



CITY COUNCIL
Regular Meeting – August 22, 2016 6:00 p.m.
Council Chambers

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND MOMENT OF SILENCE – Vice Mayor Vann
- IV. APPROVAL OF AGENDA
- V. PRESCHEDULED PRESENTER
 - A. Joseph Braden, Auditor of State Award with Distinction

- VI. PUBLIC HEARING – PUD 16-2 Creekstone
 - A. Applicant Presentation
 - B. Staff Presentation
 - C. Public Input
 - D. Council Input
 - E. Ordinance 16-20 (First Reading)

- VII. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Ordinance 16-17 PC 16-1 Zoning Code Update (Third Reading)
 - B. Ordinance 16-19 PUD 16-1 Cottages at Beavercreek (Second Reading)
 - C. Resolution 16-18 Greene County Auditor to Enter the Cost of Noxious Weeds and Grass Cutting on the Tax Duplicate
 - D. Ordinance 16-21 Keeping of Chickens in Residential Districts (First Reading)

- VIII. LIQUOR PERMITS
 - A. Aldi Inc of Ohio (Transfer)

- IX. CITY MANAGER'S REPORT
- X. MAYOR'S REPORT
- XI. COUNCIL TIME
- XII. CITIZEN COMMENTS
- XIII. EXECUTIVE SESSION
- XIV. ADJOURNMENT

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

11/28/16

Meeting Date: August 22, 2016	Reference Topic: PUD 16-2
Agenda Reference No.: VI.	Creekstone Rezoning (Ordinance 16-20)

ACTION REQUESTED		
<input checked="" type="checkbox"/> Adopt Ordinance	<input type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Adopt Motion

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input checked="" type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

The applicant is requesting approval of a rezoning and a concept plan for 67.91 acres from A-1 Agricultural and R-1A One-Family Residential to R-PUD. The project is located approximately 1,250 feet north and 1,675 feet east of the intersection of Grange Hall and Shakertown Road. Specifically, the applicant is proposing a concept plan that would allow for the construction of up to 145 one-family dwelling units within the PUD.

STAFF RECOMMENDATION:

Planning Commission and staff recommend approval of this request as described in the attached ordinance.

PROCEDURAL OPTIONS FOLLOWING ACTION:

City Council may choose to approve, disapprove, modify or table this action for further review.

CITY OF BEAVERCREEK STAFF REPORT

August 18, 2016

PROJECT: Creekstone
CASE NO.: PUD 16-2 Rezoning and Concept Plan
APPLICANT: Oberer Land Developers, LTD
c/o Greg Smith (Agent for owner)
3475 Newmark Drive
Miamisburg, OH 45342

REQUEST

The applicant is requesting approval of a rezoning and a concept plan for 67.91 acres from A-1 Agricultural and R-1A One-Family Residential to R-PUD. The project is located approximately 1,250 feet north and 1,675 feet east of the intersection of Grange Hall and Shakertown Road. Specifically, the applicant is proposing a concept plan that would allow for the construction of up to 145 one-family dwelling units within the PUD.

Planning Commission

At their regularly scheduled meeting on July 6th, Planning Commission voted 3 to 1 in favor of recommending approval of the applicant's request. However, Planning Commission added a condition of their approval that required construction all of Road A, and all of Road D as part of the initial phase of development. This requirement has been omitted from the proposed Ordinance, as this is a practice the City as not historically required of development of this type and is counter to the idea of phased development. City Council has the option reinstating this requirement, however staff is recommending against it, based on the aforementioned reasons. Additionally, a condition was added by Planning Commission that required the connection of existing River Hills Road in Woodhaven to the north, to the proposed subdivision. The dissenting vote on the Planning Commission was a result of an opposition to making the road connection to Woodhaven.



EXISTING CONDITIONS

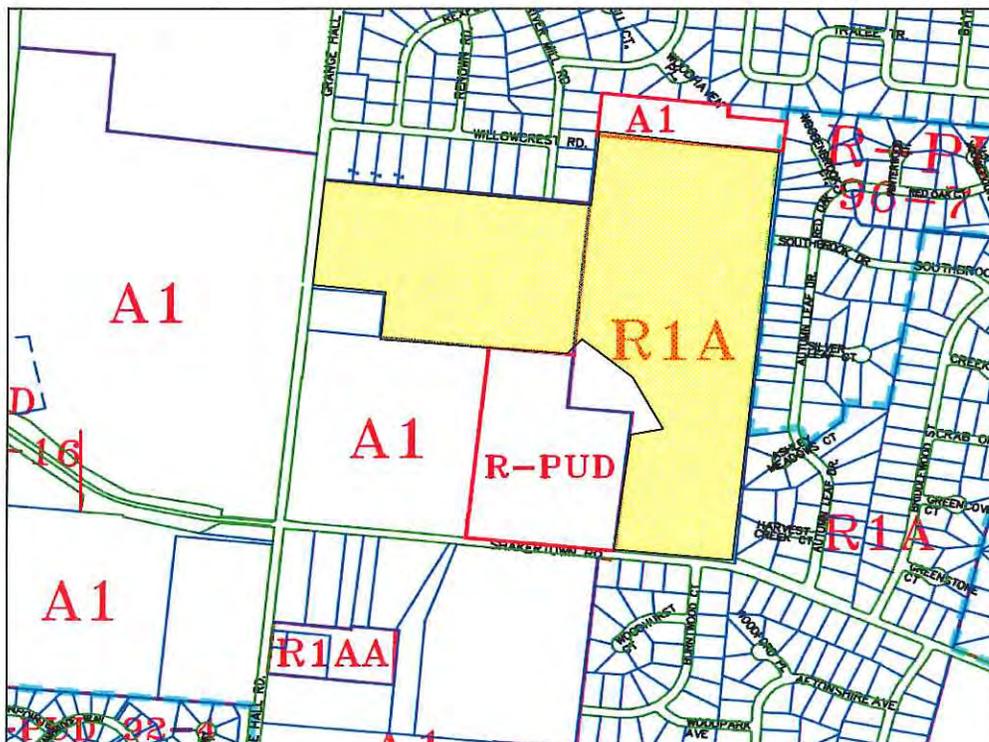
As noted on the aerial photo, the 67.9-acre area consists of two large parcels, in an L-shape configuration. The parcels are vacant of improved structures, and are a combination of farmland and wooded area. The PUD will have approximately 640 feet of frontage on Grange Hall Road, and 610 feet of frontage on Shakertown Road.

Zoning and Land Use Considerations

Zoning

As previously stated, the area contained in this proposal is partially located within an A-1 Agricultural District and partially located within an R-1A One Family Residential District. The chart below shows all surrounding properties zoning and usage:

Direction	Zoning Classifications	Current Usages
North	R-1A; A-1	Low density residential, community farm
South	A-1, R-PUD 14-3, R-1A	Future site of place of religious assembly, Assisted living center, low density residential
East	R-PUD 96-7; R-1A	Low density residential
West	A-1	Future site of place of religious assembly, farmland owned by Miami Valley Research Park



Density/Lot Size

The proposed concept plan shows two distinct lot size categories. The applicant has stated in their letter of intent, stamped “Received June 2, 2016” they intend to include two different products within this development. On the western end of the PUD, the applicant intends to develop Oberer Patio Homes, which will be single family homes, on smaller lots, lot widths being approximately 62 feet. This Phase will include lawn care and snow removal services. The patio homes are intended to be sold as “empty-nester” homes, and are anticipated to be priced around \$300,000 on average. Within the eastern portion of the PUD, stretching down to Shakertown, the applicant is proposing to construct general Oberer Homes. These homes will be semi-custom, similar in lot and home size to the existing homes in Autumn Springs. These homes are intended to be sold as general residential lots with widths between 85 and 95 feet, and are anticipated to be priced around \$400,000 on average.

Land Use Plan

As noted on the Land Use Plan map to the right, this area is designated as Low Density, Single Family Residential. The Land Use Plan defines Low Density Single Family Residential as:

“Low Density Residential development should occur at densities of less than 3.01 dwelling units per acre. Dwelling types may be single family, two-family, and/or multifamily development at appropriate locations, as long as they meet the overall density requirements.”



In addition to being classified as Low Density, Single Family Residential on the Land Use Plan, The area is also within VPA 64. The Land Use Plan states for VPA 64:

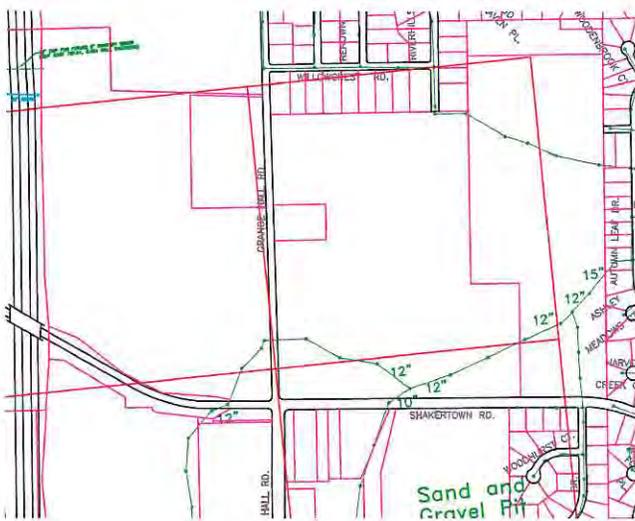
“VPA 64 is designated for low-density residential development. Development in this VPA would need to provide adequate development designs to assure compatibility in relation to adjacent surrounding land uses of a different type and intensity. Some features on the site may lend itself to concentrated areas of

higher density development in order to preserve the natural features of the area, so long as the overall density falls within Low Density Residential guidelines.”

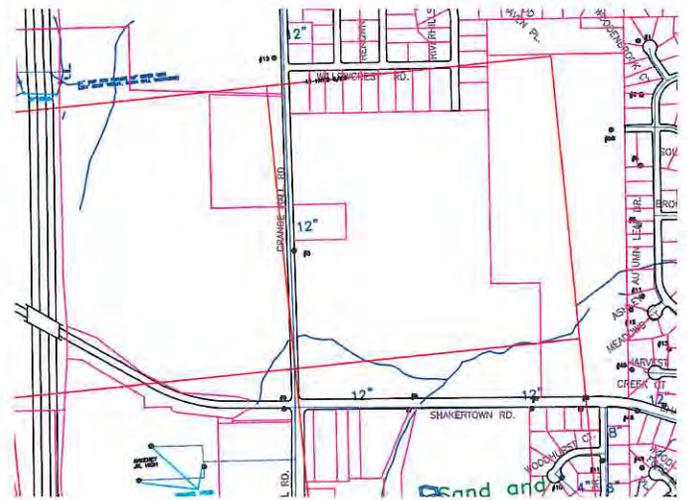
What they’ve proposed, in having the smaller, denser lots on the western end of this PUD, as well as larger lots on the eastern and southern portion of the PUD, whilst maintaining an acceptable density level (2.13 dwelling units/acre), is what the Land Use Plan intends for this area.

Availability of Utilities

Public water and sewer are available.



Sewer



Water

Access, Circulation and Transportation Improvements

The proposed concept plan shows multiple access points to the PUD. The primary access points will be off Shakertown Road and Grange Hall Road. The applicant has included a line-of-site study for both of those entrances, which concludes there is adequate intersection sight distance for both access points. An additional access point, as required in the Ordinance, will be located off of River Hills Road, to the north, into Woodhaven, should the plan go into the specific site plan stage.

Two pedestrian access points will connect this proposed neighborhood with Autumn Springs to the east and Woodhaven to the north.

Setbacks/Buffers

All lots will have a minimum front and rear yard setback of 35 feet with the exception of lots 105-107 which will have a 20 foot rear yard setback. A minimum side yard setback of 5

feet, with a 15' minimum combined of the two, is being proposed for all lots. A 20 foot open space buffer is being proposed behind the patio homes that abut the Woodhaven Plat to the north.

Phasing Plan

The development is proposed to occur in multiple phases as shown on the concept plan.

RECOMMENDATION

Based on this analysis, Planning Commission and staff recommend approval of this request, subject to the conditions outlined in the attached Ordinance. City Council approve, approved with additional conditions, disapprove or table the application if there is a request for additional information needed to make a decision.



3475 Newmark Drive
Dayton, Ohio 45342

937.278.0851 Phone
937.278.6334 Fax
www.oberer.com

May 23, 2016

City of Beavercreek
1368 Research Park Drive
Lower Level
Beavercreek, OH 45432

RE: Creekstone Preliminary PUD submission Letter of Intent

To Whom It May Concern,

Oberer Land Developers, Ltd intends to develop a single family subdivision on two tracts of land located in the City of Beavercreek. Both tracts are adjacent to existing single family subdivisions and have access to water, sewer and public streets. The development will include two residential products. Oberer Homes which are a semi-custom series of housing similar to those in neighborhoods to the east of the proposed community and Oberer Patio Homes, which will be single family homes on smaller lots which include lawn care and snow removal services. All homes will be located on individually owned lots, served by public utilities and located on a public street.

The existing use of the property is agriculture and is owned by Miami Valley Research Park. The property is listed by Fornes Realty Services. The applicant intends to start construction of the first phase of the subdivision in spring of 2017. Additional phases will be introduced on an as needed basis depending on the rate of home sales. The applicant anticipates that it will take 7-9 years for the entire community to be built.

We appreciate the City of Beavercreek's review of our zoning and development applications and am happy to provide more information upon request.

Sincerely,

OBERER LAND DEVELOPERS, LTD

Gregory A. Smith, AICP
Developer

RECEIVED

JUN 02 2016

CITY OF BEAVERCREEK
PLANNING DEPARTMENT



*Where Creativity
Meets Functionality*

Civil Engineers | Transportation Engineers | Landscape Architects | Planners | Land Surveyors

June 3, 2016

Mr. Gregory A. Smith
Oberer Land Developers, LTD.
3475 Newmark Drive
Miamisburg, OH 45342

**Re: Intersection Sight Distance Analysis for Creekstone
Shakertown Road & Grange Hall Road, City of Beavercreek, Greene County, Ohio**

Dear Mr. Smith,

Bayer Becker has prepared the enclosed intersection sight distance analysis for the proposed access points to the Creekstone proposed residential development that is to be located on the north side of Shakertown Road and on the east side of Grange Hall Road, in the City of Beavercreek, Greene County, Ohio.

Proposed Road A is to be located opposite Burntwood Drive along Shakertown Road (approximately 2190' east of Grange Hall Road). The legal speed limit on Shakertown Road is 55 miles per hour (mph); however, it is posted 40 mph at Burntwood Drive. According to the Ohio Department of Transportation (ODOT) *Location and Design (L&D) Manual, Volume One*, the required intersection sight distance for 55 mph is 610' in both directions for passenger cars completing a left turn from a stop.

Proposed Road D is to be located approximately 1875' north of Shakertown Road along Grange Hall Road. The legal speed limit on Grange Hall Road is 45 mph; however, it is posted 35 mph near the intersection of Shakertown Road and East Patterson Road. According to the ODOT *L&D Manual*, the required intersection sight distance for 45 mph is 500' in both directions for passenger cars completing a left turn from a stop.

Based upon the enclosed analysis which was performed utilizing GIS information, adequate intersection sight distance is provided at the intersection of Proposed Road A and Shakertown Road (using the legal speed limit of 55 mph). Adequate intersection sight distance is also provided at the intersection of Proposed Road D and Grange Hall Road also based on GIS information (using the legal speed limit of 45 mph).

Please review the aforementioned analysis and the associated enclosures. Should you have any questions or comments, please contact me at (513) 492-9837.

Sincerely,

Kathryn M. Dillenburger, P.E.

J:\2016\16-0020\TR\Reports\16-0020 Sight Distance Analysis 160603.docx

6900 Tylersville Road, Suite A
Mason, OH 45040
513-336-6600

110 South College Avenue, Ste. 101
Oxford, OH 45056
513-523-4270

1404 Race Street, Suite 204
Cincinnati, OH 45202
513-336-6600

209 Grandview Drive
Fort Mitchell, KY 41017
859-261-1113

<http://www.bayerbecker.com>

ORDINANCE NO. 16-__

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER _____
ON THE _____ DAY OF _____, 2016.

