

BEAVERCREEK PLANNING COMMISSION
REGULAR MEETING, May 4, 2016, 7:00 p.m.

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
 - A. March 2, 2016
- V. PUBLIC HEARINGS
 - A. PUD 16-1, The Cottages of Beaver creek Rezoning
 - B. PUD 93-4 SSP #6, Ashton Brooke Phase Five
 - C. PC 16-1, Zoning Code Updates
- VI. SUBDIVISIONS
 - A. S-16-4, Flying Ace Car Wash
- VII. ADJOURNMENT

BEAVERCREEK PLANNING COMMISSION
REGULAR MEETING March 2, 2016

PRESENT: Mr. Archibald, Mr. Curran, Mr. Erbes, Mr. Loftis

ABSENT: Mr. Self

Vice Chairman Archibald called the meeting to order followed by roll call.

Mr. Erbes MOVED to excuse Mr. Self, seconded by Mr. Curran. Motion PASSED by majority voice vote.

Mr. Erbes MOVED to approve the agenda, seconded by Mr. Curran. Motion PASSED by majority voice vote.

Mr. Curran MOVED to approve the February 3, 2016 minutes, seconded by Mr. Erbes. Motion PASSED by majority voice vote. (Loftis abstained)

PUBLIC HEARINGS

Z-16-2, Corle Rezoning, R-1A to RO-1 (tabled at the February 3, 2016 meeting)

Mr. Curran MOVED to untable Z-16-2, seconded by Mr. Erbes. Motion PASSED by majority voice vote.

Clerk Lampton read the notice of public hearing on an application filed by Clyde and Patricia Corle, 3439 Riva Court, 3439 Riva Court, Beavercreek, OH 45430. The application requests the rezoning of 0.47 acres of land from R-1A One-Family Residential District to RO-1 Residential Office District. The property is located at 4230 Dayton-Xenia Road further described as Book 2, Page 4, Parcel 36 on the Greene County Property Tax Atlas.

Ms. Pereira reviewed items submitted after the February 3, 2016 Planning Commission meeting. She said the applicant submitted a packet of photos that was included in this packet reflecting the work being done to the property. She reviewed a diagram of the layout of the parking, signage and landscaping. She said the applicant was requesting an RO-1 zoning which was consistent with the Land Use Plan and staff was recommending approval.

Ms. Tiffany Lobertini, applicant, explained the landscaping would have the look of a residential property, the retaining wall was almost complete and the garage would be painted as soon as the weather would permit.

Mr. Curran questioned if the retaining wall would be painted in the spring. Ms. Lobertini said they would be keeping the natural look of the stone.

Mr. Loftis questioned the number of parking spaces as the diagram only showed three and the information listed five. Ms. Lobertini explained the driveway goes to the garage where two additional cars would fit.

Mr. Archibald said this rezoning keeps within the goal of improving the Dayton-Xenia Corridor. He said after looking at the property he has seen substantial improvements and thought the residential office designation was appropriate for this area.

Mr. Erbes MOVED to approve Z-16-2, seconded by Mr. Curran. Motion PASSED by a roll call vote of 3-0. (Loftis abstained)

PUD 541, Major MOD 2/16 Flying Ace Express/Starbucks

Clerk Lampton read the notice of public hearing on an application filed by Flying Ace Express Car Wash LLC, 7175 Far Hills Avenue, Dayton, OH 45459. The applicant requests approval of a major modification of the existing site plan to allow for the construction of a Flying Ae Express Car Wash Facility and a 1,970 square foot Starbucks on 1.321 acres located at the northeast corner of County Line Road and Indian Ripple Road. The property is further described as Book 3, Page 7, Parcel 1 on the Greene County Property Tax Atlas.

John Roush said they had opened their Centerville location a year ago with an aviation theme based structure. He explained this was an express car wash and they recycle all the water with their own treatment plant on site. He said they were in lease negotiations with Starbucks.

Mr. Burkett summarized the staff report dated February 26, 2016, which states the applicant is requesting approval of a major modification to the existing site plan to allow for the construction of a new 4,300 square foot Flying Ace Express Carwash and a 1,970 square foot Starbucks on 1.321 acres. He discussed the location of the property and the site plan which would have a single access point with no direct access off of Indian Ripple Road or County Line Road. He reviewed the parking requirements explaining the plan shows three handicapped parking spaces with a minimum ADA requirement of two. He reviewed the proposed building design of both buildings, the landscaping, lighting and signage along with several conditions listed in the resolution. Staff recommended approval of the case with 19 conditions.

There being no public input, the public hearing was closed.

Mr. Erbes questioned if the services to each building was separate. Mr. Burkett replied that is was. Mr. Erbes was concerned with moving the entrance to the west with the curb line. He felt it was a pinch point and may be congested during high volume times. Mr. Burkett explained there was a requirement in the code for drive-thru establishments for stacking. He said they are required to have enough space to stack at least ten cars

waiting to be served. He said this has room for sixteen cars which is ample space for cars to pull in and wait.

Mr. Erbes questioned the pay process for the car wash. Mr. Roush said they can process up to 100 cars per hour. He explained the pay stations are like an ATM with a touch screen. Mr. Erbes asked if the car wash was unmanned. Mr. Roush replied no, they would have one to two staff members on site.

Mr. Loftis asked if there was a traffic control plan if there is not enough room for stacking the cars and they block the roads. Mr. Roush said they bring in extra staff and have signs saying do not stop here. He said they would keep people off of County Line Road and off the transition spot on the private road. He said this is a very rare situation. Mr. Loftis asked if the construction of both buildings would be simultaneous. Mr. Roush replied yes.

Mr. Erbes questioned if the sidewalk was new on County Line Road. Mr. Burkett replied no. Mr. Erbes asked if there would be a sidewalk added on Indian Ripple Road. Mr. Burkett replied no and explained there is no room with the grading.

Mr. Archibald asked the distance between the end of the tunnel and the end of the pad. Mr. Roush said it was 26 feet. Mr. Archibald asked what mechanism was in place if the cars have to stop when exiting the tunnel. Mr. Roush explained there is a collision loop embedded in the concrete and if a car sits on it for a specified amount of time it will pause the tunnel until the car moves off. Mr. Archibald verified the parking spaces to the east were for the vacuums. Mr. Roush replied yes. Mr. Archibald asked if there was any concern regarding the traffic flow in this area. Mr. Roush replied he has the same traffic flow at another location and there is no problem.

