools

A. Potential Concerns

1. Traffic volume during group or league events

B. Regulations

1. Entrance to structure shall not be located in a yard adjacent to a residential zoning district
2. Parking spaces shall not be located in a yard adjacent to a residential zoning district
3. Structure shall be setback a minimum of 30 feet from a residential zoning district

(13) Building Materials Sales Yards

A. Potential Concerns

1. Noise, dust, vibration from operations
2. Height and visibility of merchandise storage structures
3. Commercial vehicle storage
4. Location of loading spaces and on-site management of delivery vehicles
5. Unenclosed storage and display

B. Regulations

1. Traffic management areas shall not be located in a yard adjacent to a residential district.
2. Commercial woodworking equipment and other similar machinery shall not be permanently affixed or operated within 50 feet of a residential zoning district, except within a completely enclosed structure.

(14) Cemeteries

A. Potential Concerns

1. Location and size of structures including mausoleums, chapels, gatehouses, crematoriums, offices, and service and storage buildings.
2. Appropriate screening, ornamental fencing, and landscaping to minimize potential nuisance.

B. Regulations

1. Driveways shall be setback a minimum of 10 feet from all lot lines
2. Grave markers, mausoleums, and other monuments shall be setback a minimum of 10 feet from all lot lines

(15) Churches, Libraries, Community and Recreation Centers

A. Potential Concerns

1. Adequate lot size to permit future expansion
2. Location and screening of outdoor recreation areas
3. Bus or van storage
4. Lighting
5. Parking and traffic impact

B. Regulations

1. none

(16) Clinics

A. Potential Concerns

1. Extent of accessory services
2. Hours of operation

B. Regulations

1. Accessory services, including laboratories and pharmacies for the use of patients visiting medical practitioners in the clinic, may not be accessible directly from the exterior of the building and may operate only during the hours of operation for the clinic.

(17) Golf and Country Clubs

A. Potential Concerns

1. Proximity of fairways and greens to lot lines and adjacent structures
2. Trajectory of golf balls
3. Location of cart paths
4. Location of accessory uses such as ball fields, swimming pools, and tennis courts
5. Appropriate screening of high activity areas from adjacent properties

B. Requirements

1. Cart paths shall be a minimum of 10 feet from all lot lines
2. Accessory uses such as clubhouses, restaurants, bars, swimming pools and similar activities are subject to any regulations that would apply to their operation as a principal use

(18) Service Organization Lodges

A. Potential Concerns

1. Location of accessory uses such as ball fields, swimming pools, and tennis courts
2. Appropriate screening of high activity areas from adjacent properties

B. Requirements

1. Accessory uses such as clubhouses, restaurants, bars, swimming pools and similar activities are subject to any regulations that would apply to their operation as a principal use

(19) Fraternity and Sorority Houses

A. Potential Concerns

(1) Aesthetic Concerns:

- a. Historical characteristics of existing structures
- b. Residential scale and character
- c. Yards and landscaping
- d. Walls and fences

(2) Activities Areas:

- a. Porches and patios
- b. Locations of recreational areas and courts
- c. Locations of accessory structures

(3) Vehicle Management:

- a. Site access
- b. Required parking
- c. Emergency access
- d. Deliveries
- e. Occasional and excess parking management

(4) Adequate Public Utilities

- a. Water
- b. Sewer
- c. Storm water management
- d. Other services

(5) Nuisance:

- a. Waste/trash management
- b. Noise and off-site impact
- c. Lighting and off-site impact

B. Requirements:

1. New Structures: Building shall be of a size and scale that approximates neighboring structures.
2. Existing Structures: Exterior renovation and improvements shall be maintained to protect existing architectural details, materials and ornamentation.
3. Addition: Building expansions shall be sympathetic to the architectural scale and style of the existing building.
4. Outdoor Areas: Activity areas shall be designed and located to contain noise and light within the property. Activity areas shall be appropriately screened from adjacent properties.
5. Waste facilities: Trash and recycling containers and material shall be stored in a fully enclosed area and properly screened. The waste

enclosure shall be adequate for the occupancy and accessible to service vehicles.

6. Parking and Transportation Demand Management: Parking shall meet requirements of Zoning Code Chapter 1149 and shall be properly designed, screened and maintained.