AN ORDINANCE AMENDING THE ZONING MAP, BY REZONING APPROXIMATELY 67.91 ACRES OF LAND LOCATED APPROXIMATELY 1,250 FEET NORTH AND 1.675 FEET EAST OF THE INTERSECTION OF GRANGE HALL ROAD AND SHAKERTOWN ROAD FROM A-1 AGRICULTURAL DISTRICT AND R-1A ONE FAMILY RESIDENTIAL DISTRICT TO R-PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT, FURTHER DESCRIBED AS BOOK 3, PAGE 13, PARCELS 29 AND 30 ON THE GREENE COUNTY PROPERTY TAX ATLAS. (PUD 16-2)

Whereas, Oberer Land Developers, Ltd., 3475 Newmark Drive, Miamisburg, OH 45342 requests rezoning and concept plan approval; and

Whereas, the City of Beavercreek Planning Commission has recommended approval of the rezoning amendment with conditions and requirements; and

WHEREAS, Beavercreek City Council finds that the facts submitted with the application and presented at the public hearing and any modifications, amendments, or supplementary conditions satisfy the standards and criteria for Planned Unit Development approval as per §158.065 of the Zoning Code; and

WHEREAS, Beavercreek City Council finds that, pursuant to §158.071 of the Zoning Code, each and all of the included uses are appropriate for this specific Planned Unit Development; and

WHEREAS, Beavercreek City Council has voted to adopt the recommendation of the Planning Commission with modifications, this being a decision that requires approval by four members of Council.

NOW THEREFORE THE MUNICIPALITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I

That the Zoning Map referenced in §158.018 of the Zoning Code is hereby further amended to change approximately 67.91 acres of land, located 1,250 feet north and 1,675 feet east of the intersection of Grange Hall Road and Shakertown Road,

known as B42000300130002900 and B42000300130003000, and as further described in the attached "Exhibit A" be rezoned to R-PUD Residential Planned Unit Development.

SECTION II

1. The specific site plan shall generally conform to the plans dated "Received July 1st, 2016", as modified herein.
2. Principal and accessory uses permitted in this Residential Planned Unit Development shall be those uses permitted in the R-1A zoning district. The Conditional Uses within the R-1A zoning district shall not be permitted.
3. Maximum density for this R- PUD shall be 2.13 dwelling units per acre.
4. Total units for the R-PUD shall not exceed 145 dwelling units.
5. Minimum Building Setbacks for this PUD are as follows:
 - a) 35-foot minimum front yard
 - b) 30-foot minimum rear yard (except Lots 105-107, which will have a minimum 20' rear yard setback)
 - c) 5-foot minimum side yard; total of both side yards 15 feet minimum
6. Points of access and vehicular circulation as shown on the concept plan are subject to City of Beavercreek final review and approval at the specific site plan stage.
7. Building plans, designs and elevations for residential structures within this project shall be subject to review and approval by Planning Commission and City Council at specific site plan stage.
8. The applicant shall be required to pay all applicable park fees, or dedicate parkland in lieu of park fees as determined by the City Manager, Planning Department and/or Parks Department prior to releasing the record plan for recording.
9. There shall be a street connection with River Hills Road to the north.

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 from and after the earliest period allowed by law.

PASSED this _____ day of _____, 2016.

Mayor

ATTEST:

Clerk of Council

SUMMARY

This Ordinance adopts a recommendation to rezone approximately 67.91 acres of land located approximately 1,250 feet north and 1,675 feet east of the intersection of Grange Hall Road and Shakertown Road, from A-1 and R-1A to R-PUD Residential Planned Unit Development.

This is not an emergency ordinance and will become effective 30 days after passage.

PUD 16-2 Creekstone Ordinance

OLD REPUBLIC NATIONAL TITLE

Commitment Number: DO1184

**EXHIBIT A
PROPERTY DESCRIPTION**

The land referred to in this Commitment is described as follows:

PARCEL I:

Located in Section 1, Twn 2, Range 7, City of Beavercreek, County of Greene, State of Ohio and being a tract of land described as follows:

Beginning at a railroad spike in the west line of said Section 1, said point being in the centerline of Grange Hall Road, said point also South 3 degrees 21' 0" East 641.85 feet from an iron pin at the northwest corner of said Section 1, said point being also in the western extension of the south line of Woodhaven Subdivision, Section 10, as recorded in Volume 7, Page 105 of the Plat Records of Greene County, Ohio; thence with the western extension of the south line of said Woodhaven Subdivision, Section 10, and with the south line of Woodhaven Subdivision, Section 9, as recorded in Volume 7, Pages 78 and 79 in the Plat Records of Greene County, Ohio, North 86 degrees 35' 35" East for 1409.91 feet to an iron pin at the southeast corner of said Woodhaven Subdivision, Section 9, also passing an iron pin at 2.57 feet, said pin being the southwest corner of said Woodhaven Subdivision, Section 9, the southeast corner of said Woodhaven Subdivision, Section 9, eing in the west line of land conveyed to Miami Valley Research Foundation as recorded in 176, Page 617 in the Official Records of Greene County, Ohio; thence with the west line of said Miami Valley Reserch Foundation land, South 3 degrees 31' 39" East for 1221.07 feet to an iron pin; thence continuing with the west line of said Miami Valley Research Foundation land, North 86 degrees 51' 41" East for 339.80 feet to an iron pin; thence continuing with the west line of said Miami Valley Research Foundation land, South 3 degrees 14' 39" East, for 838.47 feet to an iron pin in the centerline of Shakertown Road; thence with the centerline of Shakertown Road, South 86 degrees 52' 50" WEst for 1751.95 feet to an iron pin at the intersection of the centerline of said Shakertown Road with the centerline of said Grange Hall Road, said point being in the west line of said Section 1; thence with the west line of said Section 1, and the centerline of said Grange Hall Road, North 3 degrees 21' 00" West for 1162.48 feet to a railroad spike at the southwest corner of land conveyed to the Church of Latter Day Saints, as recorded in Volume 363, Page 228 of the Deed Records of Greene County, Ohio; thence with the south lien of said Church of Latter Day Saints land, North 86 degrees 29' 30" East for 402.84 feet to an iron pin at the southeast corner of said Church of Latter Day Saints land; thence with the east line of said Church of Latter Day Saints land, North 3 degrees 30' 30" West 250.00 feet to an iron pin at the northeast corner of said Church of Latter Day Saints land; thence with the north line of said Church of Latter Day Saints land, South 86 degrees 29' 30" West for 402.15 feet to a railroad spike in the west line of said Section 1, and the centerline of said Grange Hall Road, passing a railroad spike at 398.85 feet; thence with the west line of said ection 1, and the centerline of said Grange Hall Road, North 3 degrees 21' 00" West for 639.86 feet to the point of beginning, containing 70.884 acres more or less, and subject to all legal highways, easements, restriction, and agreements of recording, according to a survey of said premises by Luis G. Riancho, Registered Surveyor, State of Ohio No. 5287.

EXCEPTING THEREFROM, a 18.480 acre tract, more particularly described as follows:

Situated in the State of Ohio, County of Greene, City of Beavercreek, being located in Section 1, Townshiop 2, Range 7, between the Miamis survey, and being a part of that original 70.884 acre tract described in a deed to Miami Valley Research Foundation, of record in Volume 179, Page 337, all records referenced herein are on file at the Office of the Recorder for Greene County, Ohio and being further bounded and described as follows:

Commencing for reference art the intersection of the cente3rline of Shakertown Road and Grange Hall Road, being at the southwest corner of said original 70.884 acre tract, being at the southwest corner of Lot 1 of The

EXHIBIT A
(Continued)

Commitment Number: DO1184

Farm Phase 1, of record in Plat Cabinet 37, Slide 2838, as said Lot 1 is described in a deed to Bethel Christian Assembly of God, Dayton, Ohio, of record in Volume 3332, Page 116, and said point being on the west line of said Section 1 (reference 1-inch iron pin found North 12 degrees 16' 40" East at a distance of 1.;00 feet);

Thence South 84 degrees 22' 55" East, along the centerline of said Shakertown Road, along the south line of said original 70.884 acre tract and along the south line of said Lot 1, a distance of 966.32 feet to a MAG nail set at the southeast corner of said Lot 1, said point being the TRUE POINT OF BEGINNING for this description;

Thence across said original 70.884 acre tract along the following five (5) described courses:

1. North 05 degrees 37' 05" East along the east line of said Lot 1 (passing an iron pin found with a cap stamped "Kleingers" at a distance of 40.00 feet), a total distance of 1169.06 feet to an iron pin set at the northeast corner of said Lot 1;
2. South 84 degrees 46' 15" East, along a new division line and the easterly projection of the north line of said Lot 1, a distance of 441.64 feet to an iron pin set on the west line of a 46.8605 acre tract described in a deed to Miami Valley Research Foundation, of record in Volume 176, Page 617;
3. South 05 degrees 12' 36" West, along the west line of said 46.8605 acre tract, a distance of 333.71 feet to a 5/8 inch iron pin found at the southwest corner of said 46.8605 acre tract;
4. South 84 degrees 24' 04" East, along a south line of said 46.8605 acre tract, a distance of 339.80 feet to an iron pin set at the southeast corner of said 46.8605 acre tract;
5. South 05 degrees 29' 36" West, along a west line of said 46.8605 acre tract a distance of 838.48 feet to a southwest corner of said 46.8605 acre tract, said point being on the south line of said original 70.884 acre tract and being on the centerline of said Shakertown Road (reference a 5/8 inch iron point found North 23 degrees 08' 02" West at a distance of 0.32 feet);

Thence North 84 degrees 22' 55" West, along the south line of said original 70.884 acre tract, along the centerline of Shakertown Road, a distance of 785.63 feet to the TRUE POINT OF BEGINNING.

The above description contains a total area of 18.480 acres (including 0.451 acres with the present road occupied of Shakertown Road), located with Greene County Auditor's parcel No. B42000300130002900.

Iron pins reference as set at 5/8 in diameter by 30 inch long rebar with caps stamped "Structurepoint-PS8438".

Bearings described herein are based on the bearings of South 84 degrees 22' 55" East for the centerline of Shakertown Road, as measured from Grid North, referenced to the Ohio Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 adjustment) as established utilizing a GPS and NGS OPUS solution.

This description was prepared by Brian P. Bingham, Registered Professional Surveyor No. 8438, is based on an actual survey performed in August, 2014 and is true and correct to the best of his knowledge and belief.

ALSO, EXCEPT THEREFROM, all of THE FARM, PHASE 1, as set forth in Plat Cabinet 37, Pages 283B through and including 284B, Greene County, Ohio Records.

Tax I.D. #B42-0003-0013-0-0029-00

EXHIBIT A
(Continued)

Commitment Number: DO1184

PARCEL II:

Located in Section 1, Town 2, Range 7, M.R.S., City of Beavercreek, County of Greene, State of Ohio and being a tract of land described as follows:

Beginning at an iron pin in the west lien of land conveyed to Lois A. Corbet, et al., by deed recorded in Volume 536, Page 77 in the Deed Records of Greene County, Ohio, said point of beginning being the northeast corner of land conveyed to Dayton Suburban, Inc. by deed recorded in Volume 503, Page 883 in the Deed Records of Greene County, Ohio, said point of beginning and said northeast corner of Dayton Suburban, Inc., land being located on the north side of pavement on Shakertown Road; thence with the north line of said Dayton Suburban, Inc. land the the centerline of Shakertown Road in part, South 86 degrees 52' 50" west for 609.05 feet to an ironpin and the southeast corner of land conveyed to Allen B. Andrew et al., by deed recorded in Volume 383, Page 244 of the Deed Records of Greene County, Ohio; thence leaving said centerline of said north line with the east line of said Andrew et al., land, North 03 degrees 15' 00" west for 838.31 feet to an iron pin and an angle point in said east line; thence continuing with said east line of Andrew et al. land, South 86 degrees 51' 20" west for 339.80 feet to an iron pin and an angle point in said east line; thence continuing with said dease line of Andrew et al. land, North 03 degrees 32' 00" West for 1221.07 feet to an iron pin and the northeast corner of said Andrew et al. land and the southeast plat corner of Woodhaven Section 9 as recorded in Book 7, Pages 78 and 79 in the Plat Records of Greene County, Ohio; thence with the east plat line of said Woodhaven, Section 9, North 03 degrees 24' 30" West for 386.70 feet to an iron pin and the southwestg corner of a 5.000 acre tract of land conveyed to James F. Hale, Jr., et al. by deed recorded in Volume 485, Page 969 in the Deed Records of Greene County, Ohio; thence with the south lien of said Hale land, North 86 degrees 46' 30" East, for 954.53 feet to an iron pin and the west line of said Corbetg et al. land; thence with the west line of said Corbet et al. land, South 03 degrees 17' 00" East for 2447.65 feet to the point of beginning, containing 46.8605 acres, more or less, subject, however, to all legal highways, easements of record.

Tax I.D. #B42-0003-0013-0-0030-00

RESOLUTION

CITY OF BEAVERCREEK
PLANNING COMMISSION
July 6, 2016

RE: R-PUD 16-2
Creekstone

WHEREAS, Oberer Land Developers, Ltd., 3475 Newmark Drive, Miamisburg OH 45342 (Agent for the owner), has filed an application requesting approval of an amendment of zoning classification from A-1 Agricultural and R-1A One Family Residential to R-PUD Residential Planned Unit Development for 67.91 acres, located approximately 1,250 feet north and 1,675 feet east of the intersection of Grange Hall and Shakertown Roads, further described as Book 3 Page 13, Parcels 29 and 30 on the property tax maps of Greene County, Ohio; and

WHEREAS, a public hearing was held on July 6, 2016 by the Beavercreek Planning Commission at which time all people who wished to testify gave their comments at the public hearing; and

WHEREAS, the Beavercreek Planning Commission finds that the facts submitted with this rezoning application and presented at the public hearing and any modifications, amendments, or supplementary conditions satisfy the standards and criteria for rezoning approval as per §158.065 of the Zoning Code; and

WHEREAS, Beavercreek Planning Commission finds that, pursuant to §158.071 of the Zoning Code, each and all of the included uses are appropriate for this specific R-PUD; and

WHEREAS, Beavercreek Planning Commission finds that the applicant's plans are in basic compliance with the City of Beavercreek Land Use Plan.

NOW, THEREFORE BE IT RESOLVED, that Beavercreek Planning Commission recommends to the Beavercreek City Council:

SECTION I

That the Zoning Map referenced in §158.018 of the Zoning Code be amended to change approximately 67.91 acres of land located approximately 1,250 feet north and 1,675 feet east of the intersection of Grange Hall and Shakertown Roads, from A-1 Agricultural and R-1A One Family Residential to R-PUD Residential Planned Unit Development.

SECTION II

1. The specific site plan shall generally conform to the plans dated "Received July 1st, 2016", as modified herein.
2. Principal and accessory uses permitted in this Residential Planned Unit Development shall be those uses permitted in the R-1A zoning district. The Conditional Uses within the R-1A zoning district shall not be permitted.
3. Maximum density for this R- PUD shall be 2.13 dwelling units per acre.
4. Total units for the R-PUD shall not exceed 145 dwelling units.
5. Minimum Building Setbacks for this PUD are as follows:
 - a) 35-foot minimum front yard
 - b) 30-foot minimum rear yard (except Lots 105-107, which will have a minimum 20' rear yard setback)
 - c) 5-foot minimum side yard; total of both side yards 15 feet minimum
6. Points of access and vehicular circulation as shown on the concept plan are subject to City of Beavercreek final review and approval at the specific site plan stage.
7. Building plans, designs and elevations for residential structures within this project shall be subject to review and approval by Planning Commission and City Council at specific site plan stage.
8. The applicant shall be required to pay all applicable park fees, or dedicate parkland in lieu of park fees as determined by the City Manager, Planning Department and/or Parks Department prior to releasing the record plan for recording.
9. Road A and Road D shall be completed as part of Phase 1.
10. There shall be a street connection with River Hills Road to the north.

SECTION III

These plans and all papers relating to the approved plan shall be submitted with this Resolution to City Council.

The Clerk is directed to transmit this case to City Council for further determination as required by law.