Mr. Curran MOVED to approve PUD 541, Major MOD 2/16 with nineteen conditions:

1. The approved site plan shall be the plans dated "Received February 24, 2016", the architectural elevations for Starbuck's shall be the plans dated "Received February 8, 2016", and the architectural elevations for Flying Ace Express Carwash shall be the plans dated "Received February 17, 2016", except as modified herein.
2. A PUD Agreement must be signed by the owner and a bond or letter of credit for the site landscaping must be submitted prior to issuance of a zoning permit for any portion of the project for the purpose, but not for the sole purpose, of insuring the installation of landscaping. Said bond or letter of credit must meet the requirements of the City's landscaping and screening regulations.

3. The final landscape plan shall be reviewed and approved by the Planning Department prior to the release of a zoning permit for the building. The final landscape plan shall include landscaping around the perimeter of the northern portion of the building, subject to review by the Planning Department.
4. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes as originally installed, within three months weather permitting.
5. Material and color samples shall be submitted to the Planning Department for review and approved prior to the issuance of a zoning permit.
6. The façade shall not be painted or altered without the expressed approval of the Planning Department and/or Planning Commission
7. Any portion of the site disturbed by grading or by the removal of former structures and/or pervious surfaces and on which no construction occurs within three months after completion of the site grading, shall be planted with appropriate ground cover and properly maintained. Such areas shall be shown as part of the final landscape plan.
8. Debris and trash shall be routinely collected by the owner from the parking lot and grounds of all areas of the project including the storm drainage facilities. The City reserves the right to require more frequent collection as necessary.
9. All building mechanical equipment is to be screened from all directions with architectural features (roof forms or parapet walls) on each building. Metal screening will not be accepted. Pad mounted equipment must be screened with landscaping and/or masonry walls and shall not be visible to the public.
10. Gutters and downspouts shall not be visible on any elevation of the Starbuck's building. They shall be internally mounted.
11. Prior to the issuance of a zoning permit, final cut sheet details and photometric plans for lighting of the site shall be reviewed and approved by the Planning Department. No pole shall be located in the paved area of the parking field. All light fixtures and related illumination of the site must meet the conditions outlined

in the Zoning Code. Lights in the parking lot shall be reduced to no greater than 25 percent illumination level within one hour of closing.

12. Final topography and grading plans shall be submitted for review and approval by the City Engineer prior to the issuance of a site-grading or zoning permit.
13. Final drainage calculations shall be approved by the City Engineer prior to the release of the zoning permit.
14. All man-doors, service doors and loading dock doors shall be painted to match the color of the building as to blend in with the proposed façade.
15. Any split-face block, EIFS, or concrete masonry unit block will be of integral color and not a material that is painted on the outside only
16. There shall be a maximum of one ground sign for this project. The ground sign, which shall include a minimum 1-foot tall, brick and/or stone base and wrap, shall be a maximum of 5 feet tall and have a maximum 32 square feet per sign face. The final design and location shall be subject to review and approval by the Planning Department prior to release of a permit for the sign. Any ground sign shall be set in a base that shall be constructed of the same brick as used to construct the principal structure.
17. All wall signs shall be individually mounted channel letters or panels. No raceways shall be permitted. The sizes of the signs shall be limited to the sizes shown on the respective approved architectural elevations. The final design and location shall be reviewed and approved by the Planning Department prior to the release of the sign permit.
18. All trash collection containers shall be screened from view and enclosed within a permanent dumpster enclosure or stored completely within the building. Any dumpster enclosure shall be constructed of the same materials as the primary building and have a closable, lockable gate. The final design of the dumpster enclosure shall be reviewed and approved by the Planning and Zoning Department prior to the issuance of any zoning permits.
19. The wall sign shown on the eastern elevation of Starbuck's shall not be

permitted.

Motion was seconded by Mr. Erbes. Motion PASSED by roll call vote of 4-0.

S-16-3, The Village at Stone Falls II

Mr. Pereira summarized the staff report dated February 26, 2016 on a request by Oberer Companies, 3475 Newmark Drive, Miamisburg, Oh 43231. The applicant is requesting approval of a final subdivision for approximately 13.4 acres to accommodate the previously approved Village at Stone Falls II. Staff recommended approval with four conditions.

Mr. Curran MOVED to approve S-16-3, seconded by Mr. Erbes. Motion PASSED by a roll call vote of 4-0.

ADJOURNMENT

Mr. Erbes MOVED to adjourn at 6:49 p.m., seconded by Mr. Curran. Motion PASSED by majority voice vote.

Dianne Lampton
Clerk of Council

**CITY OF BEAVERCREEK
PLANNING COMMISSION
AGENDA ITEM REPORT**

Meeting Date: May 4 th , 2016	Reference Topic: PUD 16-1 The Cottages of Beavercreek
Agenda Reference No.	

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" 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 _____

REQUEST

The applicant is requesting approval of a rezoning and a concept plan for 20.03 acres, located on the east side of County Line Road, approximately 700 feet south of the intersection of County Line Road and Weber Drive. Specifically the applicant is proposing a concept plan that allows for the construction of up to 94 multi-family dwelling units contained within 15 buildings.

STAFF RECOMMENDATION:

Staff is recommending approval of this request as outlined in the attached resolution.

PROCEDURAL OPTIONS FOLLOWING ACTION:

The Planning Commission may choose to approve, modify, disapprove, or table this resolution.

CITY OF BEAVERCREEK STAFF REPORT

April 27, 2016

PROJECT: The Cottages of Beavercreek
CASE NO.: PUD 16-1 Rezoning and Concept Plan
APPLICANT: Simms Development
c/o Charlie Simms (Agent for owner)
2785 Orchard Run Road
Dayton, OH 45449

REQUEST

The applicant is requesting approval of a rezoning and a concept plan for 20.03 acres, located on the east side of County Line Road, approximately 700 feet south of the intersection of County Line Road and Weber Drive. Specifically the applicant is proposing a concept plan that allows for the construction of up to 94 multi-family dwelling units contained within 15 buildings.

EXISTING CONDITIONS

Current Uses

As noted on the aerial photo, the 20.03-acre area consists of an extremely long parcel, with approximately 200 feet of frontage along County Line Road. The property was previously used as a horse farm/stable. That use has ceased, and the property currently stands vacant. The western portion of the property has the 1825 square foot Cape Cod farm house, built in 1950, and several outbuildings, including sheds, barns and trough feeders.



The middle portion of the property has approximately 8.5 acres of pasture for the horses. The easternmost 6.5 acres consists of woods, with trails throughout.