(20) Family Community Residence, Group Community Residence, and Community Residence

A. Potential Concerns

1. Maximum occupancy and staffing
2. Appropriate indoor and outdoor recreation areas
3. Proximity to and number of similar uses in Oxford

B. Regulations

1. Site shall be a minimum of 891 feet from any other Community Residence

(21) Day Care Centers and Nursery Schools

A. Potential Concerns

1. Location and adequacy of planned outdoor play area
2. Noise
3. Adequate drop-off facilities

B. Regulations

1. Use of outdoor play areas shall be limited to between the hours of 8:00 A.M. and 8:00 P.M. daylight hours.

(22) Drive-In Theater

A. Potential Concerns

1. Appropriate screening
2. Setback and visibility of screen from residential zoning district and public streets
3. Design of vehicle management area, especially street access
4. Noise from operations (vehicle)

B. Regulations

1. No outdoor loudspeaker is permitted

(23) Elderly Housing, Congregate Housing

A. Potential Concerns

1. Proximity to existing or possible area uses that are potentially dangerous to elderly or handicapped occupants

B. Regulations

1. Maximum density of 1 dwelling unit per 3,000 square feet

(24) Funeral Homes and Mortuaries

A. Potential Concerns

1. Design of vehicle management areas to ensure quick and efficient access to public streets during processions
2. Adequate cue space at drop-off areas to ensure that access to parking spaces is not impeded

B. Regulations

1. All hearses, limousines, and other related business vehicles shall be stored within an enclosed building when not in use

2. Parking areas are exempt from provisions of the Vehicle Management regulations that would prevent a vehicle management area that is designed to facilitate funeral processions

(25) Gaming Arcades

A. Potential Concerns

1. Proximity to schools, churches, and establishments serving alcohol
2. Proximity to residential zoning district
3. Adequate screening of parking and outdoor gathering areas

(26) Hospitals

A. Potential Concerns

1. Location of parking for employees
2. Parking for visitors
3. Design of drop-off area
4. Emergency vehicle access to the site and to the building
5. Adequate lot size and shape to handle current proposal and possible additions
6. Screening
7. Access to appropriate street
8. Helicopter landing facilities

(27) Motels

A. Potential Concerns

1. Proximity to residential
2. Screening from residential
3. Appropriate street access

(28) Nursing Homes, Convalescent Homes

A. Potential Concerns

1. Adequate lot size to provide for visitors and for outdoor activities
2. Access to an appropriate street
3. Adequate screening from residential

B. Regulations

1. Minimum 500 square feet per bed of on-site open space

(29) Riding Academies, Stables

A. Potential Concerns

1. Adequate lot size
2. Noise and dust from operations
3. Security fencing
4. Location of corrals and other animal areas
5. Adequate vehicle management area for transportation of animals
6. Hours of operation

B. Regulations

1. Any area designed to accommodate animals used in the operations shall be setback a minimum of 50 feet from any lot line

(30) Schools

A. Potential Concerns

1. Adequate lot size to permit future expansion
2. Bus and van storage
3. Access to streets that can handle traffic generated by the use
4. Design of vehicle management area

5. Location of outdoor facilities such as ball fields and band practice areas
6. Proximity to incompatible uses (establishments serving alcohol)
- B. Regulations
 1. Parking spaces shall not be located in a yard adjacent to a residential zoning district
 2. Structure shall be setback a minimum of 30 feet from a residential zoning district

(31) Temporary and/or Outdoor Sales of Plants and Garden Supplies

- A. Potential Concerns
 1. Signs
 2. Sight distance at corner lots
- B. Regulations
 1. Storage of goods shall not reduce the usable number of parking spaces by more than 10 percent of the required total.
 2. Goods shall not be stored in a driveway required to access required parking spaces.

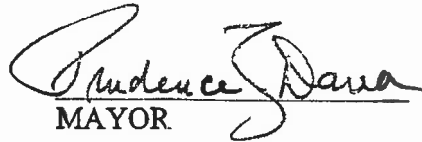
1159.07 DEFINITIONS (BEGINNING WITH LETTER "F")

(10) FRATERNITY/SORORITY HOUSE-

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

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: July 7, 2009

ATTEST:


CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)