ADOPTED: July 6, 2016

VOTING FOR ADOPTION: Daniel Archibald
Nicholas Loftis
Michael Self

VOTING AGAINST: Charles Curran

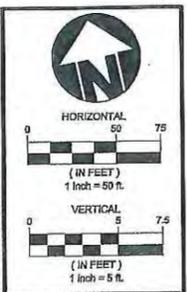
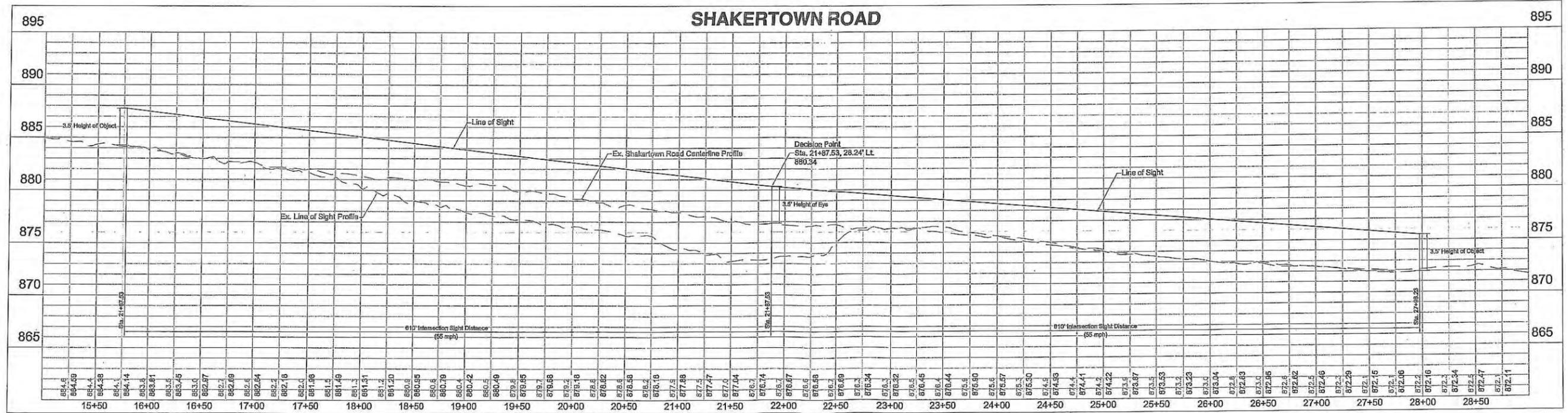
RECUSED: Troy Erbes

Chairman

Attest:

PUD 16-2 Creekstone Resolution

Plot time: Jun 03, 2016 - 7:06am
 Drawing name: J:\2016\16-0020\16-0020\16-0020 SD.dwg - Layout Tab: Intersection Sight Distance Analysis



Item	Date	Drawn	Checked	Revision Description

CREEKSTONE
 SHAKERTOWN ROAD & GRANGE HALL ROAD
 SECTION 1, TOWN 2, RANGE 7
 CITY OF BEAVERCREEK
 GREENE COUNTY, OHIO
 INTERSECTION SIGHT DISTANCE ANALYSIS



Drawing: 16-0020 SD
 Drawn by: KMD
 Checked by: EMR
 Issue Date: 06-03-16

THIS DOCUMENT AND ALL RELATED DETAIL DRAWINGS, SPECIFICATIONS, AND ELECTRONIC MEDIA PREPARED OR FURNISHED BY BAYER BECKER (BB), ARE INSTRUMENTS OF BB'S PROFESSIONAL SERVICE, AND IS THE EXCLUSIVE PROPERTY OF BB. NO DISSEMINATION, USE, REPRODUCTION, OR PUBLICATION IN WHOLE, OR IN PART, MAY BE MADE WITHOUT WRITTEN PERMISSION OF BB, AND IS DONE SO AT USER'S SOLE RISK. COPYRIGHT - ALL RIGHTS RESERVED.

ORDINANCE NO. 16-17

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER LITTERAL ON THE 25TH DAY OF JULY, 2016.

AN ORDINANCE AMENDING CHAPTER 158, BY MAKING CERTAIN ADDITIONS, DELETIONS AND CHANGES TO VARIOUS SECTIONS OF THE ZONING CODE. (PC 16-1)

WHEREAS, the City of Beaver Creek Planning Commission has determined it necessary to make certain additions, deletions and changes to the Beaver Creek Zoning Code; and

WHEREAS, a public hearing was held on May 4, 2016, and on July 6, 2016 Planning Commission voted to recommend the additions, deletions and changes to various sections of Chapter 158, the Zoning Code, to City Council; and

WHEREAS, the City Council has voted to adopt the recommendation of the Planning Commission with amendments, this being a decision that requires approval by four members of Council.

NOW THEREFORE THE MUNICIPALITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I

The current language, numbers and words of various sections of Chapter 158, the Zoning Code, shall be, and hereby is, amended with the additions, deletions and changes as described in the attached Exhibit A dated August 4, 2016.

SECTION II

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 III

This Ordinance shall take effect from and after the earliest period allowed by law.

PASSED this _____ day of _____, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

SUMMARY

This Ordinance adopts the proposed changes to the Zoning Code as described in Exhibit A dated August 4, 2016. This is not an emergency ordinance and will become effective 30 days after passage.

PC 16-1 Zoning Code Updates Ordinance

Beavercreek - Land Usage

SIGN, BULLETIN BOARD. Any sign located on the property of a public, institutional, religious or charitable organization which is used to announce its activities.

SIGN, BUSINESS. Any sign which directs attention to a business, profession, commodity or entertainment conducted, sold or offered upon the same lot.

SIGN, CANOPY. Any permanent sign attached to or constructed in or on a canopy.

SIGN, CHANGEABLE COPY. Sign on which copy is changed manually or electronically in the field such as reader boards with changeable letters or changeable pictorial panels.

SIGN, COMMEMORATIVE. A sign ~~which identifies~~ located on a site of memorable public interest or historical significance.

~~**SIGN, CONSTRUCTION.** A freestanding, temporary ground-mounted sign installed on the site of a commercial or residential development which is currently under construction.~~

~~**SIGN, DIGITAL DISPLAY.** Signs which utilize monitors, such as LCD television screens or Plasma televisions screens as a means to display advertising messages.~~

~~**SIGN, DIRECTIONAL.** Any sign which serves solely to designate the location or direction of any place or area.~~

SIGN, ELECTRICAL. Any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source.

SIGN, EXEMPT. A sign exempted from normal permit requirements.

SIGN, FLASHING. Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

SIGN, GOVERNMENTAL. A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation for the purpose of informing or guiding the public.

SIGN, GROUND. A sign which is supported by one or more upright poles or braces in or upon the ground, which are not part of the building, and which does not exceed eight feet in height, also known as a monument sign.

~~**SIGN, IDENTIFICATION.** A sign bearing only the building name or addresses of occupants of the premises and bearing no commercial message other than that of the use identified.~~

SIGN, MARQUEE. Any permanent sign attached to or constructed in or on a marquee.

~~**SIGN, MENU BOARD.** A ground or wall mounted sign, located adjacent to a restaurant's drive thru lane or pick-up window, displaying text and/or graphics not intended to be legible from a public right-of-way.~~

SIGN MESSAGE. The wording, copy, logo, or similar identifying form on a sign.

SIGN, NEON OR NEON-TYPE. Any arrangement of exposed and visible illuminated neon or neon tubes, fiber optics, light emitting diodes, or similar technology, excluding banding around any part of the perimeter of the building.

SIGN, NONCONFORMING. Any sign lawfully existing prior to the effective date of this chapter or amendments thereto, which no longer conforms to all standards and regulations of the current chapter. See also **NONCONFORMING USE**.

~~**SIGN, OFF-PREMISE.** A sign which directs attention to a use, commodity or service not related to the premises on which the sign is located.~~

SIGN, ~~OFF-PREMISE ELECTRONIC VARIABLE MESSAGE SIGN~~, SHUTTER STYLE SIGN or **DIGITAL BILLBOARD. A sign that directs attention to a business, commodity, services, or entertainment conducted, sold or offered ~~at a location other than the premises on which the sign resides;~~ and, other than the supporting structure, is constructed so that the entire face of the sign is an electronic screen, display or device that changes the message or copy of the sign electronically.**

~~**SIGN, ON-PREMISE.** Any sign identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained.~~

SIGN, PERMANENT. A sign permitted by this code intended to be located on the premises for an unlimited period of time.

~~**SIGN, POLITICAL.** Any sign identifying and urging voter support for or against a particular election issue, political party or candidate for public office.~~

~~**SIGN, PUBLIC SERVICE INFORMATION.** Any sign intended primarily to promote items of general interest to the community.~~

SIGN, PYLON. A permanent sign that is mounted on a free-standing pole or other support, and exceeds eight feet in height.

SIGN, RACEWAY. Any sign which contains individual letters that are mounted on a common aluminum channel box, known as a raceway or ballast box. The lettering typically contains all electrical components including wiring and transformers needed for the operation of the sign. The raceway itself is attached to the wall, rather than the individual letters.

EXHIBIT A - ~~May 27~~ August 4, 2016
Beavercreek - Land Usage

90

~~**SIGN, REAL ESTATE.** A temporary sign pertaining only to the sale, rent or lease of the property on which it is located.~~

SIGN, ROOF. Any sign erected upon, against, or directly above a roof or on top of or above the parapet of a building.

SIGN, ROTATING. Any sign or portion of a sign which moves in a revolving or similar manner, but not including multi-prism indexing signs.

SIGN, SCROLLING ELECTRONIC. A sign such as an electronically controlled public service time, temperature and date sign, message center or reader board where different copy changes are shown on the same lamp bank. See also **SIGN, CHANGEABLE COPY.**

SIGN STRUCTURE. Any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

SIGN, TEMPORARY. A sign which is not permanently affixed. All devices such as banners, pennants, flags, (not intended to include a flag of any nation) searchlights, twirling or sandwich type signs, sidewalk or curb signs and balloons or other air or gas filled figures.

SIGN, TEMPORARY GROUND. A sign that is not permanently affixed to a stand or the ground (e.g. A-Frame or portable sign).

SIGN, TEMPORARY WINDOW. A sign painted on the interior of a window or constructed of paper, cloth or other like material and attached to the interior side of a window for a sale of merchandise or a change in the status of the business.

SIGN, UNDER CANOPY. A sign suspended below the ceiling or roof of a canopy or marquee.

SIGN, WALL. Sign attached to a wall of a building, with the face horizontally or vertically parallel to the building wall.

SIGN, WINDOW. Signs affixed to the glass on the inside of a window, or erected within three feet of a window on the inside of a building, so as to be seen from the outside of a building.

SLOPE. The relationship between the change in elevation of land (rise) and the horizontal distance over which that change in elevation occurs (run). Slope may be calculated by dividing the rise by the run, multiplied by 100, and expressed as a percentage, or shown as a ratio.

SOLAR ENERGY. Radiant energy (direct, diffused, and reflected) received from the sun.

SPECIFIC SITE PLAN. A detailed development plan for a part of, or all of, a planned unit development indicating the specific proposed locations of structures, signs, parking areas, means of vehicular access and movement, pedestrian walkways, landscaping and open space, lighting plans, buffering and screening devices, utility services, drainage and runoff control systems, and other details.

(Q) *Mechanical equipment.*

(1) All mechanical equipment, such as HVAC systems and the like, shall be screened from public view, from public streets, public rights-of-way, and from abutting or adjacent properties.

(2) Screening on three sides of the mechanical equipment shall consist of a solid, opaque enclosure constructed of brick, concrete, concrete block, vinyl, PVC, or other decorative masonry, and shall be consistent with the architectural character of the development or principal building or structure. Landscaping material, such as shrubs or evergreen trees can be used in lieu of, or in combination with, the aforementioned materials, provided the design results in the required opaque enclosure.

(Ord. 09-21, passed 7-27-09)

§ 158.041 ORP-1 OFFICE RESEARCH PARK DISTRICT.

(A) *Intent.* To provide an area where certain office and professional uses can coexist with research and development type facilities. This includes offices and professional services that generally do not generate a large number of walk-in customers, and laboratories, engineering offices, prototype fabrication capabilities, test facilities, and the like, arranged in a campus or park-type setting with large open spaces to provide an environment for scientific and engineering personnel working on technical projects. A minimal amount of related prototype development and related accessory manufacturing is permitted.

(B) *Permitted principal uses.* See Appendix B. ~~A maximum of 35% of the gross floor area of the principal building on a lot may be used for prototype development facilities and related accessory manufacturing.~~

(C) *Accessory uses.* Those uses customarily incidental to the principal uses permitted in this district.

(D) *Conditional uses.* See Appendix B for allowed uses, provided conditional use approval is granted by the Planning Commission as provided in § 158.171(C) of this chapter.

(E) *Lot size and width.* The minimum lot size shall be 43,000 square feet. The minimum lot width for this district shall be 125 feet.

(F) *Land Use Intensity.* The maximum land use intensity shall be as follows:

<i>Maximum Coverage by All Buildings</i>	<i>Maximum Coverage by all Buildings and Impervious Surfaces</i>
35%	75%

EXHIBIT A - ~~May 27~~ August 4, 2016
Beavercreek - Land Usage

130

(3) All exterior sides of the enclosure, except the gate, shall be landscaped pursuant to § 158.135, Landscaping, Screening and Buffering.

(4) Trash receptacle enclosures shall not be located any closer to the road than the front of the principal structure.

(5) All trash receptacle enclosures shall be a minimum of six feet high, and large enough to enclose all trash receptacles used by the principal use of the property. At the option of the property owner, the overall square footage of the trash receptacle enclosure may be increased an additional 80 square feet to allow for outdoor storage of property.

(Q) *Accessory structures.* See §158.104, Accessory Buildings, Structures, Appurtenances and Carports within Residential and Commercial Districts.

(R) *Mechanical equipment.*

(1) All mechanical equipment, such as HVAC systems and the like, shall be screened from public view, from public streets, public rights-of-way, and from abutting or adjacent properties.

(2) Screening on three sides of the mechanical equipment shall consist of a solid, opaque enclosure constructed of brick, concrete, concrete block, vinyl, PVC, or other decorative masonry, and shall be consistent with the architectural character of the development or principal building or structure. Landscaping material, such as shrubs or evergreen trees can be used in lieu of, or in combination with, the aforementioned materials, provided the design results in the required opaque enclosure.

(Ord. 09-21, passed 7-27-09)

§ 158.042 RP-1 RESEARCH PARK DISTRICT.

(A) *Intent.* The purpose of this district is to provide an area dedicated to research and development type facilities. This includes offices and professional services that generally do not generate a large number of walk-in customers, and laboratories, engineering offices, prototype fabrication capabilities, test facility, and the like, arranged in a campus or park type setting with large open spaces to provide an environment for scientific and engineering personnel working on technical projects. A small amount of related production is permitted.

(B) *Permitted principal uses.* See Appendix B. ~~A maximum of 60% of the gross floor area of the principal building on a lot may be used for prototype development facilities and related accessory manufacturing.~~

(C) *Accessory uses.* Those uses and structures customarily incidental to the principal uses permitted in this district.

EXHIBIT A - ~~May 27~~ August 4, 2016
Zoning Code

209

(G) *Uses under conditional use provision not nonconforming uses.* Any use which is permitted as a conditional use in a district under the terms of this chapter shall not be deemed a nonconforming use in such a district, but shall without further action be considered a conforming use.

(H) *Restoring buildings.* When a building or structure the use of which does not conform to the provisions of this section has been damaged by explosion, fire or act of God, to the extent of 60% or more of its reproduction value at the time of damage, it shall not be restored or reconstructed or in any way used except in conformity with the district regulations of the district in which the building is situated. The Board of Zoning Appeals may grant an exception under the provisions of § 158.172(H)(4).

(I) *Violations not rendered nonconforming.* A use, structure or lot in violation of the provisions of this Zoning Code subsequently amended shall not become nonconforming upon the adoption of an amendment, but shall continue as violations.