Zoning and Land Use Considerations

Zoning

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

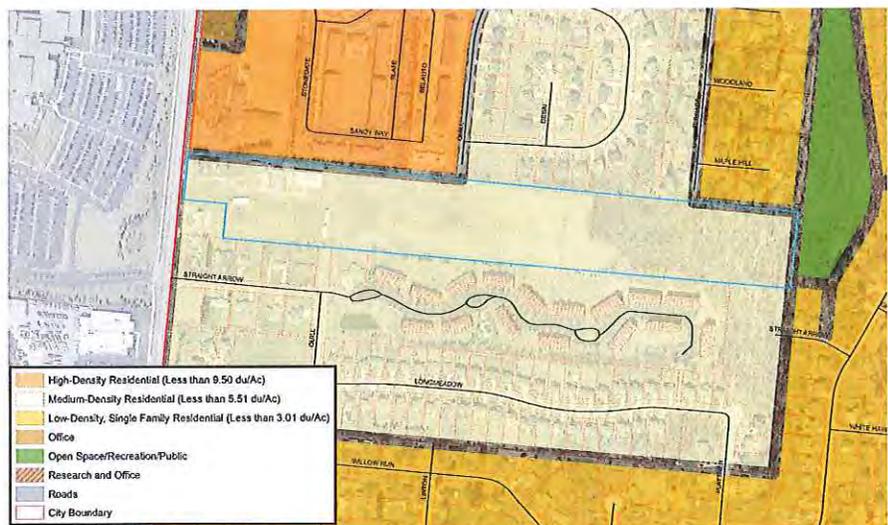
Direction	Zoning Classifications	Current Usages
North	R-PUD 91-1; R-PUD 95-2; R-PUD 03-3, R-1A (AHEPA 10.3 du/ac; Stonegate Commons 9.6 du/ac; Stonegate II 4.22 du/ac)	Multi-Family Residential; Single Family Residential
South	R-1A; R-PUD 99-7 (Cinnamon Ridge 6.96 du/ac)	Single Family Residential; Multi-family Residential
East	R-PUD 548 (Cinnamon Creek Farm 1.78 du/ac)	Single Family Residential
West	OUTSIDE CITY	Reynolds and Reynolds Inc.

Land Use

As noted on the map to the right, this area is classified as Medium Density Residential on the City's Land Use Plan (shaded in light yellow on the map).

The City's Land Use Plan states:

Medium Density Residential development describes areas allowing less than 5.51 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. Public water supply and sanitary sewer service are required for areas designated for Medium Density Residential development.



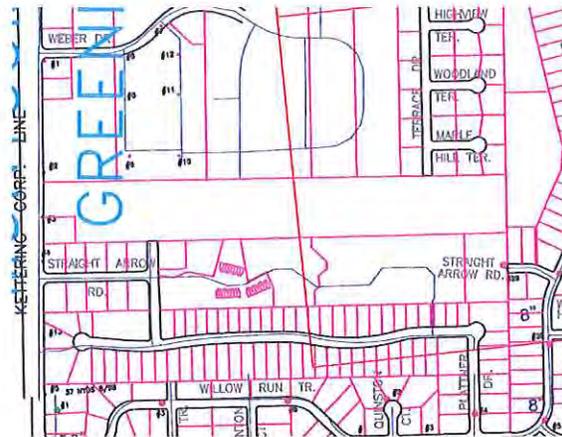
The proposed zoning change is for 94 units on 20.03 acres, or 4.69 dwelling units per acre, well under the 5.51 dwelling units per acre max. The proposed rezoning is compatible with the approved Land Use Plan.

Availability of Utilities

Public water and sewer are available.



Sewer



Water

Access, Circulation and Transportation Improvements

The proposed concept plan shows two full vehicular access points, and one emergency access point. The primary access to the site will be directly off County Line Road. The second access point is shown from Quill Drive, south of the development, ultimately leading out to the traffic light at Straight Arrow Drive and County Line Road. The emergency access point is shown to connect to Quill Drive, north of the development. Should this rezoning be approved, and the project goes through the specific site plan process, it is anticipated that this access point will be constructed of grass pavers, not readily visible to the general public.