(Ord. 09-21, passed 7-27-09; Am. Ord. 10-12, passed 9-13-10; Am. Ord. 12-02, passed 2-13-12)

~~§ 158.126 KEEPING OF CHICKENS IN RESIDENTIAL DISTRICTS.~~

~~The keeping of chickens (*Gallus gallus domesticus*) is prohibited in the City of Beaverreek, except where an **AGRICULTURAL ACTIVITY** is permitted, or on properties used for one-family residential purposes under the following conditions:-~~

~~(A) *General Regulation.*~~

~~(1) *Maximum number of chickens.* The maximum number of chickens shall be based on the following lot sizes:-~~

~~(a) Lots less than 15,000 square feet shall not be permitted to keep or house chickens-~~

~~(b) Lots that are 15,000 square feet or greater shall be permitted a maximum of six (6) chickens-~~

~~(c) Chickens shall not be permitted on multi-family or two-family residentially zoned properties-~~

~~(2) *Roosters.* Roosters shall not be permitted to be housed or kept on any residentially zoned property within the City.-~~

~~(3) *Chicken pens or chicken coops.* The chicken pen or chicken coop shall conform to the following standards:-~~

~~(a) Coops must be constructed of a solid wood, composite or vinyl material and be constructed so as to prevent rodents, wild birds, predators, dogs, and cats from accessing feed and the chickens-~~

~~(b) Pens shall only be permitted in the rear yard of the property, completely to the rear of the primary structure-~~

~~(c) Pens may not be located any closer than twenty (20) feet from any property line of an adjacent property-~~

EXHIBIT A - ~~May 27~~ August 4, 2016

~~(d) Pens must be kept clean, dry, odor free and free from accumulated manure. Any stored manure must be kept in a fully enclosed structure or container.~~

~~(4) *Processing of Chicken.* Chickens shall not be permitted to be slaughtered.~~

~~(5) *Nuisances.* Odors from chickens, chicken manure, or other chicken related substances shall not be perceptible at the property boundaries. The property owner and/or chicken owner shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and predators and parasites that may result in unhealthy conditions to human habitation. Should said infestation occur, the chickens and/or parasites and insects may be removed by the City, through the Greene County animal control officer, or other designee, and the cost of the same shall be borne by the property owner and/or chicken owner.~~

~~(B) *Permits required.*~~

~~(1) An accessory structure permit is required prior to the construction of the chicken coop. Coops shall be a maximum of 100 total square feet, have a maximum height of 10 feet, and shall not count toward the maximum allowed square footage of accessory structures in a residential district, as defined in 158.104 (E) (1).~~

~~(2) Prior to the introduction of chickens to the chicken coop, the property owner or his designee must apply for, and receive a separate permit for the keeping of chickens in a residential district.~~

~~(3) *Revocation of Permit.* The permit to keep chickens may be revoked by the City where there is a risk to public health or safety, or for any violations of or failure to comply with any of the provisions of this section.~~

~~(C) *Sunset Provision.* These regulations are temporary and are considered be valid for one year from the date it becomes effective. City Council shall re-evaluate these regulations and could make changes that could include the repealing of this subsection of the Zoning Code and requiring the removal of all previously approved chickens. Persons applying for a permit to keep chickens within the first year shall be made aware, as stated on the permit, that they may have to remove the chickens should council choose not to renew these regulations after the one year period.~~

~~(D) *Violations.* Any property containing chickens which fails to meet the requirements of this section shall be deemed to be in violation of this section and of the Zoning Code.~~

~~§ 158.126 RESERVED.~~

§ 158.127 NURSERY SCHOOL/DAY CARE CENTER.

(A) *License required.* The nursery school/day care center shall secure a valid license from the Ohio Department of Human Services to operate such facility in the city.

(B) *Required outdoor play space.* The site shall have an outdoor play space which is located behind the required front yard setback, enclosed by a fence or wall a minimum of 42 inches high, and possess a minimum of 60 square feet for each child expected to use the play space at any one time.

(Ord. 09-21, passed 7-27-09)

EXHIBIT A - ~~May 27~~ August 4, 2016

§ 158.145 INTENT.

To establish size and location standards which will meet the needs of businesses and other organizations within the city, while at the same time protect and enhance the visual quality of the City of Beavercreek.

(Ord. 09-21, passed 7-27-09)

§ 158.146 EXEMPT SIGNS.

(A) *Intent.* These signs shall be exempt on the basis that they implement a compelling government interest in protecting the health and safety of persons and property in the city.

(B) *Exempt signs.* The following signs are exempt from this code and shall not require permits:

(1) Temporary or permanent signs erected and maintained by the city, County, State or Federal government for traffic direction or for direction to or identification of a governmental facility or community event as declared by the City Manager.

(2) ~~Directional-Permanent~~ Ground signs located at the entrance and/or exit of any commercial establishment not to exceed two signs per driveway ~~indicating entrance and exit locations~~ with size not to exceed three square feet per sign face and four feet in height. ~~Advertisements or company logos are not allowed to be incorporated in the design of traffic or directional signs.~~

(3) Flags, emblems and insignias of national, state or local political subdivisions.

(4) Signs that do not exceed eight square feet in sign area and six feet in height at the entrance to any residential neighborhood installed by a homeowners association that give notice of Neighborhood Crime Watch Programs being in effect.

(5) ~~Name and/or address descriptions~~ Signs mounted to the front wall of a building or to a lamp post in the front yard not to exceed two square feet in sign area.

(C) *Other exempt signs.* Signage not serving a compelling government interest in protecting the health, safety and welfare of person and property in the city, but still exempt.

(1) Single faced signs ~~dedicated for a specific purpose~~, located within the confines of a parking space lot, such as "Carry-Out Parking Only, or "Employee of the Month", not to exceed four square feet.

(2) Barber poles, not larger than six inches in diameter, and three feet in height.

(3) Unshielded luminous tube (neon and/or LED) lighting, of small diameter (1/2 inch) which acts as an architectural detail on the exterior of any commercial structure; limited to rooflines, and cannot be located on the side of the building facing any residential structure or district.

(Ord. 09-21, passed 7-27-09; Am. Ord. 10-12, passed 9-13-10)

§ 158.147 PROHIBITED PERMANENT AND TEMPORARY SIGNS.

EXHIBIT A - ~~May 27~~ August 4, 2016

All signs not expressly permitted under this section or exempt from regulation under the previous section are prohibited in the city. Such signs include but are not limited to:

(A) *List of prohibited permanent and temporary signs.*

(1) Abandoned signs.

(2) Beacons and searchlights except for emergency, health or safety purposes.

~~(3) Billboards, lead-in, or other off-premise signs except as provided for in § 158.159.~~

~~(34)~~ Blinking, flashing or intermittent lighting, except those permitted under electronic copy signs in "B" districts.

~~(45)~~ Moving, animated or rotating signs.

EXHIBIT A - ~~May 27~~ August 4, 2016
Beavercreek - Land Usage

254

~~(56)~~ Pennants, streamers, banners, windfeathers, flags not exempt under § 158.146, and similar devices.

~~(67)~~ All helium, gas and air balloons located on or anchored to structures, vehicles, the ground, or to anything connected to or on the ground, including skytubes, skydancers, and similar devices.

~~(78)~~ Portable signs except as authorized under temporary signs.

~~(89)~~ Projecting roof signs.

~~(10) Roof signs.~~

~~(94)~~ Signs attached to any tree, utility pole, fence, bench, trash receptacle and/or enclosure, ~~or newspaper vending machine.~~

~~(10+12)~~ Signs for which a permit has not been issued by the city or which are not exempt under § 158.146.

~~(11+3)~~ Signs attached to or painted on the face of accessory buildings except those attached to automatic teller machines or similar structures.

~~(12+4)~~ Any sign which, by reason of its size, shape, location, ~~content~~, coloring or manner of illumination:

(a) Constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers or by obstructing or detracting from the visibility of any traffic sign or control device on public streets and roads.

(b) May be confused with a traffic-control sign, signal or device or the light of an emergency or road equipment vehicle.

~~(15) Signs which make use of words, phrases, symbols or characters in such a manner as to interfere with, mislead, or confuse traffic.~~

~~(13+6)~~ Signs which obstruct free ingress and egress from a required door, window, fire escape, or other required exit way.

~~(14+7)~~ Signs or parts thereof which are erected within or above a public right-of-way.

~~(15+8)~~ Signs which convey visual information that may be prohibited under the obscenity statutes of the state.

~~(16+9)~~ Spinning devices or strings of spinning devices.

(1720) Window signs in any district which covers more than 50% of total window area.

(1821) Any sign that is attached, painted or placed onto or inside a parked vehicle which is used primarily for commercial advertising is prohibited unless such advertising pertains to the business for which the vehicle is actively and normally used (e.g. delivery or service van/truck) or for the sale or rental of the vehicle itself.

(Ord. 09-21, passed 7-27-09; Am. Ord. 12-02, passed 2-13-12)

§ 158.148 GENERAL DESIGN, ERECTION AND MAINTENANCE PROVISIONS.

Every sign shall be designed, erected, altered, reconstructed, moved and maintained in accordance with the provisions of this section unless specifically modified by another section of this section.

(A) *Automatic teller machine signs - (ATMs).* Automatic teller machines or similar devices either attached to a principal structure or enclosed within an independent free standing structure shall be permitted two square feet of sign area for every one foot width of the ATM structure not to exceed 20 square feet of total sign area.

(B) *Awning signs.*

(1) Awning signs may be displayed in lieu of but not in addition to a wall sign for an individual establishment.

(2) If illuminated, such awning shall have lighting concealed from view.

(3) An awning sign shall not project higher than the top of the awning to which sign text is affixed.

(C) *Changeable copy area.*

(1) Permanent ground signs located in "B" Districts as well as permitted conditional uses in agricultural and residential districts may incorporate up to 50% per side of total sign area for changeable copy, with a maximum 24 inches in height of changeable copy area.

(2) Changeable copy may be used in lieu of but not in addition to electronic copy.

(3) All permanent changeable copy signs must be enclosed and locked securely in a clear glass or plastic casing.

(4) No property that utilizes a changeable copy sign shall be permitted to have any temporary signage.

EXHIBIT A - ~~May 27~~ August 4, 2016
Beavercreek - Land Usage

256

(D) *Dangerous or defective signs not permitted.* A sign in dangerous or defective condition shall not be permitted on any premises. Any such sign constitutes a nuisance and shall be removed or repaired as required under § 158.156.

(E) *Electronic copy signs.*

(1) Permanent ground signs located in "B" Districts as well as permitted conditional uses in agricultural and residential districts may incorporate up to 50% per side of total sign area for electronic copy ~~area~~ with a maximum 24 inches in height of electronic copy ~~area~~. The measurement for an electronic copy sign includes the entire area of the electronic copy structure, not the letter area.

(2) Electronic copy may be used in lieu of but not in addition to changeable copy.

(3) Electronic display shall remain constant for a period not less than two seconds per message.

(4) No property that utilizes an electronic copy sign shall be permitted to have any temporary signage.

(5) Electronic copy signs shall be permitted as ground signs only. No wall sign shall be permitted to have electronic copy sign area.

(F) *Ground signs.*

(1) *General.*

(a) Any temporary ground sign or any part thereof shall be set back a minimum distance of 15 feet from the edge of an adjacent roadway pavement. Additional setback may be required to avoid placement within the public right-of-way.

(b) A permanent ground sign or any part thereof shall be set back a minimum distance of five feet from any right-of-way or from any proposed right-of-way or any property line or as otherwise required in this section. Greater setbacks for permanent signs may be required to improve sight distances at intersections. All ground signs must be located only in the front yard unless otherwise expressly permitted by this section. In no instance may a ground sign be located closer than 15 feet from the edge of roadway pavement.

(c) The Planning and Zoning Department may permit a slight variation from the minimum street frontage spacing requirements for ground signs applicable in individual zoning districts if conflict with driveways, natural barriers, trees, and utility equipment is unavoidable.

(d) If a ground sign is pole-mounted, skirting shall be installed between the bottom of the sign and the ground to visually convey the impression of a monument-type sign.

(2) *Minimum street frontage.* Permanent ground signs shall be prohibited on parcels with street frontage less than 50 feet in width at the right-of-way line unless otherwise expressly permitted in this sign code.

(3) *Landscaping requirements.* A permanent ground sign shall require a single continuous landscaped area to be maintained around the base of the sign in accordance with the following standards:

(a) The minimum landscaped area shall be equal to or greater than the total sign area of the sign.

(b) The landscaped area shall include all points where sign structural supports attach to the ground and are visible.

(c) Where the required landscaped area is adjacent to a paved surface accessible to vehicular traffic, a raised non-mountable curb suitable to prevent the encroachment of vehicles into the landscaped area shall be required. The minimum distance between the face of any such required curb and any part of the sign shall be 30 inches.

(d) The landscaped area shall include one or more of the following plant materials: shrubs, trees, grass and/or seasonal varieties permanently located and properly maintained with dead vegetation replaced as soon as weather permits. The use of exposed concrete, asphalt, or any other paved surface inside the required landscaped area beneath the sign is prohibited.

(4) *Construction sites.* During construction of a commercial or residential development, one free-standing temporary ground-mounted sign shall be permitted to be installed on the site of the commercial or residential development. The sign shall be single-faced, have a maximum height of eight feet and not exceed 32 square feet in sign area. Minimum setback for the sign shall be 15 feet from the public right-of-way. The sign shall be removed within two years after the date on the sign permit, or a new permit shall be needed.

(a) To ensure removal, the applicant shall be required to place a cash bond with the city at the time of the permit issuance for the removal of the sign. Said bond shall be in the amount as stated in the approved fee schedule of the City of Beavercreek and shall be refunded in full to the applicant if the permitted sign is removed within the required timeframe.

(b) In the event a permitted ~~construction~~ sign is not removed at the required time, said sign shall be deemed an illegal sign and the bond shall be forfeited to the city to cover removal costs.

~~(G) Major development signs. Developments in C-PUD, MX-PUD and I-PUD districts, fronting on an expressway, principal arterial, major arterial, arterial or thoroughfare roadway may be permitted one permanent freestanding pylon sign per street frontage up to a maximum of two permanent pylon signs per development.~~

(GH) *Marquee signs.*

(1) Marquee signs may be displayed in lieu of but not in addition to any other form of permanent sign identification with the exception of under marquee signs for an individual business establishment.

EXHIBIT A - ~~May 27~~ August 4, 2016
Beavercreek - Land Usage

258

(2) If illuminated, such marquee signs shall have lighting concealed from view.

~~(H)~~ *Neon signs and neon or LED banding.*

(1) Neon signs shall be permitted in business districts only, unless otherwise approved in a PUD district and cannot be located on the side of the building facing any residential structure or district.

(2) Neon signs may be displayed in lieu of, but not in addition to, a wall sign for an individual establishment.

(3) Neon or LED banding shall be allowed provided the banding follows the roofline, and the tubes are no larger than one-half inch in diameter.

~~(I)~~ *Number of signs permitted.* An individual establishment shall be permitted a maximum of two types of permanent sign identification unless otherwise permitted or prohibited in this section.

~~(J)~~ *Planned Unit Development sign programs.* Signs which have been approved as part of a Planned Unit Development sign program may vary from the requirements stated within this section. Variations permitted through a PUD sign program may include but are not limited to the following: total number of signs permitted, sign size, sign setback, sign height, material composition of sign and percentage of sign area devoted to changeable copy or electronic copy. Such deviations are recognized to be primarily for safety or unique parcel configuration circumstances and are not intended to circumvent the intent of the sign code.

~~(K)~~ *Sign location with respect to street and building frontages.*

(1) All signs permitted by virtue of a premises having street frontage or building frontage shall be located only along the front of the structure or property visible from the fronting roadway or from the adjacent parking lot.

(2) In the case where an individual occupant would have no building frontage, the maximum horizontal width of the portion of the building where that occupant's main entrance is located shall be considered that occupant's separate and distinct building frontage. In the case where the ground floor of a building is occupied by two or more different tenants, the portion of the building frontage occupied by each tenant shall be considered a separate and distinct building frontage.

~~(L)~~ *Temporary sign illumination.* Illumination of a temporary sign shall be prohibited.

~~(M)~~ *Temporary signs (additional permitted).* In addition to temporary signs permitted in the specific district requirements of this section, temporary signs shall also be permitted which comply with the following requirements:

(1) ~~Real estate signs shall be permitted as follows~~ Temporary signs on properties for sale, rent, or lease:

(a) *Location.* One ground or window sign per street frontage ~~to advertise the sale, rental or lease of the property upon which the sign is located~~ shall be permitted. Any ground sign or part thereof shall be set back a minimum of 15 feet from the edge of any adjacent roadway pavement. Additional setback may be required to avoid placement within the public right-of-way and/or to prevent a line-of-sight obstruction. No sign may be located within the median or any other part of a public right-of-way and shall not block visibility or create an obstacle for motorists, bicyclist, or pedestrians.

(b) *Area.* In residential districts, the total sign area shall not exceed six square feet per sign face or 12 square feet in total sign area if two sided. In nonresidential districts, total sign area shall not exceed 16 square feet per sign face, or 32 square feet in total sign area if two sided.

(c) *Height.* In residential districts, the sign height shall not exceed four feet. In nonresidential districts, sign heights shall not exceed five feet.

(2) ~~Political opinion, election and issue signs~~ Temporary signs installed prior to an election or referendum shall be permitted as follows:

(a) *Property owner permission required.* It shall be the responsibility of the owner of any ~~political~~ sign to obtain the permission of the property owner of any parcel on which the sign will be placed, prior to the placement of any ~~political~~ sign.

(b) ~~Political opinion, election and issue signs in residential~~ Residential districts:-

1. ~~Political~~ Ssigns shall not be illuminated.
2. ~~Political~~ Ssigns shall not be larger than six square feet per sign face or 12 square feet in sign area if two sided.
3. ~~Political~~ Ssigns shall not be mounted to any tree, utility pole or building.
4. ~~Political~~ Ssigns shall not be displayed in the right-of-way and cannot create a line of sight hazard.

(c) ~~Political opinion, election and issue signs in~~ Commercial districts.

1. ~~Political~~ Ssigns shall not be illuminated.
2. Each commercial parcel shall be allowed one large sign, up to 16 square feet per sign face, or 32 square feet if two-sided, ~~, per individual political issue, opinion and election.~~
3. In addition to the large sign, each commercial parcel shall be allowed an additional 36 square feet within smaller signs, each of which shall be no larger than six square feet per sign face, or 12 square feet if two-sided, ~~, per individual political issue, opinion and election.~~

EXHIBIT A - ~~May 27~~ August 4, 2016
Beavercreek - Land Usage

260

4. ~~Political-S~~signs shall not be mounted to any tree, utility pole or building.

5. ~~Political-S~~signs shall not be displayed in the right-of-way and cannot create a line-of-sight hazard.

6. Because of the nature of materials typically used to construct ~~political~~ these types of signs, to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, ~~political~~ signs must be removed or replaced when the sign is deteriorated or within 60 days from the date the sign is posted, whichever comes first. The city may cause the removal of any deteriorated sign and charge the expenses for the removal to the owner of the property on which the sign is displayed. If posts are used to display larger signs, said posts shall also be removed within 60 days from the date the sign is posted.

7. Prior to the placement of a ~~political~~ sign on a commercial property, the owner of the sign shall submit and receive approval by the Planning Department for a Temporary ~~Political~~ Sign Permit.

8. Prior to the placement of the ~~political~~ sign on a commercial property, the owner of the sign shall submit and receive approval by the Ohio Utility Protection Services before driving posts for large signs.

(~~NO~~) *Under marquee signs.* Under marquee signs shall be mounted as nearly as possible to right angles of the building face.

(~~OP~~) *Wall signs.*

(1) A wall sign may be displayed in lieu of, but not in addition to, an awning sign or neon sign for an individual establishment.

(2) A wall sign shall not project more than 18 inches from the wall of the building upon which it is mounted.

(3) A wall sign shall be inclined from the vertical only to the extent necessary for conformity to the general contour of the wall to which the sign is mounted.

(4) A wall sign shall not extend above the top of the wall and shall not extend beyond the limits of any wall to which it is attached.

(5) A wall sign shall not mask or interrupt a major architectural feature (such as, but not limited to, doors, windows, or trim).

(6) A wall sign shall have hidden structural supports and shall be mounted in such a way as to not allow movement by normal atmospheric conditions.

EXHIBIT A - ~~May 27~~ August 4, 2016
Zoning Code

260A

(7) If illuminated, such lighting shall not produce glare and all lighting elements, including wiring, shall be concealed from view.

(8) The removal or alteration of any wall sign shall result in the underlying façade being returned to its original construction condition, so as to leave no evidence of a former sign.

(PQ) *Exterior lighting for signage.* See § 158.136, Standards for Exterior Lighting.

(QR) ~~Maintenance.~~ All signs using illumination, whether internal or external, shall be maintained in good working order. Any inoperable light source, which gives the sign an incomplete appearance, shall be replaced by the owner of the sign as soon as practical.

(Ord. 09-21, passed 7-27-09; Am. Ord. 10-12, passed 9-13-10; Am. Ord. 12-02, passed 2-13-12)

§ 158.149 SIGNS PERMITTED IN A-1 DISTRICTS.

(A) *Total sign area allowed.* Total sign area for a permanent ground sign for each developed nonresidential or nonagricultural parcel with a permitted or conditional use shall be based on one quarter square foot of sign area for each linear foot of street frontage. Sign area for permanent wall signs shall be based on one quarter square foot of sign area for each linear foot of building frontage.

(B) *Permanent ground signs.*

(1) One ground sign shall be permitted for each developed parcel. A larger number of ground signs may be permitted through the PUD or conditional use process.

(2) Developed parcels located on corner lots are permitted only one ground sign.

(3) The total sign area of a ground sign shall not exceed 3024 square feet per sign face or 48-60 square feet in total sign area.

(4) No ground sign shall exceed four-five feet in height from established grade to top of sign structure. See also Appendix C.

(5) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of signs on one building frontage.

(C) *Permanent wall signs.*

(1) One wall sign per building frontage shall be permitted for nonresidential or nonagricultural premises with a permitted conditional use.

(2) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of signs on one

EXHIBIT A - ~~May 27~~ August 4, 2016

building frontage.

- (3) The total sign area of a wall sign shall not exceed 16 square feet in sign area.
- (4) A wall sign shall not project above the top of the wall to which attached.

(D) *Temporary ground signs ~~excluding those outlined in §158.148 political and real estate signs.~~*

(1) Each individual establishment shall be allowed to choose one of the following options per calendar year for a temporary portable ground sign containing changeable copy or for an A-frame sign.

(a) Two temporary sign permits each calendar year for a period of time not to exceed one continuous 15-day period per sign permit. Each continuous 15-day period shall be separated from any subsequent 15-day period by no less than 30 calendar days.

(b) One temporary sign permit each calendar year for a period of time not to exceed one continuous 30-day period.

(2) The sign shall not exceed five feet in height.

(3) Total sign area for temporary ground signs, which are to be constructed of metal, wood, plastic or fiberboard, shall not exceed 20 square feet in sign area per sign face, total sign area not to exceed 40 square feet.

(Ord. 09-21, passed 7-27-09; Am. Ord. 12-02, passed 2-13-12)

§ 158.150 SIGNS PERMITTED IN R DISTRICTS.

(A) *Permanent ground signs.*

(1) One permanent ground sign shall be permitted ~~to identify near the entrance of~~ an approved subdivision, neighborhood, multi-family development complex, or permitted conditional use. ~~These signs shall be permitted so as to implement a compelling government interest in protecting the health and safety of persons and property in the city through proper identification of subdivisions, neighborhoods, multi family developments and conditional uses.~~ A larger number of ground signs may be approved through the PUD or conditional use process.

(2) Ground signs must be located along a principal arterial, major arterial or visually definable entryway to a residential subdivision or permitted conditional use.

(3) The total sign area of such a ground sign shall not exceed 30 square feet. The sign shall not exceed 15 square feet per face.

(4) No ground sign shall exceed four feet in height from established grade to top of sign structure. See also Appendix C.

(B) *Temporary ground signs for residential uses ~~excluding those outlined in §158.148, excluding political and real estate signs.~~*

EXHIBIT A - ~~May 27~~ August 4, 2016

(1) Only one temporary ground sign constructed of fiberboard, wood or plastic shall be permitted on an individual residential parcel for a period of time not to exceed one continuous seven-day period in any one calendar year.

(2) The sign height shall not exceed four feet.

(3) Total sign area for a temporary ground sign shall be based on one square foot of sign area for every ten linear foot of street frontage. The total sign area shall not exceed ten square feet per sign face or 20 square feet in total sign area.

(C) *Temporary ground signs for non-residential uses excluding those outlined in §158.148. excluding political and real estate signs.*

(1) Each individual establishment shall be allowed to choose one of the following options per calendar year for a temporary portable ground sign.

(a) Two temporary sign permits each calendar year for a period of time not to exceed one continuous 15-day period per sign permit. Each continuous 15-day period shall be separated from any subsequent 15-day period by no less than 30 calendar days.

(b) One temporary sign permit each calendar year for a period of time not to exceed one continuous 30-day period.

(2) The sign height shall not exceed five feet.

(3) Total sign area for a temporary portable ground sign, which shall be constructed of metal, wood, plastic or fiberboard, shall not exceed 20 square feet in sign area per sign face, total sign area not to exceed 40 square feet.

(Ord. 09-21, passed 7-27-09; Am. Ord. 12-02, passed 2-13-12)

§ 158.151 SIGNS PERMITTED IN RO-1 DISTRICTS.

(A) *Permanent ground signs.*

(1) One ground sign shall be permitted for each developed parcel. A larger number of ground signs may be approved through the PUD or conditional use process.

(2) The total sign area of such a ground sign shall not exceed 30 square feet. An individual sign face shall not exceed 15 square feet.

(3) No such ground sign shall exceed four feet in height from the established grade to the top of sign structure.

(4) Such a ground sign must be constructed of natural materials and shall not be internally illuminated.

(5) Such a ground sign must be located at least 50 feet from any adjacent residential district

EXHIBIT A - ~~May 27~~ August 4, 2016

(6) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(B) *Permanent wall signs.*

(1) One wall sign, which shall not exceed four square feet in sign area, is permitted on the front wall of the structure.

(2) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(3) Such a wall sign shall not exceed eight feet in height from the base of the main entrance door sill.

(C) *Temporary ground signs excluding those outlined in §158.148 excluding political and real estate signs.*

(1) Only one temporary ground sign constructed of fiberboard, wood or plastic shall be permitted on an individual residential office parcel for a period of time not to exceed one continuous seven-day period in any one calendar year.

(2) The sign height shall not exceed four feet. See also Appendix C.

(3) Total sign area for a temporary ground sign shall be based on one square foot of sign area for every ten linear foot of street frontage. The total sign area shall not exceed ten square feet per sign face or 20 square feet in total sign area.

(Ord. 09-21, passed 7-27-09; Am. Ord. 12-02, passed 2-13-12)

EXHIBIT A - ~~May 27~~ August 4, 2016

§ 158.152 SIGNS PERMITTED IN B-1 AND B-2 DISTRICTS.

(A) *Total sign area allowed.* Total sign area for a permanent ground sign for each developed parcel shall be based on one-half square foot of sign area for each linear foot of street footage. Sign area for permanent awning, wall, neon and under marquee signs shall be based on one square foot of sign area for each linear foot of building frontage.

(B) *Permanent ground signs.*

(1) One ground sign shall be permitted for each developed parcel. A larger number of ground signs may be approved through the PUD or conditional use process.

(2) Where a developed parcel has street frontage in excess of 250 feet, one additional ground sign may be permitted for additional occupants of a parcel provided that the distance between the ground signs is not less than 150 feet and are not located closer than 50 feet to any adjoining side property line.

(3) The total sign area of a ground sign shall not exceed 25 square feet per sign face or 50 square feet in total sign area.

(4) No ground sign shall exceed five in height from established grade to top of sign structure. See also Appendix C.

(5) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage

EXHIBIT A - ~~May 27~~ August 4, 2016

(C) *Permanent awning sign.* One awning sign per building frontage shall be permitted for an individual establishment.

(D) *Permanent wall signs.*

(1) No more than one wall sign per building frontage shall be permitted for an individual establishment.

(2) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(3) A wall sign shall not project above the top of the wall to which attached.

(E) *Permanent under marquee signs.*

(1) No more than one under marquee sign is permitted for an individual establishment.

(2) Signs attached to the underside of a marquee shall have a sign area no greater than four square feet per sign face.

(3) Such signs shall have a minimum clearance of nine feet from the bottom of the sign to the sidewalk.

(F) *Temporary ground signs excluding those outlined in §158.148 ~~excluding political and real estate signs.~~*

(1) Each individual establishment shall be allowed to choose one of the following options per calendar year for a temporary portable ground sign.

(a) Two temporary sign permits each calendar year for a period of time not to exceed one continuous 15-day period per sign permit. Each continuous 15-day period shall be separated from any subsequent 15-day period by no less than 30 calendar days.

(b) One temporary sign permit each calendar year for a period of time not to exceed one continuous 30-day period.

(2) The sign height shall not exceed five feet.

(3) Total sign area for a temporary portable ground sign, which shall be constructed of metal, wood, plastic or fiberboard, shall not exceed 20 square feet in sign area per sign face, total sign area not to exceed 40 square feet.

EXHIBIT A - ~~May 27~~ August 4, 2016
Beavercreek - Land Usage

266

(G) *Permanent canopy sign.*

- (1) A maximum of one canopy sign per canopy frontage shall be permitted per establishment.
- (2) Canopy signs may not project above or below canopy facing.
- (3) Total sign area permitted for all canopy signs attached to a canopy structure shall not exceed 50% of the total sign area allotted the principal building frontage.

(H) *~~Menu board signs~~ Signs for drive-thru restaurants.*

- (1) One ~~menu board~~additional ground sign is permitted per drive-thru restaurant, and shall be located adjacent to the drive-thru lane.
- (2) Total sign area ~~for a menu board sign~~ shall not exceed 20 square feet.
- (3) Maximum height ~~of a ground-mounted menu board sign~~ shall be 6 feet.
- (4) All ground mounted ~~menu board~~ signs shall conform to the landscape requirements for ground signs as specified in §158.148 (F)(3).

(I) *Blade Signs.*

- (1) Total sign area for a blade sign shall not exceed four square feet per sign face.
- (2) Blade signs shall not project any higher than three feet from the building.
- (3) The bottom of blade signs shall not be any lower than eight feet from grade.
(Ord. 09-21, passed 7-27-09; Am. Ord. 12-02, passed 2-13-12)

§ 158.153 SIGNS PERMITTED IN B-3 AND B-4 DISTRICTS.

(A) *Total sign area allowed.* Total sign area for a permanent ground sign for each developed parcel shall be based on three-fourths square feet of sign area for each linear foot of street footage. Sign area for permanent awning, wall, neon, canopy, marquee and under marquee signs shall be based on one and one-half square feet of sign area for each linear foot of building frontage.

(B) *Permanent ground signs.*

- (1) One ground sign shall be permitted for each developed parcel. A larger number of ground signs may be approved through the PUD or conditional use process.

EXHIBIT A - ~~May 27~~ August 4, 2016
Beavercreek - Land Usage

268

(2) Total sign area permitted for a marquee sign shall not exceed 75% of total sign area allotted the building frontage.

(3) The marquee sign shall not project above the top of the wall to which it is attached and shall not be less than nine feet in height from the sidewalk.

(4) The marquee sign shall not extend more than 18 inches from the wall of the building upon which it is mounted.

(G) *Permanent under marquee signs.*

(1) No more than one under marquee sign shall be permitted for an individual establishment.

(2) Signs attached to the underside of a marquee shall have a sign area no greater than six square feet per sign face.

(3) Signs shall have a minimum clearance of nine feet from the bottom of the sign to the sidewalk.

(H) *Temporary ground signs excluding those outlined in §158.148. excluding political and real estate signs.*

(1) Each individual establishment shall be allowed to choose one of the following options per calendar year for a temporary portable ground sign.

(a) Two temporary sign permits each calendar year for a period of time not to exceed one continuous 15-day period per sign permit. Each continuous 15-day period shall be separated from any subsequent 15-day period by no less than 30 calendar days.

(b) One temporary sign permit each calendar year for a period of time not to exceed one continuous 30-day period.

(2) The sign height shall not exceed five feet.

(3) Total sign area for a temporary portable ground sign, which shall be constructed of metal, wood, plastic or fiberboard, shall not exceed 20 square feet in sign area per sign face, total sign area not to exceed 40 square feet.

(I) *Menu board signs Signs for drive-thru restaurants.*

(1) One additional ground sign is permitted per drive-thru restaurant, and shall be located adjacent to the drive-thru lane.

(2) Total sign area shall not exceed 20 square feet.

(3) Maximum height shall be 6 feet.

EXHIBIT A - ~~May 27~~ August 4, 2016

(4) All ground mounted signs shall conform to the landscape requirements for ground signs as specified in §158.148 (F)(3).

(Ord. 09-21, passed 7-27-09; Am. Ord. 10-12, passed 9-13-10; Am. Ord. 12-02, passed 2-13-12)

§ 158.154 SIGNS PERMITTED IN O-1, RP-1 AND ORP-1 DISTRICTS.