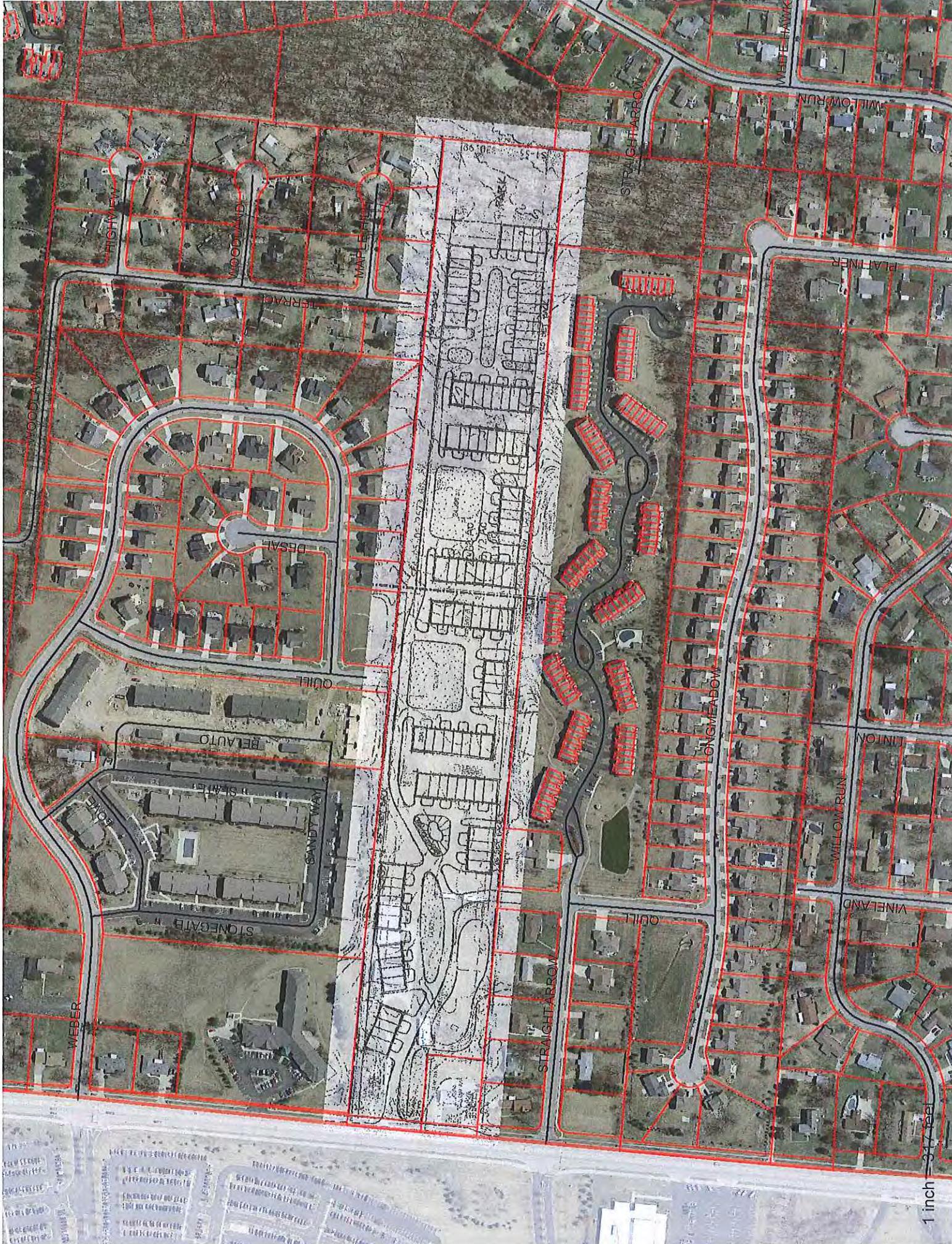
Setbacks/Buffers

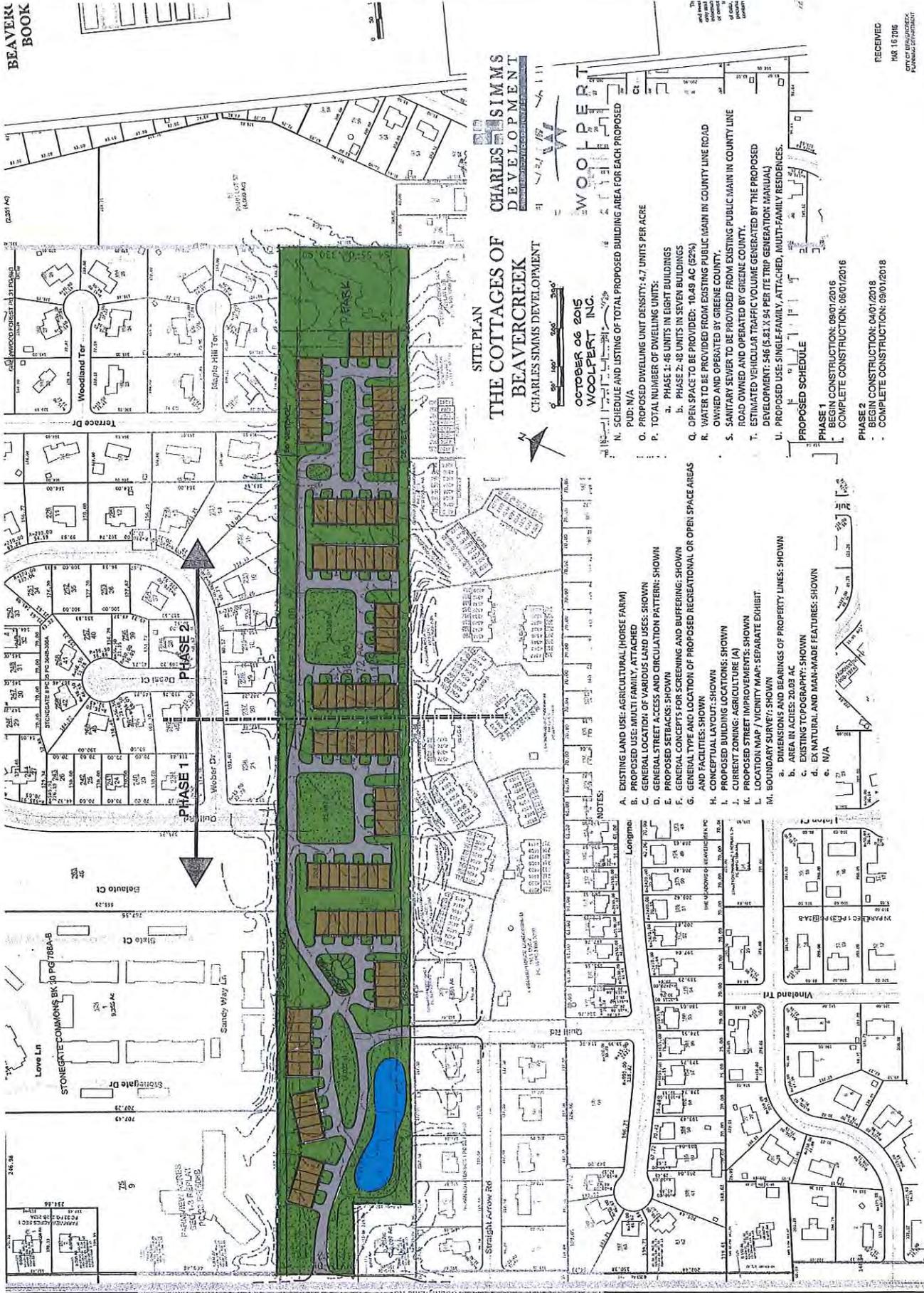
The proposed concept plan shows a 25-foot building setback around the perimeter of most of the project. The exception to this is where the project abuts the single family residential properties to the north, where a 50-foot building setback is shown. In order to further protect the single family residential properties, staff has added a condition that this 50-foot setback be a 50-foot buffer. Labeling it a setback would allow for accessory uses, including patios, decks, playsets...etc. In contrast, a buffer would allow for only landscaping and/or fencing. Additional, staff has proposed a condition that the additional screening be added in this 50 buffer where

appropriate, and that the northernmost 25 feet be considered a no grading zone. See Attachments A and B of the proposed resolution for further clarification.

RECOMMENDATION

Based on this analysis, staff recommends approval of this request, subject to the conditions outlined in the attached resolution. Planning Commission may recommend approval or disapproval to City Council or table the application if there is a request for additional information needed to make a recommendation.





SITE PLAN
THE COTTAGES OF BEAVER CREEK
 CHARLES SIMMS DEVELOPMENT
 BEAVERCREEK DEVELOPMENT

Woolpert Inc.
 October 06 2015

SCHEDULE AND LISTING OF TOTAL PROPOSED BUILDING AREA FOR EACH PROPOSED PHASE:

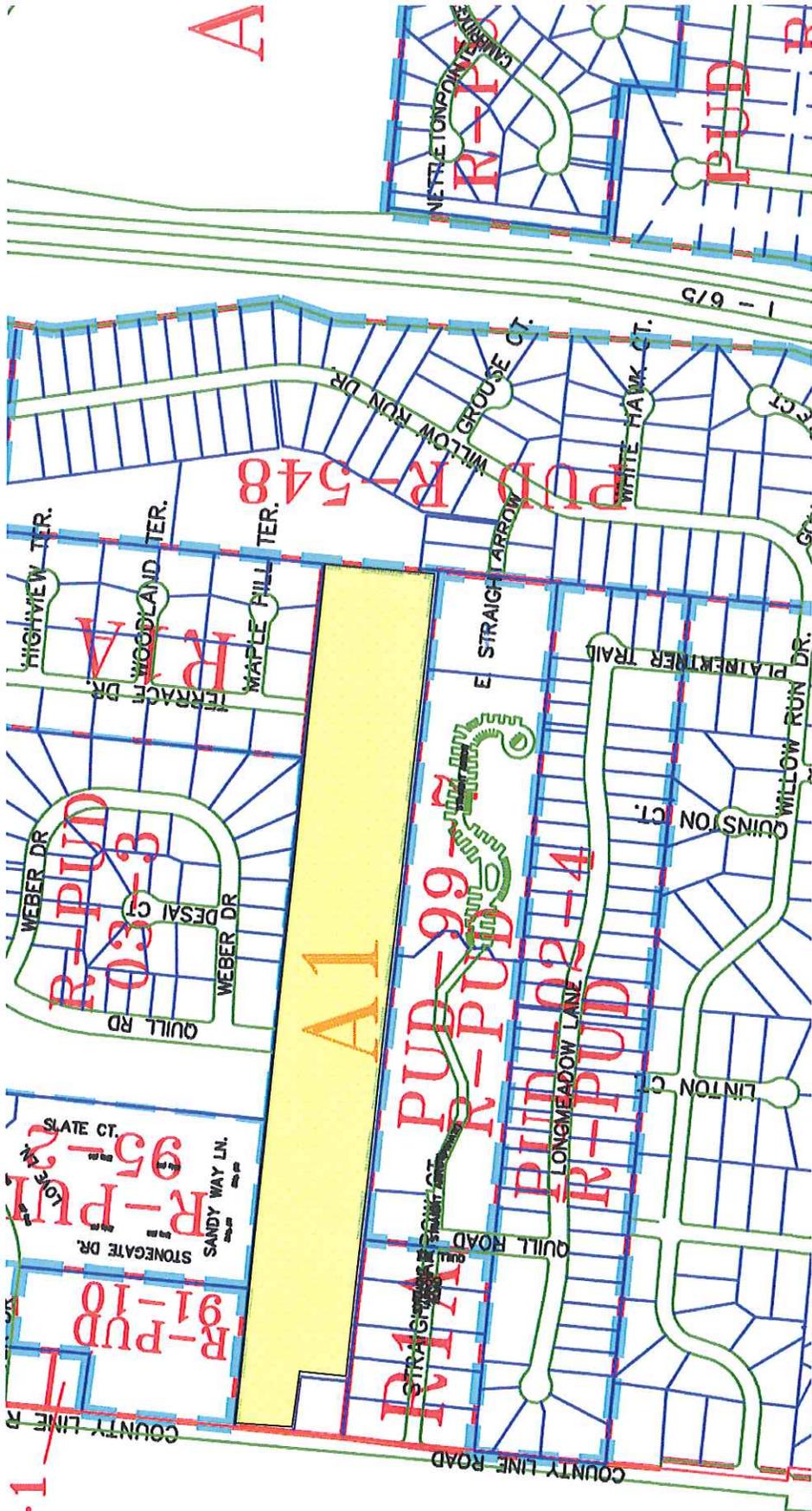
- N. PROPOSED DWELLING UNIT DENSITY: 4.7 UNITS PER ACRE
- O. PROPOSED DWELLING UNIT DENSITY: 4.7 UNITS PER ACRE
- P. TOTAL NUMBER OF DWELLING UNITS:
 - a. PHASE 1- 46 UNITS IN EIGHT BUILDINGS
 - b. PHASE 2- 48 UNITS IN SEVEN BUILDINGS
- Q. OPEN SPACE TO BE PROVIDED: 10.49 AC (52%)
- R. WATER TO BE PROVIDED FROM EXISTING PUBLIC MAIN IN COUNTY LINE ROAD OWNED AND OPERATED BY GREENE COUNTY.
- S. SANITARY SEWER TO BE PROVIDED FROM EXISTING PUBLIC MAIN IN COUNTY LINE ROAD OWNED AND OPERATED BY GREENE COUNTY.
- T. ESTIMATED VEHICULAR TRAFFIC VOLUME GENERATED BY THE PROPOSED DEVELOPMENT: 546 (5.81 X 94 PER ITE TRIP GENERATION MANUAL)
- U. PROPOSED USE: SINGLE-FAMILY, ATTACHED, MULTI-FAMILY RESIDENCES.

PROPOSED SCHEDULE

- PHASE 1
 - BEGIN CONSTRUCTION: 09/01/2016
 - COMPLETE CONSTRUCTION: 06/01/2018
- PHASE 2
 - BEGIN CONSTRUCTION: 04/01/2018
 - COMPLETE CONSTRUCTION: 09/01/2018

- NOTES:**
- A. EXISTING LAND USE: AGRICULTURAL (HORSE FARM)
 - B. PROPOSED USE: MULTI FAMILY ATTACHED
 - C. GENERAL LOCATION OF VARIOUS LAND USES: SHOWN
 - D. PROPOSED STREET ACCESS AND CIRCULATION PATTERN: SHOWN
 - E. PROPOSED SETBACKS: SHOWN
 - F. GENERAL CONCEPTS FOR SCREENING AND BUFFERING: SHOWN
 - G. GENERAL TYPE AND LOCATION OF PROPOSED RECREATIONAL OR OPEN SPACE AREAS AND FACILITIES: SHOWN
 - H. CONCEPTUAL LAYOUT: SHOWN
 - I. PROPOSED BUILDING LOCATIONS: SHOWN
 - J. CURRENT ZONING: AGRICULTURE (A)
 - K. PROPOSED STREET IMPROVEMENTS: SHOWN
 - L. LOCATION MAP / VICINITY MAP: SEPARATE EXHIBIT
 - M. BOUNDARY SURVEY: SHOWN
 - a. DIMENSIONS AND BEARINGS OF PROPERTY LINES: SHOWN
 - b. AREA IN ACRES: 20.03 AC
 - c. EXISTING TOPOGRAPHY: SHOWN
 - d. EX-NATURAL AND MAN-MADE FEATURES: SHOWN
 - e. N/A