(A) *Total sign area allowed.* Total sign area for a permanent ground sign for each developed parcel shall be based on one-half square foot of sign area for each linear foot of street footage. Sign area for permanent awning and wall signs shall be based on one square foot of sign area for each linear foot of building frontage.

(B) *Permanent ground signs.*

(1) One ground sign shall be permitted for each developed parcel. A larger number of ground signs may be approved through the PUD or conditional use process.

(2) Where a developed parcel has street frontage in excess of 200 feet, one additional ground sign may be permitted for additional occupants of a parcel provided that the distance between ground signs is not less than 150 feet and said signs are not located closer than 25 feet to any adjoining side property line.

(3) The total sign area of a ground sign shall not exceed 25 square feet per sign face or 50 square feet in total sign area.

(4) No ground sign shall exceed five feet in height from established grade to top of sign structure. See also Appendix C.

(5) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(6) One ground sign shall be permitted at the entrance to each major arterial serving a Research Park District or Office Research Park District. The sign area shall not exceed 50 square feet per side and maximum of 100 square feet total of all sides and shall not be higher than six feet and shall be set back a minimum of 20 from the right of way.

(C) *Permanent awning signs.* One awning sign shall be permitted for an individual establishment with orientation toward a street or an internal pedestrian movement or courtyard area.

(D) *Permanent wall signs.*

(1) One wall sign per building frontage shall be permitted for an individual establishment.

(2) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

EXHIBIT A - ~~May 27~~ August 4, 2016

(3) A wall sign shall not project above the top of the wall to which attached.

(E) *Temporary ground signs* ~~excluding those outlined in §158.148. excluding political and real estate signs.~~

(1) Each individual establishment shall be allowed to choose one of the following options per calendar year for a temporary portable ground sign.

(a) Two temporary sign permits each calendar year for a period of time not to exceed one continuous 15-day period per sign permit. Each continuous 15-day period shall be separated from any subsequent 15-day period by no less than 30 calendar days.

(b) One temporary sign permit each calendar year for a period of time not to exceed one continuous 30-day period.

(2) The sign height shall not exceed five feet.

(3) Total sign area for a temporary portable ground sign, which shall be constructed of metal, wood, plastic or fiberboard, shall not exceed 20 square feet in sign area per sign face, total sign area not to exceed 40 square feet.

~~(F) Additional Requirements. All signage shall comply with §§ 158.145 through 158.158 with the following exceptions and/or additions:~~

~~(1) Free standing signs except as otherwise authorized in this section, projecting signs, canopy and marquee signs, awning signs and sloping roof signs are not permitted in the Research Park District or Office Research Park District.~~

~~(2) Ground signs are permitted in the Research Park District or Office Research Park District under the following conditions:~~

~~(a) One ground sign not to exceed 24 square feet per side.~~

~~(b) Ground signs within a Research Park District or Office Research Park District must be set back a minimum of ten feet from the public right of way.~~

~~(c) One ground sign for two or more combined permitted business uses on the same premise, and shall not exceed 36 square feet per side.~~

~~(d) The maximum height of the ground sign above the grade shall be four feet.~~

~~(e) One freestanding sign or ground sign which identifies an entire Research Park District or Office Research Park District shall be permitted at each major arterial serving the park. The sign area shall not exceed 50 square feet per side and maximum of 100 square feet total of all sides and shall not be higher than six feet and shall be set back a minimum of 20 from the right of way.~~

(G) ~~Menu board signs (for drive-thru restaurants only).~~ Signs for drive-thru restaurants

(1) One additional ground sign is permitted per drive-thru restaurant, and shall be located adjacent to the drive-thru lane.

(2) Total sign area shall not exceed 20 square feet.

(3) Maximum height shall be 6 feet.

(4) All ground mounted signs shall conform to the landscape requirements for ground signs as specified in §158.148 (F)(3).

(Ord. 09-21, passed 7-27-09; Am. Ord. 10-12, passed 9-13-10; Am. Ord. 12-02, passed 2-13-12)

§ 158.155 SIGNS PERMITTED IN I-1 AND I-2 DISTRICTS.

(A) *Total sign area allowed.* Total sign area for a permanent ground sign for each developed parcel shall be based on one-half square foot of sign area for each linear foot of street footage. Sign area for permanent awning and wall signs shall be based on three-fourths square foot of sign area for each linear foot of building frontage.

(B) *Permanent ground signs.*

(1) One ground sign shall be permitted for each developed parcel. A larger number of ground signs may be approved through the PUD or conditional use process.

(2) Where a developed parcel has street frontage in excess of 500 feet, one additional ground sign may be permitted for additional occupants of a parcel provided that the distance between ground signs is not less than 250 feet and said signs are not located closer than 125 feet to any adjoining side property line.

(3) The total sign area of a ground sign shall not exceed 50 square feet per sign face or 100 square feet in total sign area.

(4) No ground sign shall exceed six feet in height from established grade to top of sign structure. See also Appendix C.

(5) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(C) *Permanent awning signs.* One awning sign shall be permitted for an individual establishment with orientation toward a street or an internal pedestrian movement area.

(D) *Permanent wall signs.*

(1) One wall sign per building frontage shall be permitted for an individual establishment.

EXHIBIT A - ~~May 27~~ August 4, 2016

(2) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(3) A wall sign shall not project above the top of the wall to which attached.

(E) *Temporary ground signs excluding those outlined in §158.148. excluding political and real estate signs.*

(1) Each individual establishment shall be allowed to choose one of the following options per calendar year for a temporary portable ground sign.

(a) Two temporary sign permits each calendar year for a period of time not to exceed one continuous 15-day period per sign permit. Each continuous 15-day period shall be separated from any subsequent 15-day period by no less than 30 calendar days.

(b) One temporary sign permit each calendar year for a period of time not to exceed one continuous 30-day period.

(2) The sign height shall not exceed five feet.

(3) Total sign area for temporary ground signs, which are to be constructed of metal, wood, plastic or fiberboard, shall not exceed 20 square feet in sign area per sign face, total sign area not to exceed 40 square feet.

(Ord. 09-21, passed 7-27-09; Am. Ord. 10-12, passed 9-13-10; Am. Ord. 12-02, passed 2-13-12)

EXHIBIT A - ~~May 27~~ August 4, 2016

§ 158.159 ~~OFF-PREMISE~~ ELECTRONIC VARIABLE MESSAGE SIGNS OR DIGITAL BILLBOARDS.

(A) *Intent.* To maintain and expand the economic base of the city by helping foster a positive environment for commerce, ~~as well as to promote the ability of digital billboards to carry public service messages, such as Amber Alerts and traffic hazard warnings~~ by allowing for a limited number of ~~off-premise~~ electronic variable message signs (EVMSs) or digital billboards on commercially or industrially zoned properties within the city.

(B) *General Requirements.*

(1) *Sign area.* ~~Off-premise~~ Electronic variable message signs shall have the following maximum square footage:

(a) On parcels immediately adjacent to ~~major US 35 or I-675 right highway right~~-of-way that have four or ~~fewer fewer~~ travel lanes, the sign face shall be no more than 400 square feet on each side, 800 square feet total.

EXHIBIT A - ~~May 27~~ August 4, 2016
Beavercreek - Land Usage

276

(b) On parcels immediately adjacent to ~~US 35 or I-675~~ major highway right-of-way that have five to seven travel lanes, the sign face shall be no more than 600 square feet on each side, 1200 square feet total.

(c) On parcels immediately adjacent to ~~major highway US 35 or I-675~~ right-of-way that have more than seven travel lanes, the sign face shall be no more than 800 square feet on each side, 1600 square feet total.

(2) *Location.* ~~Off-premise electronic~~ **Electronic** variable message signs must be located on commercially zoned parcels immediately adjacent to ~~major highway to US 35 or I-675~~ right-of-way.

(3) *Spacing.* ~~Off-premise E~~ **Electronic** variable message signs must be located at least 15,000 feet apart throughout the city and there shall be no more than four in the city at a time.

(4) *Multiple message signs.*

(a) Electronic messages shall remain in a fixed position for a minimum of eight seconds.

(b) The transition time, or time it takes to change the message (electronically) shall be one second or less.

(5) *Audio speakers.* Audio speakers shall be prohibited on all ~~off-premise~~ electronic variable message signs.

(6) *Brightness.* At no time shall ~~off-premise~~ electronic variable message signs cause glare or otherwise impair the vision of the operator of any motor vehicle. Signs shall be equipped with automatic dimming capabilities so that the maximum luminescence level for the sign shall be as follows:

(a) For signs with a sign face less than 300 square feet, a maximum luminescence level of 0.3 foot-candles, measured at a distance of 150 feet from the base of the sign.

(b) For signs with a sign face between 300 and 400 square feet, a maximum luminescence level of 0.3 foot-candles, measured at a distance of 200 feet from the base of the sign.

(c) For signs with a sign face 400 square feet or larger, a maximum luminescence level of 0.3 foot-candles, measured at a distance of 250 feet from the base of the sign.

(C) *Non-conforming billboard mitigation.* All applicants who currently have a non-conforming billboard or supporting structure for a billboard on the parcel which the new ~~off-premise~~ electronic variable message sign will be located, shall remove any and all billboards, and supporting structures, on that parcel prior to the release of a zoning permit for a new ~~off-premise~~ electronic variable message sign, unless the structure is to be reused for the new ~~off-premise~~ electronic variable message sign.

EXHIBIT A - ~~May 27~~ August 4, 2016
Zoning Code

276A

(D) *Public hearing and approval required.* All ~~off-premise~~ electronic variable message signs, including related structures, shall be subject to review and approval by City Council at a public hearing, following which the City Council shall, by motion, approve, approve with supplementary conditions, or disapprove the proposed ~~off-premise~~ electronic variable message sign application.

(1) *General design practices.* The structure, base and sign face shall be arranged, planned and designed, on the site to produce:

(a) Favorable relationships with the existing natural topography, bodies of water or water courses, existing desirable vegetation, exposure to significant views and exposure to sunlight and wind;

(b) Safety, convenience and ease of pedestrian and vehicular movement near and around the structure; and

(c) An overall positive visual quality of the structure, base and sign face.

(d) See Appendix C: DIGITAL BILLBOARD DESIGN GUIDELINES for general material and design guidelines of ~~off-premise~~ electronic variable message signs, subject to approval by City Council.

(2) *Line-of-sight study.* With the application to City Council, the applicant shall submit a line-of-sight study of the proposed billboard to ensure that it will not be directly visible to any residential properties in the vicinity.

(E) *Permit and annual license required.* Prior to the installation of an ~~off-premise~~ electronic variable message sign, the owner or their designee shall be required to apply and receive a sign permit as required in § 158.156 (A) thru (D).

(1) *Annual license.* In addition to the installation permit, the applicant shall apply and receive an annual license, which shall be valid for 12 months after the issue date. The annual license shall be accompanied by a required annual license fee as deemed reasonable and proper by the City Manager in accordance with the fee schedule heretofore approved by the City Manager.

(2) *Failure to renew license.* In the event that the owner or their designated employee fails to apply and receive the annual license, the sign shall be deemed to be in violation of the zoning code and violators shall be subject to the penalty provisions contained in § 158.999 of the Zoning Code. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(3) If there is any conflict between this chapter and O.A.C. §§ 5501: 2-2-02 as it may be amended, the state statute shall control.

(Ord. 12-02, passed 2-13-12)

EXHIBIT A - ~~May 27~~ August 4, 2016
Zoning Code

288A

- (1) Granted as requested.
- (2) May recommend a modification of the amendment or request.
- (3) May recommend the amendment or request not be granted.
- (4) Table/delay pending receipt of further information, and the like.

(J) *Public hearing before City Council.* Within 45 days after receipt of the recommendation from the Planning Commission, the City Council shall schedule a public hearing. The date of the hearing shall be not more than 45 days from the receipt of the recommendation from the Planning Commission.

(K) *Notice of public hearing in newspaper.* Notice of the public hearing required in division (J) of this section shall be given by the City Council by at least one publication in one or more newspapers of general circulation in the city. The notice shall be published at least 15 days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and the nature of the proposed amendment.

(L) *Notice to property owners by City Council.* If the proposed amendment intends to rezone or redistrict property within the city written notice of the hearing shall be mailed by the Clerk of the City Council, by first class mail, at least 15 days before the day of the public hearing to all owners of property within 500 feet from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the City Council. The notice shall contain the same information required of notices published in newspapers as specified in division (K) of this section. The failure of notice delivery as provided in this section, so long as it is not intentional, shall not invalidate the public hearing or any decision on the application.

(M) *Action by City Council.* As soon as reasonably possible after completion of the public hearing required in division (J) of this section, the City Council shall pass a motion to adopt, amend, return or deny the recommendation of the Planning Commission by a vote of a majority four votes of the Council membership. In the event of a tie vote or the failure to gain the number of votes required only the motion fails. An additional motion must be brought to vote to resolve the issue. That issue shall be continued until a majority vote is finally reached.

(N) *Effective date and referendum.* Such amendment adopted by the City Council shall become effective 30 days after the date of such adoption unless within 30 days after the adoption of the amendment there is presented to the City Council a petition for referendum pursuant to R.C. § 731.29 et seq. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate ~~affect~~effect.

(O) *Technical review costs.* When any applications to the city for some permit, certificate or approval involves submission of technical information by the applicant, it is recognized that the city may need to incur expenses for the services of engineers and other experts to evaluate such technical data. As a condition of the city agreeing to consider any such application, the applicant must agree to

ORDINANCE NO. 16-19

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER UPTON ON THE 8TH DAY OF AUGUST, 2016.

AN ORDINANCE AMENDING THE ZONING MAP, BY REZONING APPROXIMATELY 20.03 ACRES OF LAND LOCATED AT 2358 COUNTY LINE ROAD FROM A-1 AGRICULTURAL TO R-PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT, FURTHER DESCRIBED AS BOOK 3, PAGE 3, PARCEL 72 ON THE GREENE COUNTY PROPERTY TAX ATLAS. (PUD 16-1)

Whereas, Charlie Simms, Simms Development, 2785 Orchard Run Road, Dayton OH 45449, agent for the property owner, requests rezoning and concept plan approval; and

Whereas, the City of Beavercreek Planning Commission has recommended approval of the rezoning amendment with conditions and requirements; and

WHEREAS, Beavercreek City Council finds that the facts submitted with the application and presented at the public hearing and any modifications, amendments, or supplementary conditions satisfy the standards and criteria for Planned Unit Development approval as per §158.065 of the Zoning Code; and

WHEREAS, Beavercreek City Council finds that, pursuant to §158.071 of the Zoning Code, each and all of the included uses are appropriate for this specific Planned Unit Development; and

WHEREAS, Beavercreek City Council has voted to adopt the recommendation of the Planning Commission with modifications, this being a decision that requires approval by four members of Council.

NOW THEREFORE THE MUNICIPALITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I

That the Zoning Map referenced in §158.018 of the Zoning Code is hereby further amended to change approximately 20.03 acres of land, located at 2358 County Line Road, known as B42000300030007200 and as further described in the attached "Exhibit A" be rezoned to R-PUD Residential Planned Unit

Development.

SECTION II

The following conditions and requirements shall apply:

1. The approved concept plan shall be the plans dated "Received June 21, 2016", except as modified herein.
2. Principal and accessory uses permitted in this R-PUD shall only be the following:
 - a) One Family Dwellings
 - b) Two Family Dwellings
 - c) Multi-Family Dwellings
 - d) Private garages for storage of vehicles of residents and employees
 - e) Private swimming pools and club houses for use by residents and guests only.
 - f) Those accessory buildings and accessory uses customarily incidental to the permitted principal uses.
3. Maximum density for this property shall be 4.31 dwelling units per acre.
4. Total units for the R-PUD shall not exceed 90 dwelling units.
5. Points of access and vehicular circulation as shown on the concept plan are subject to City of Beavercreek final review and approval at the specific site plan stage.
6. Building plans, designs and elevations for residential structures within the 20.03-acre project shall be subject to review and approval by Planning Commission and City Council at specific site plan stage.
7. Open space for this development shall be no less than 55% of the total land area.
8. The applicant shall be required to pay all applicable park fees, or dedicate parkland in lieu of park fees as determined by the City Manager, Planning Department and/or Parks Department prior to

releasing the record plan for recording.