R0-1



RESOLUTION

CITY OF BEAVERCREEK
PLANNING COMMISSION
May 4, 2016

RE: R - PUD 16-1
The Cottages of
Beavercreek

WHEREAS, Charlie Simms of Simms Development (Agent for the owner) 2785 Orchard Run Road, Dayton Ohio 45449, has filed an application requesting approval of an amendment of zoning classification from A-1 Agricultural to R-PUD 16-1 Residential Planned Unit Development for 20.03 acres, located at 2358 County Line Road, further described as Book 3 Page 3, Parcel 72 on the property tax maps of Greene County, Ohio; and

WHEREAS, a public hearing was held on May 4, 2016 by the Beavercreek Planning Commission at which time all people who wished to testify gave their comments at the public hearing.

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 excluded uses are inappropriate 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 20.03 acres of land located at 2358 County Line Road, from A-1 Agricultural, to R-PUD Residential Planned Unit Development.

SECTION II

1. The approved concept plan shall be the plans dated "Received March 16, 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 4.7 dwelling units per acre.
4. Total units for the R-PUD shall not exceed 94 dwelling units.
5. Buildings shall not be located closer than 25 feet to any exterior property line, notwithstanding the 50 foot buffer described in Condition #6.
6. There shall be a 50 foot buffer between this R-PUD and the single family residential properties to the west, as depicted in Attachment A.
7. The aforementioned buffer shall have appropriate screening, in the form of mounding and evergreen trees, except where there are existing woods which provides adequate screening. The northern 25 feet of the existing woods in the 50 foot buffer area and the southern 15 feet of the 25 foot building setback, shall be left as no-grading zones, the area of which is depicted in Attachment B.
8. Principal structures in this R-PUD shall be limited in height to two stories.
9. 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.

10. 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.
11. Open space for this development shall be no less than 55% of the total land area.
12. 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.

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:

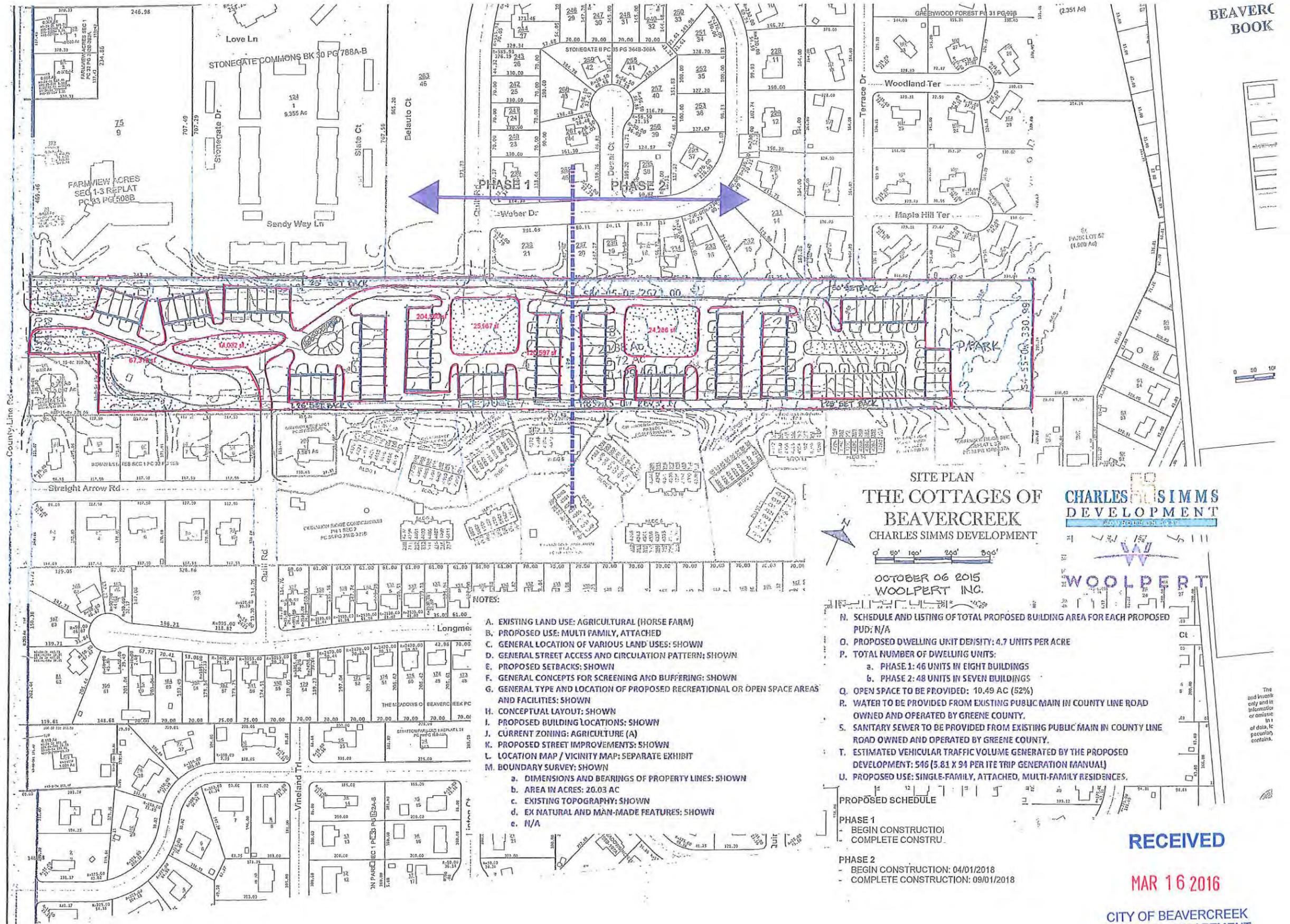
VOTING FOR ADOPTION:

VOTING AGAINST:

ABSENT:

Chairman

Attest:



SITE PLAN
THE COTTAGES OF BEAVERCREEK
 CHARLES SIMMS DEVELOPMENT

CHARLES SIMMS DEVELOPMENT
 REALTY, INC.

WOOLPERT

OCTOBER 06 2015
 WOOLPERT INC.

- NOTES:**
- A. EXISTING LAND USE: AGRICULTURAL (HORSE FARM)
 - B. PROPOSED USE: MULTI FAMILY, ATTACHED
 - C. GENERAL LOCATION OF VARIOUS LAND USES: SHOWN
 - D. GENERAL STREET ACCESS AND CIRCULATION PATTERN: SHOWN
 - E. PROPOSED SETBACKS: SHOWN
 - F. GENERAL CONCEPTS FOR SCREENING AND BUFFERING: SHOWN
 - G. GENERAL TYPE AND LOCATION OF PROPOSED RECREATIONAL OR OPEN SPACE AREAS AND FACILITIES: SHOWN
 - H. CONCEPTUAL LAYOUT: SHOWN
 - I. PROPOSED BUILDING LOCATIONS: SHOWN
 - J. CURRENT ZONING: AGRICULTURE (A)
 - K. PROPOSED STREET IMPROVEMENTS: SHOWN
 - L. LOCATION MAP / VICINITY MAP: SEPARATE EXHIBIT
 - M. BOUNDARY SURVEY: SHOWN
 - a. DIMENSIONS AND BEARINGS OF PROPERTY LINES: SHOWN
 - b. AREA IN ACRES: 20.03 AC
 - c. EXISTING TOPOGRAPHY: SHOWN
 - d. EX NATURAL AND MAN-MADE FEATURES: SHOWN
 - e. N/A

- N. SCHEDULE AND LISTING OF TOTAL PROPOSED BUILDING AREA FOR EACH PROPOSED PUD: N/A
- O. PROPOSED DWELLING UNIT DENSITY: 4.7 UNITS PER ACRE
- P. TOTAL NUMBER OF DWELLING UNITS:
 - a. PHASE 1: 46 UNITS IN EIGHT BUILDINGS
 - b. PHASE 2: 48 UNITS IN SEVEN BUILDINGS
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- T. ESTIMATED VEHICULAR TRAFFIC VOLUME GENERATED BY THE PROPOSED DEVELOPMENT: 546 (5.81 X 94 PER ITE TRIP GENERATION MANUAL)
- U. PROPOSED USE: SINGLE-FAMILY, ATTACHED, MULTI-FAMILY RESIDENCES.

PROPOSED SCHEDULE

- PHASE 1
 - BEGIN CONSTRUCTION: 04/01/2018
 - COMPLETE CONSTRUCTION: 09/01/2018
- PHASE 2
 - BEGIN CONSTRUCTION: 04/01/2018
 - COMPLETE CONSTRUCTION: 09/01/2018

RECEIVED

MAR 16 2016

CITY OF BEAVERCREEK
 PLANNING DEPARTMENT

**CITY OF BEAVERCREEK
PLANNING COMMISSION
AGENDA ITEM REPORT**

Meeting Date: May 4 th , 2016	Reference Topic: PUD 93-4 SSP #6 Ashton Brooke Phase V
Agenda Reference No.	

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" 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 _____

REQUEST

The applicant is requesting approval of a specific site plan for the fifth and final section of the Ashton Brooke apartment complex to be located north of the existing Ashton Brooke Apartments on the north side of Lillian Lane, directly south of I-675. Specifically, this application requests approval to construct 32 new apartment units, contained in two buildings on 3.33 acres.

STAFF RECOMMENDATION:

Staff is recommending approval of this request as outlined in the attached resolution.

PROCEDURAL OPTIONS FOLLOWING ACTION:

The Planning Commission may choose to approve, modify, disapprove, or table this resolution.

CITY OF BEAVERCREEK STAFF REPORT

February 26, 2010

PROJECT: Ashton Brooke Phase Five
CASE NO.: MX-PUD 93-4 SSP #6
APPLICANT: George Kontogiannis
400 South Fifth St.
Suite 400
Columbus, OH 43215

REQUEST

The applicant is requesting approval of a specific site plan for the fifth and final section of the Ashton Brooke apartment complex to be located north of the existing Ashton Brooke Apartments on the north side of Lillian Lane, directly south of I-675. Specifically, this application requests approval to construct 32 new apartment units, contained in two buildings on 3.33 acres.

ANALYSIS

Zoning and Surrounding Uses

The original zoning for the multi-family portion of the MX-PUD 93-4 was approved in 1994 as part of the Beaver Creek Towne Center Concept Plan. The original conditions of this approval allowed for up to 300 dwelling units of multi-family. The PUD was amended in 2002, 2008 (to allow up to 380 units), and earlier this year in January. This most recent amendment increased the previous limitations on multi-family to allow for up to 412 multi-family dwelling units (an additional 32 units). Further, the



conditions stated that all 32 additional units must be constructed on the north side of Lillian Ln., on the 3.33 acre parcel. The parameters of the zoning and its amendments have not been exceeded with this application.

Direction	Surrounding Zoning	Surrounding Use
North	Outside of City Limits	I-675. City of Fairborn.
South	O1; R-PUD 99-9	New Germany-Trebein Rd., vacant office-zoned property, medium-density, multifamily residential (Brookstone)
East	R-PUD 03-1	Medium-density, single family residential neighborhood (Hickory Ridge)
West	PUD 88-18	Ashton Brooke Phase 4, high intensity regional commercial retail center, restaurants

Open Space Requirements

The Zoning Code calls for a maximum 35 percent coverage of all buildings and a maximum building and impervious surface coverage of 75 percent in MX-PUDs. The applicant has shown a building coverage of 20.5% and a building and impervious surface coverage of 31.1% within this phase of the development.

Lot Requirements/Building Setbacks and Buffers

When the zoning was amended in January of this year, there was a condition added that all buildings and structures be set back a minimum of 30 feet from Lillian Ln. The nearest structure to Lillian Ln. is residential Building 2A, which will be set back 48.7 feet.

Transportation Improvements and Parking

This application shows two access points onto Lillian Ln., which is a private road that runs behind Lowe’s, connecting the road system in front of the existing shopping center. The main access point to this phase will be located off of the existing Ashton Brooke Lane, a private entrance to Phase III of the project. The northernmost entrance is proposed to line up with the northernmost access for Phase IV.

In an effort to increase the pedestrian friendliness of this development, the applicant has included sidewalks between all of the buildings throughout the site, as well as connecting to the sidewalk on the western side of Lillian Ln. which will traverse the entire western property line and connect to the existing sidewalk along the southern property line. Staff has added a condition that the sidewalk northeast of Building 2A be connected with the sidewalk along Ashton Brooke

Drive.