9. All principal dwellings shall be limited to one story.
10. Buffers and grading limits for the project shall be as follows:
 - a) Where the woods exist along the southern property line abutting the multi-family residential properties, maintain a 50-foot buffer from the property line. No grading or removal of vegetation permitted within the southern 25 feet of this 50-foot buffer, or as regulated by Planning Commission and/or City Council at the specific site plan stage.
 - b) Where there are no woods along the southern property line abutting the multi-family residential properties, construct a 4-foot mound, complimented with dense evergreens trees.
 - c) Where the woods exist along the northern property line abutting the single family residential properties, maintain a 50-foot buffer from the property line. No grading or removal of vegetation permitted within this 50-foot buffer, except within the southern two feet, or as regulated by Planning Commission and/or City Council at the specific site plan stage.
 - d) Where there are no woods along the northern property line abutting the single family residential properties, construct a 6-foot mound, complimented with dense evergreens trees.
 - e) If acceptable to Beavercreek Fire Department, maintain natural barrier (tree) that dead-ends on Quill Drive to the north by curving the emergency access road.
 - f) Emergency access roads shall be constructed from grass pavers, the final design and location subject to review and approval at the specific site plan stage.
 - g) No construction traffic shall be permitted on Quill Road, Terrace Drive, or Straight Arrow Road.
11. At the specific site plan stage, all plans shall be made available to Beavercreek Police and Fire Departments, for their determination whether or not it is necessary that the emergency access point at Quill Drive be made a standard access point so as to make the development more accessible for emergency vehicles.

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 from and after the earliest period allowed by law.

PASSED this _____ day of September, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

SUMMARY

This Ordinance adopts a recommendation to rezone approximately 20.03 acres of land located at 2358 County Line Road from A-1 Agricultural to R-PUD, Residential Planned Unit Development.

This is not an emergency ordinance and will become effective 30 days after passage.

PUD 16-1 Cottages of Bvck Ordinance

CITY OF BEAVERCREEK, OHIO

RESOLUTION NO. 16-18

THIS RESOLUTION WAS SPONSORED BY COUNCIL MEMBER _____ ON THE 22nd DAY OF AUGUST, 2016

A RESOLUTION DIRECTING THE GREENE COUNTY AUDITOR TO ENTER THE COST OF NOXIOUS WEEDS AND GRASS CUTTING ON THE TAX DUPLICATE FOR THE PROPERTIES DESCRIBED IN EXHIBIT "A".

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEAVERCREEK, GREENE COUNTY, OHIO:

WHEREAS, the City of Beavercreek, following all applicable procedures contained in its Code of Ordinances, caused overgrown grass and noxious weeds to be cut on properties located in the City of Beavercreek; and

WHEREAS, Beavercreek Code Sections 97.14, 97.16(E) and Ohio Revised Code Section 731.54 authorize the cost of such action to be certified to the Greene County Auditor to be entered upon the tax duplicate; and

WHEREAS, the collection of such costs are in the best interest of the City and its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERCREEK, GREENE COUNTY, OHIO THAT:

SECTION I. The costs that have been incurred for the cutting of noxious weeds and grass for the year 2015 and 2016 to date total \$8,096.00. The cost of those services are as follows:

Code Enforcement Exp.:	\$2,221.00
Administrative Costs:	\$4,700.00
Assessment Fee:	\$1,175.00

SECTION II. The total costs incurred in this action shall be entered on the tax duplicate for the properties described in Exhibit "A": attached hereto.

SECTION III. The Clerk of Council shall immediately on adoption of this Resolution certify a copy of this Resolution and shall cause a copy to be filed at the Greene County Auditor's office.

SECTION IV. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 V. This Resolution shall go into effect upon its passage as provided by law and by the Charter of this City.

ADOPTED by City Council of the City of Beavercreek, Ohio this 22nd day of August, 2016

Bob Stone, Mayor

Attest:

Clerk of Council

SUMMARY

THIS RESOLUTION DIRECTS THE GREENE COUNTY AUDITOR TO ENTER THE COST OF NOXIOUS WEEDS AND GRASS CUTTING CHARGES ON THE TAX DUPLICATE AS ASSESSMENTS IN COMPLIANCE WITH ORC 731.54.

Subdivision Name: City of Beavercreek
 Purpose: 2016 Noxious Weed Assessments (ORC 731.51-.54)
 City Resolution: Resolution No. 16-18
 Certifying Officer: _____

Exhibit "A"

Bill Kucera, Financial Admin. Services Director Date: _____

Parcel ID #	Owner Name	Legal Description	Lot (or Acreage)	CODE ENFORCEMENT CHARGE	ADMIN COST	TOTAL COST	AMOUNT ASSESSED	INVOICE #	INVOICE DATE	Parcel Address	Tax Yr. Col. Yr.
B42000300030010000	PAJ Enterprises LLC	Greenwood Forest All	Lot 21	\$ 35.00	\$ 100.00	\$ 135.00	\$ 160.00	15-029	07/09/15	4270 Maple Hill Terrace	2016
B42000300030010400	Revlett, Randall C	Greenwood Forest All	Lot 25	\$ 90.00	\$ 100.00	\$ 190.00	\$ 215.00	15-032	07/09/15	4259 Woodland Terrace	2016
B42000500191013900	Hubbard, Tracey Ann & Barry	Rona Village, Sec 7 All	Lot 1505	\$ 35.00	\$ 100.00	\$ 135.00	\$ 160.00	15-037	07/27/15	1429 Ticoneroga CT	2016
B42000100040011200	Grant, Brian D & Pamela S	Grange View Acres 4 All	Lot 170	\$ 52.50	\$ 100.00	\$ 152.50	\$ 177.50	15-041	08/05/15	4243 Rushton Dr.	2016
B42000100040011200	Grant, Brian D & Pamela S	Grange View Acres 4 All	Lot 170	\$ 45.00	\$ 100.00	\$ 145.00	\$ 170.00	16-028	05/27/16	4243 Rushton Dr	2016
				\$ 97.50	\$ 200.00	\$ 297.50	\$ 347.50				
B42000300030006200	Fierro, Luis L	Indian Estates 1 All	Lot 2	\$ 43.50	\$ 100.00	\$ 143.50	\$ 168.50	15-043	09/01/15	Straight Arrow Rd	2016
B42000300030006200	Fierro, Luis L	Indian Estates 1 All	Lot 2	\$ 45.00	\$ 100.00	\$ 145.00	\$ 170.00	15-060	11/02/15	Straight Arrow Rd	2016
B42000300030006200	Fierro, Luis L	Indian Estates 1 All	Lot 2	\$ 60.00	\$ 100.00	\$ 160.00	\$ 185.00	16-021	05/13/16	Straight Arrow Rd	2016
B42000300030006200	Fierro, Luis L	Indian Estates 1 All	Lot 2	\$ 30.00	\$ 100.00	\$ 130.00	\$ 155.00	16-043	06/29/16	Straight Arrow Rd	2016
B42000300030006200	Fierro, Luis L	Indian Estates 1 All	Lot 2	\$ 20.00	\$ 100.00	\$ 120.00	\$ 145.00	16-064	07/15/16	Straight Arrow Rd	2016
				\$ 198.50	\$ 500.00	\$ 698.50	\$ 823.50				
B42000500070005200	Patrece Properties Inc	Beaver Valley Replat	Lot 3	\$ 60.00	\$ 100.00	\$ 160.00	\$ 185.00	15-048	09/01/15	3200 Seajay Dr.	2016
B42000500070005200	Patrece Properties Inc	Beaver Valley Replat	Lot 3	\$ 45.00	\$ 100.00	\$ 145.00	\$ 170.00	16-016	05/13/16	3200 Seajay Dr	2016
				\$ 105.00	\$ 200.00	\$ 305.00	\$ 355.00				
B42000400030003100	Sineff, Toby & Kari	Royal Pointe Sec 3	Lot 16	\$ 37.50	\$ 100.00	\$ 137.50	\$ 162.50	15-049	09/01/15	3491 Queen Victoria Ct	2016
B42000400030003100	Sineff, Toby & Kari	Royal Pointe Sec 3	Lot 16	\$ 30.00	\$ 100.00	\$ 130.00	\$ 155.00	16-057	07/05/16	3491 Queen Victoria Ct	2016
				\$ 67.50	\$ 200.00	\$ 267.50	\$ 317.50				
B42000300210005400	Hamlin, Joel B & Janice	Cherry Hill 4 All	Lot 54	\$ 37.50	\$ 100.00	\$ 137.50	\$ 162.50	15-052	09/17/15	80 Fernwald Dr	2016
B42000300210005400	Hamlin, Joel B & Janice	Cherry Hill 4 All	Lot 54	\$ 35.00	\$ 100.00	\$ 135.00	\$ 160.00	15-061	11/02/15	80 Fernwald Dr	2016
				\$ 72.50	\$ 200.00	\$ 272.50	\$ 322.50				

Subdivision Name: City of Beavercreek
 Purpose: 2016 Noxious Weed Assessments (ORC 731.51-.54)
 City Resolution: Resolution No. 16-18
 Certifying Officer: _____

Exhibit "A"

Bill Kucera, Financial Admin. Services Director Date: _____

Parcel ID #	Owner Name	Legal Description	Lot (or Acreage)	CODE ENFORCEMENT CHARGE	ADMIN COST	TOTAL COST	AMOUNT ASSESSED	INVOICE #	INVOICE DATE	Parcel Address	Tax Yr. Col. Yr.
B42000500050000500	Iselaiye, Oluwafemi D	Shady Brook All	Lot 5	\$ 455.00	\$ 100.00	\$ 555.00	\$ 580.00	15-059	11/02/15	3465 Dayton Xenia Rd	2016
B42000500050000500	Iselaiye, Oluwafemi D	Shady Brook All	Lot 5	\$ 30.00	\$ 100.00	\$ 130.00	\$ 155.00	16-037	06/14/16	3465 Dayton-Xenia Rd	2016
				\$ 485.00	\$ 200.00	\$ 685.00	\$ 735.00				
B42000400120000100	Van Ausdal, Glenn G & Cynthia F	Zimmer Estates 2 All	Lot 211	\$ 35.00	\$ 100.00	\$ 135.00	\$ 160.00	15-063	11/02/15	2507 Brown Bark Dr	2016
B42000400120000100	Van Ausdal, Glenn G & Cynthia F	Zimmer Estates 2 All	Lot 211	\$ 30.00	\$ 100.00	\$ 130.00	\$ 155.00	16-034	06/14/16	2507 Brown Bark Dr	2016
				\$ 65.00	\$ 200.00	\$ 265.00	\$ 315.00				
B42000500040013700	Joyce Smith	Arlington East 10 All	Lot 10	\$ 45.00	\$ 100.00	\$ 145.00	\$ 170.00	16-017	05/13/16	3119 Windmill Dr	2016
B42000500040013700	Joyce Smith	Arlington East 10 All	Lot 170	\$ 30.00	\$ 100.00	\$ 130.00	\$ 155.00	16-063	07/15/16	3119 Windmill Dr	2016
				\$ 75.00	\$ 200.00	\$ 275.00	\$ 325.00				
B42000200090020700	Patricia Sharp	Knollwood	Lot 589	\$ 60.00	\$ 100.00	\$ 160.00	\$ 185.00	16-018	05/13/16	3861 Shadeland Dr	2016
B42000500060016300	Kandice & Victor Salinas	Village Green	Lot 137	\$ 45.00	\$ 100.00	\$ 145.00	\$ 170.00	16-019	05/13/16	3113 Village Ct	2016
B42000500060016400	Ruth Mitsoff	Village Green	Lot 138	\$ 60.00	\$ 100.00	\$ 160.00	\$ 185.00	16-020	05/13/16	3123 Village Ct	2016
B42000500060016400	Ruth Mitsoff	Village Green	Lot 138	\$ 60.00	\$ 100.00	\$ 160.00	\$ 185.00	16-046	06/29/16	3123 Village Ct	2016
				\$ 120.00	\$ 200.00	\$ 320.00	\$ 370.00				
B42000300100005300	Shawn & Anne Warren	Country Acres	Lot 790	\$ 60.00	\$ 100.00	\$ 160.00	\$ 185.00	16-022	05/13/16	4264 Frontenac Dr	2016
B42000300100005300	Shawn & Anne Warren	Country Acres	Lot 790	\$ 30.00	\$ 100.00	\$ 130.00	\$ 155.00	16-044	06/29/16	4264 Frontenac Dr	2016
				\$ 90.00	\$ 200.00	\$ 290.00	\$ 340.00				
B42000500230003500	Secretary of Veterans Affairs	Hunters Ridge	Lot 229	\$ 30.00	\$ 100.00	\$ 130.00	\$ 155.00	16-025	05/19/16	2137 Lincolnshire Dr	2016
B42000600140008700	Allen & Suzanne Delos	Ferguson Estate	Lot 122	\$ 30.00	\$ 100.00	\$ 130.00	\$ 155.00	16-027	05/27/16	2580 Richamar Dr	2016
B42000300030011200	Katherine Stevens Trustee & Successor	Greenwood Forest	Lot 33	\$ 30.00	\$ 100.00	\$ 130.00	\$ 155.00	16-030	05/27/16	4270 Highview Terrace	2016
B42000200090006400	Sharron Pohl	Knollwood all	Lot 448	\$ 30.00	\$ 100.00	\$ 130.00	\$ 155.00	16-035	06/14/16	1969 Shadyland Dr	2016
B42000500200005600	Wright Patt Credit Union	Ridgedale All	Lot 53	\$ 30.00	\$ 100.00	\$ 130.00	\$ 155.00	16-036	06/14/16	1111 Meadow Dr	2016
B42000500130016400	Lindsay Johnson	Audubon Park 5 All	Lot 94	\$ 30.00	\$ 100.00	\$ 130.00	\$ 155.00	16-039	06/14/16	1363 Lemcke Rd	2016

Subdivision Name: City of Beavercreek
 Purpose: 2016 Noxious Weed Assessments (ORC 731.51-.54)
 City Resolution: Resolution No. 16-18
 Certifying Officer: _____

Exhibit "A"

Bill Kucera, Financial Admin. Services Director Date: _____

Parcel ID #	Owner Name	Legal Description	Lot (or Acreage)	CODE ENFORCEMENT CHARGE	ADMIN COST	TOTAL COST	AMOUNT ASSESSED	INVOICE #	INVOICE DATE	Parcel Address	Tax Yr. Col. Yr.
B42000100110007400	Stanley Hanson	Sherwood All	Lot PT 1	\$ 30.00	\$ 100.00	\$ 130.00	\$ 155.00	16-042	06/29/16	3868 Lujon Dr	2016
B42000100040009400	Deutsche Bank National Trust	Grange View Acres	Lot 152	\$ 30.00	\$ 100.00	\$ 130.00	\$ 155.00	16-047	06/29/16	4148 Rushton Dr	2016
B42000600030016400	Inner Vest II	The Oaks	Lot 14	\$ 30.00	\$ 100.00	\$ 130.00	\$ 155.00	16-048	06/30/16	3427 Riva Ct	2016
B42000600030016200	Inner Vest II	The Oaks	Lot 12	\$ 20.00	\$ 100.00	\$ 120.00	\$ 145.00	16-049	06/30/16	3449 Riva Ct	2016
B42000600030015300	Inner Vest II	The Oaks	Lot 3	\$ 30.00	\$ 100.00	\$ 130.00	\$ 155.00	16-050	06/30/16	3458 Riva Ct	2016
B42000600030016000	Inner Vest II	The Oaks	Lot 10	\$ 30.00	\$ 100.00	\$ 130.00	\$ 155.00	16-051	06/30/16	3473 Riva Ct	2016
B42000600030015900	Inner Vest II	The Oaks	Lot 9	\$ 30.00	\$ 100.00	\$ 130.00	\$ 155.00	16-052	06/30/16	3493 Riva Ct	2016
B42000300070015400	Norman & Jacquelyn Smart	Concept 4 sec 8 all ex	Lot 495	\$ 60.00	\$ 100.00	\$ 160.00	\$ 185.00	16-054	06/30/16	2831 Thames Ln	2016
B42000500060020400	Jian Sheng Liu	7-3-32		\$ 20.00	\$ 100.00	\$ 120.00	\$ 145.00	16-055	06/30/16	3225 Lantz Rd	2016
B42000200040011200	Wayne T Pearce Trustee	Beaver Brook All	Lot 112	\$ 30.00	\$ 100.00	\$ 130.00	\$ 155.00	16-056	07/05/16	1635 Mardon Dr	2016
B42000600040002800	Federal National Mortgage Association	Golden Acres 8 All	Lot 82	\$ 30.00	\$ 100.00	\$ 130.00	\$ 155.00	16-060	07/06/16	3180 Shakertown Rd	2016
B42000200080003400	Thomas Young	Patterson Road Ests 3 All	Lot 34	\$ 30.00	\$ 100.00	\$ 130.00	\$ 155.00	16-061	07/06/16	1119 Joffre PL	2016
B42000200150011800	Beavercreek Store N Loc Inc	Woodhaven 10B	Lot 293	\$ 30.00	\$ 100.00	\$ 130.00	\$ 155.00	16-062	07/15/16	1164 Richfield Center	2016
				\$ 2,221.00	\$ 4,700.00	\$ 6,921.00	\$ 8,096.00				

ORDINANCE NO. 16-21

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER _____ ON THE _____ DAY OF _____, 2016.

AN ORDINANCE ADOPTING NEW SECTION 158.126 “KEEPING OF CHICKENS IN RESIDENTIAL DISTRICTS” OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES.

WHEREAS, the City Council has determined that it would be in the best interest of the City to adopt a new Section 158.126 in Chapter 158 “Zoning Code” of the City of Beavercreek Code of Ordinances.

NOW, THEREFORE, THE CITY OF BEAVERCREEK, COUNTY OF GREENE, OHIO, HEREBY ORDAINS:

SECTION I.

New Section 158.126 “KEEPING OF CHICKENS IN RESIDENTIAL DISTRICTS” is hereby enacted as follows.

§ 158.126 KEEPING OF CHICKENS IN RESIDENTIAL DISTRICTS.

The keeping of chickens (*Gallus gallus domesticus*) is prohibited in the City of Beavercreek, except where an *AGRICULTURAL ACTIVITY* is permitted, or on properties used for one-family residential purposes under the following conditions:

(A) General Regulation.

- (1) *Maximum number of chickens.* The maximum number of chickens shall be based on the following lot sizes:
 - (a) Lots less than 15,000 square feet shall not be permitted to keep or house chickens.
 - (b) Lots that are 15,000 square feet or greater shall be permitted a maximum of six (6) chickens.
 - (c) Chickens shall not be permitted on multi-family or two-family residentially zoned properties.

(2) *Roosters.* Rooster shall not be permitted to be housed or kept on any residentially zoned property within the City.

(3) *Chicken pens or chicken coops.* The chicken pen or chicken coop shall conform to the following standards:

- (a) Coops must be constructed of solid wood, composite or vinyl material and be constructed so as to prevent rodents, wild birds, predators, dogs, and cats from accessing feed and the chickens.
- (b) Pens shall only be permitted in the rear yard of the property, completely to the rear of the primary structure.
- (c) Pens may not be located any closer than twenty (20) feet from any property line of an adjacent property.
- (d) Pens must be kept clean, dry, odor-free and free from accumulated manure. Any stored manure must be kept in a fully enclosed structure or container.

(4) *Processing of Chickens.* Chickens shall not be permitted to be slaughtered.

(5) *Nuisances.* Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries. The property owner and/or chicken owner shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and predators and parasites that may result in unhealthy conditions to human habitation. Should said infestation occur, the chickens and/or parasites and insects may be removed by the City, through the Greene County animal control officer, or other designee, and the cost of the same shall be borne by the property owner and/or chicken owner.

(B) *Permits required.*

- (1) An accessory structure permit is required prior to the construction of the chicken coop. Coops shall be a maximum of 100 total square feet, have a maximum height of 10 feet, and shall not count toward the maximum allowed square footage of accessory structures in a residential district, as defined in 158.104(E)(1).
- (2) Prior to the introduction of chickens to the chicken coop, the property owner or his designee must apply for, and receive a separate permit for the keeping of chickens in a residential district.
- (3) *Revocation of permit.* The permit to keep chickens may be revoked by the City where there is a risk to public health or safety, or for any violations of or failure to comply with any of the provisions of this section.

(C) *Sunset Provision.* These regulations are temporary and are considered to be valid for one year from the date it becomes effective. City Council shall re-evaluate these regulations and could make changes that could include the repealing of this subsection of the Zoning Code and requiring the removal of all previously approved

chickens. Persons applying for a permit to keep chickens within the first year shall be made aware, as stated on the permit, that they may have to remove the chickens should Council choose not to renew these regulations after the one year period.

(D) *Violations.* Any property containing chickens which fails to meet the requirements of this section shall be deemed to be in violation of this section and of the Zoning Code.

SECTION II.

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 III.

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

PASSED this _____ day of _____, 2016.

MAYOR

ATTEST:

CLERK OF BEAVERCREEK COUNCIL

PREPARED BY: CITY ATTORNEY

SUMMARY

THIS ORDINANCE ADOPTS NEW SECTION 158.126 "KEEPING OF CHICKENS IN RESIDENTIAL DISTRICTS" OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES. THIS IS NOT AN EMERGENCY ORDINANCE AND WILL BECOME EFFECTIVE THIRTY (30) DAYS AFTER PASSAGE.

CITY OF BEAVERCREEK
 CITY COUNCIL
 AGENDA ITEM REPORT

MC 81916

Meeting Date: August 22, 2016	Reference Topic: Transfer of Liquor Permit Aldi Inc. Of Ohio
Agenda Reference No: VIII. A.	

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input checked="" type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input checked="" type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

The Ohio Division of Liquor Control sent notification of a request to transfer a C1, C2 and D6 liquor permit for Aldi Inc. of Ohio, DBA Aldi Inc. 4886 Airway Rd. Riverside Ohio 45431 to Aldi Inc. of Ohio, DBA Aldi Inc., 2451 Lakeview Dr. Beavercreek, OH 45431. The record checks required by the Ohio Department of Commerce – Division of Liquor Control were conducted on the applicant/shareholders for this application request.

STAFF RECOMMENDATION:

Staff is recommending this liquor permit transfer move forward with no comment.

NOTICE TO LEGISLATIVE
AUTHORITY

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

TO

01007780676 <small>PERMIT NUMBER</small>			TRFL <small>TYPE</small>	ALDI INC OF OHIO DBA ALDI INC 2451 LAKEVIEW DR BEAVERCREEK OH 45431
06	01	2016 <small>ISSUE DATE</small>		
08	09	2016 <small>FILING DATE</small>		
C1	C2	D6 <small>PERMIT CLASSES</small>		
29	005	A	F16817 <small>RECEIPT NO.</small>	

FROM 08/12/2016

01007780675 <small>PERMIT NUMBER</small>				ALDI INC OF OHIO DBA ALDI INC 4886 AIRWAY RD RIVERSIDE OHIO 45431
06	01	2016 <small>ISSUE DATE</small>		
08	09	2016 <small>FILING DATE</small>		
C1	C2	D6 <small>PERMIT CLASSES</small>		
57	154			



MAILED 08/12/2016

RESPONSES MUST BE POSTMARKED NO LATER THAN. 09/12/2016

IMPORTANT NOTICE

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

REFER TO THIS NUMBER IN ALL INQUIRIES

A TRFL 0100778-0676

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING.

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

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

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

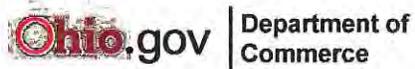
Township Fiscal Officer

**CLERK OF BEAVERCREEK CITY COUNCIL
1368 RESEARCH PARK DR
BEAVERCREEK OHIO 45432**

PERMIT NUMBER (CORPORATION) 0100778
ALDI INC OHIO
1200 NORTH KIRK RD
BATAVIA IL 60510

F.T.I. NUMBER 36-3521661
STATUS (ACTIVE OR INACTIVE) ACTIVE
SHARES OUTSTANDING 1000.00
ACTIVE DATE 03/10/04
INACTIVE DATE
EXCEPTION CODE TEXT - LARGE CORPORATION
STOCK TRANSFER CODE TEXT AND DATE

	.00	03/19/04	INACTIVE	
TERRY PFORTMILLER	.00		ACTIVE	SECR-TREA
	.00	03/19/04	INACTIVE	
ALDI INC	1000.00		ACTIVE	
CHARLES YOUNGSTROM	.00		ACTIVE	PRESIDENT
	.00	01/13/10	INACTIVE	



LIQUOR CONTROL SPIRITS LICENSING RESOURCES CONTACT US

PLEASE NOTE: The Ohio Department of Commerce web services will be intermittently unavailable from August 19, 2016 @ 5 PM until August 22, 2016 @ 8 AM

Manufacturer

Permit Class	Permit Fee	Description
A1	\$3,906	ORC 4303.02 Manufacturer of Beer – producing more than 31 million gallons per year, wherever produced, and sell beer products to wholesale permit holders.
A1A	\$3,906	ORC 4303.021 Beer, and any intoxicating liquor by the glass or container on A-1 or A-2 permit premises only until 2:30am.
A1c	\$1,000	ORC 4303.022 Manufacturer of Beer - producing up to 31 million gallons per year wherever produced, for sale on premises at retail for on premises consumption, and sell beer products to retail and wholesale permit holders.
A2	\$76	ORC 4303.03 Manufacturer of wine.
A3	\$2 to \$3,906	ORC 4303.04 Manufacture, import and sell alcohol and spirituous liquor
A3A	\$2 to \$400	ORC 4303.041 Manufacturer of less than 10,000 gallons of spirituous liquor and sale to a personal consumer.
A4	\$3,906	ORC 4303.05 Manufacture and sell certain prepared and bottled drinks, import for blended purposes
B2A	\$25	ORC 4303.07 Sale of wine to retail permit holder.
S	\$25	ORC 4303.232 Sale of wine to personal consumer via mail order.
W	\$1,563	ORC 4303.231 To operate a warehouse for the storage of beer or intoxicating liquor within the state and to sell such products from the warehouse to a B permit holder with Consent to Import on file or to other customers outside this state.

Distributor

Permit Class	Permit Fee	Description
B1	\$3,125	ORC 4303.06 Distributor of beer, ale, stout, other malt liquor.
B2	\$500	ORC 4303.07 Distributor of bottled wine.
B3	\$124	ORC 4303.08 Distributor of sacramental wine.
B4	\$500	ORC 4303.09 Distributor of mixed beverages.
B5	\$1,563	ORC 4303.10 Distributor and Importer and bottler of wine.

Retail Store Carryout

Permit Class	Permit Fee	Description
C1	\$252	ORC 4303.11 Beer only in original sealed container for carry out only.
C2	\$376	ORC 4303.12 Wine and mixed beverages in sealed containers for carry out.
C2X	\$252	ORC 4303.121 Beer in original sealed containers for carry out.
D8	\$500	ORC 4303.184 Sale of tasting samples of beer, wine, and mixed beverages, but not spirituous liquor, at retail, for consumption on premises.

Restaurant / Night Club

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

>Club

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

Hotel And Motel

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

Enclosed Shopping Mall

Permit Class	Permit Fee	Description
D5B	\$2,344	ORC 4303.181 (Same as D5) for enclosed shopping mall.

River Boats

Permit Class	Permit Fee	Description
D5E	\$1,219	ORC 4303.181 (Same as D5). Historical river boat owned by charitable organization only.

Marinas

Permit Class	Permit Fee	Description
D5F	\$2,344	ORC 4303.181 (Same as D5). Marina restaurant only.

Museums

Permit Class	Permit Fee	Description
D5G	\$1,875	ORC 4303.181 (Same as D5). National sports museum only.
D5H	\$1,875	ORC 4303.181 (Same as D5 - except sales till one am). Fine arts museum only.

Community Entertainment District/Revitalization

Permit Class	Permit Fee	Description
D5J	\$2,344	ORC 4303.181 (Same as D5). Community Entertainment District.
D5L	\$2,344	ORC 4303.181 (Same as D5). Revitalization District.

Sunday Sales

Permit Class	Permit Fee	Description
D6	\$400-c \$500-d	ORC 4303.182 Sale of intoxicating liquor on Sunday between the hours 10:00am or 11:00am and midnight.

Other

Permit Class	Permit Fee	Description
D5K	\$1,875	ORC 4303.181 (Same as D5 - except sales till one am). Certain non profit organizations that own and operate a botanical garden.
D5M	\$2,344	ORC 4303.181 (Same as D5). Restaurant affiliated with center for the preservation of wild animals.
D5N	\$20,000.00	ORC 4303.181(N) (Same as D5). Casino Operator or Casino Management Company.
D5O	\$2344.00	ORC 4303.181(O) (Same as D5). Restaurant located in a casino.
E	\$500	ORC 4303.19 Railroad car or airline to sell beer or any intoxicating liquor at retail in glass or from container for consumption in such car or aircraft.
G	\$100	ORC 4303.21 Retail drug store (alcohol for medicinal, industrial, mechanical, chemical, or scientific purposes).
H	\$300	ORC 4303.22 Carrier by rail or for hire motor carrier who also holds a license issued by the public utilities commission to transport beer, intoxicating liquor, and alcohol, or any of these, in this state or delivery or use in this state.
I	\$200	ORC 4303.23 Wholesale druggist (purchase - import alcohol for sale at wholesale and retail).



1368 Research Park Dr
Beavercreek, OH 45432

**Joint Work Session with Township
August 29, 2016 5:00 p.m.
Council Chambers**

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE OF ALLEGIANCE
- IV. APPROVAL OF AGENDA
- V. DISCUSSION ITEMS
 - A. U.S. 35 Funding Update
 - B. Park Management
 - C. Fire Department Update
 - D. Roundtable
- VI. ADJOURNMENT



CITY COUNCIL
Regular Meeting – September 12, 2016 6:00 p.m.
Council Chambers

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND MOMENT OF SILENCE – Council Member Jarvis
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
- VI. PRESCHEDULED PRESENTER
 - A. Gail Simpson, Interfaith Hospitality Network
- VII. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Ordinance 16-19 PUD 16-1 Cottages at Beavercreek (Third Reading)
 - B. Ordinance 16-__ Repealing Current Section 132.13 “Panhandling” and Adopting New Section 132.13 “Panhandling”
 - C. Ordinance 16-__ Repealing Current Chapter 112 “Peddling, and Soliciting, and Distribution” and Adopting New Chapter 112 “Peddling, Soliciting, and Distribution”
 - D. Ordinance 16-__ Repealing Current Section 70.01 “Definitions” and Adopting New Section 70.01 “Definitions”
 - E. Ordinance 16-__ Repealing Current Section 76.99 “Penalty” and Adopting New Section 76.99 “Penalty”
 - F. Ordinance 16-__ Adopting New Section 76.17 “Parking of Large and Oversize Vehicles on Streets”
- VIII. DECISION ITEMS
 - A. Motion to Appoint Clerk of Council as designee for Public Records Training
- IX. CITY MANAGER’S REPORT
- X. MAYOR’S REPORT
- XI. COUNCIL TIME
- XII. CITIZEN COMMENTS
- XIII. ADJOURNMENT



**AGENDA
CITY COUNCIL
Work Session – September 19, 2016, 5:00 p.m.
Council Chambers**

1368 Research Park Dr
Beavercreek, Ohio

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. DISCUSSION ITEMS
 - A. Critical Incident Overview
- V. INFORMATIONAL ITEMS
 - A. Lofino Plaza Update
- VI. COUNCIL COMMITTEE/EVENT UPDATES
- VII. ADJOURNMENT

DRAFT

PLANNING DEPARTMENT STATUS REPORT

August 18, 2016

CITY COUNCIL

August 22, 2016

- PUD 16-2 Creekstone, A-1 & R-1A to R-PUD, public hearing, first reading
- PUD 16-1 Cottages of Beaver creek, A-1 to R-PUD, public hearing, second reading
- PC 16-1, Zoning Code Update (signage), third reading
- PC 16-1. Zoning Code Update (chickens)

September 12, 2016

- PUD 16-2 Creekstone, A-1 & R-1A to R-PUD, public hearing, second reading
- PUD 16-1 Cottages of Beaver creek, A-1 to R-PUD, third reading
-

September 26, 2016

- PUD 16-2 Creekstone, A-1 & R-1A to R-PUD, third reading
-
-

Tabled / Delayed / Pending

-

PLANNING COMMISSION

September 7, 2016

- PUD 16-1 SSP #1, Cottages of Beavercreek, public hearing
-

Currently Tabled / Delayed

-

Commercial Permits Submitted and Under Review

- Beavercreek Retail
-

BOARD OF ZONING APPEALS

September 14

-
-

Currently Tabled or Delayed

-
-