Per the Zoning Code, multi-family residential housing developments are required to have two parking spaces for each unit, one additional space for every five units, and one space for each employee. The 32 units in this application will require a total of 71 parking spaces. This plan includes 71 parking spaces including four handicap parking spaces. Per ADA requirements, parking lots with 51 to 75 parking spaces are required to have a minimum of three handicap parking spaces, which exceeds the ADA minimums.

Building Design

As stated above the applicant is proposing to construct two new buildings with this application. Each building will be about 137 feet long, 58 feet wide, about 26 feet to the mid-point of the gabled roof, and contain 16 units. Both buildings will utilize a similar combination of red brick and beige and tan colored vinyl construction materials. The proposed building types and designs are consistent with the buildings constructed in prior phases. In addition to the vinyl and brick façade of each of the buildings, the use of soldier course brick above windows, rowlock brick window sills, two story bay windows, faux shutters and aluminum fascia will enhance the overall appearance of the building.

The architectural styles, sizes and materials proposed to be used on this phase of the development will ensure a seamless transition between this phase and each of the prior phases.

Landscaping and Screening

The proposed landscape plan included in your packet is consistent with the landscaping found in the first three sections of this development. The use of a mixture of evergreen trees, shade trees, decorative trees, shrubs and grasses will add to the overall attractiveness of the site, and meets the requirements of the landscape section of the Zoning Code.

Stormwater Management

Prior to the release of a zoning permit for this application, all concerns and requirements of the City Engineering Department will be addressed and satisfied. All stormwater generated by the impervious surface will drain into the existing pond east of Ashton Brooke Phase 1, which was sized large enough for the build-out of this parcel.

Lighting

There are no issues with the preliminary lighting plan as provided in your packets. The applicant will install the same decorative fixtures that were installed in the previous phases of the development, which are 12 feet tall, on a six inch base. Prior to the release of a zoning permit, the applicant will be required to submit a lighting plan that includes photometric foot-candle

projections to the property line for Planning Department approval, to ensure compliance with the Zoning Code.

Signage

No additional signage has been proposed with this application.

Park Fees

The applicant will pay fees-in-lieu of parkland dedication prior to the release of any zoning permits.

Utilities

Water and sanitary sewer are available to this site.

Recommendation

Based on this analysis, staff recommends approval of this request subject to the conditions outlined in the attached resolution.

RESOLUTION

CITY OF BEAVERCREEK
PLANNING COMMISSION
May 4, 2016

RE: R - PUD 16-1
The Cottages of
Beavercreek

WHEREAS, Charlie Simms of Simms Development (Agent for the owner) 2785 Orchard Run Road, Dayton Ohio 45449, has filed an application requesting approval of an amendment of zoning classification from A-1 Agricultural to R-PUD 16-1 Residential Planned Unit Development for 20.03 acres, located at 2358 County Line Road, further described as Book 3 Page 3, Parcel 72 on the property tax maps of Greene County, Ohio; and

WHEREAS, a public hearing was held on May 4, 2016 by the Beavercreek Planning Commission at which time all people who wished to testify gave their comments at the public hearing.

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 excluded uses are inappropriate 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 20.03 acres of land located at 2358 County Line Road, from A-1 Agricultural, to R-PUD Residential Planned Unit Development.

SECTION II

1. The approved concept plan shall be the plans dated "Received March 16, 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 4.7 dwelling units per acre.
4. Total units for the R-PUD shall not exceed 94 dwelling units.
5. Buildings shall not be located closer than 25 feet to any exterior property line, notwithstanding the 50 foot buffer described in Condition #6.
6. There shall be a 50 foot buffer between this R-PUD and the single family residential properties to the west, as depicted in Attachment A.
7. The aforementioned buffer shall have appropriate screening, in the form of mounding and evergreen trees, except where there are existing woods which provides adequate screening. The northern 25 feet of the existing woods in the 50 foot buffer area and the southern 15 feet of the 25 foot building setback, shall be left as no-grading zones, the area of which is depicted in Attachment B.
8. Principal structures in this R-PUD shall be limited in height to two stories.
9. 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.

10. 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.

11. Open space for this development shall be no less than 55% of the total land area.

12. 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.

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:

VOTING FOR ADOPTION:

VOTING AGAINST:

ABSENT:

Chairman

Attest:

ORDINANCE NO. 16-02

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER LITTERAL ON THE 22ND DAY OF FEBRUARY, 2016.

AN ORDINANCE AMENDING ORDINANCE #09-34 REZONING AND CONCEPT PLAN (PUD 93-4) TO CONSTRUCT 32 MULTI-FAMILY RESIDENTIAL UNITS ON THE NORTH SIDE OF LILLIAN LANE, SOUTH OF I-675. THIS PROPERTY IS FURTHER DESCRIBED AS BOOK 4, PAGE 2, PARCEL 24 ON THE GREENE COUNTY PROPERTY TAX ATLAS. (PUD 93-4, AMENDMENT 1/16)

Whereas, Randall Woodings, 400 South Fifth Street, Suite 400, Columbus OH 43215, (Agent for the owner) has filed an application requesting approval of an amendment to PUD 93-4 rezoning and concept plan; and

Whereas, the City of Beavercreek Planning Commission has recommended approval of the zoning 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 in §158.065 and §158.073 of the Zoning Code; and

WHEREAS, Beavercreek City Council finds that, pursuant to §158.073 of the Zoning Code, each and all of the excluded uses are inappropriate 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 allow construction of 32 multi-family residential units on the north side of Lillian Lane, south of I-675 and as further described in the attached Exhibit A.

SECTION II

The following conditions and requirements shall apply:

1. All conditions of PUD 93-4 remain in full force and effect except where modified herein.
2. Condition #2 of Ordinance 09-34, Condition #3 of Ordinance 08-26, Condition #3 of Ordinance 02-3 and Condition B of Ordinance 93-66 are all hereby amended and the total square footage of buildings and structures allowed to be constructed in the MX-PUD development shall not exceed the following: 1. Retail/Commercial/Restaurant/Financial, 420,000 square feet; 2. Hotel/Hospitality/Office Development, 67,500 square feet; and 3. Multi-Family Residential, 412 dwelling units.
3. All new residential dwelling units at a maximum density of 9.5 dwelling units per acre, not to exceed 32 units, must be located on the north side of Lillian Lane within the 3.33-acre parcel, as shown on the Concept Plan, stamped "Received January 7, 2016.
4. All buildings and accessory structures shall be set back a minimum of 30 feet from Lillian Lane.

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 28th day of March, 2016.



Bob Stone, Mayor

ATTEST:


Dianne Lampton, Clerk of Council

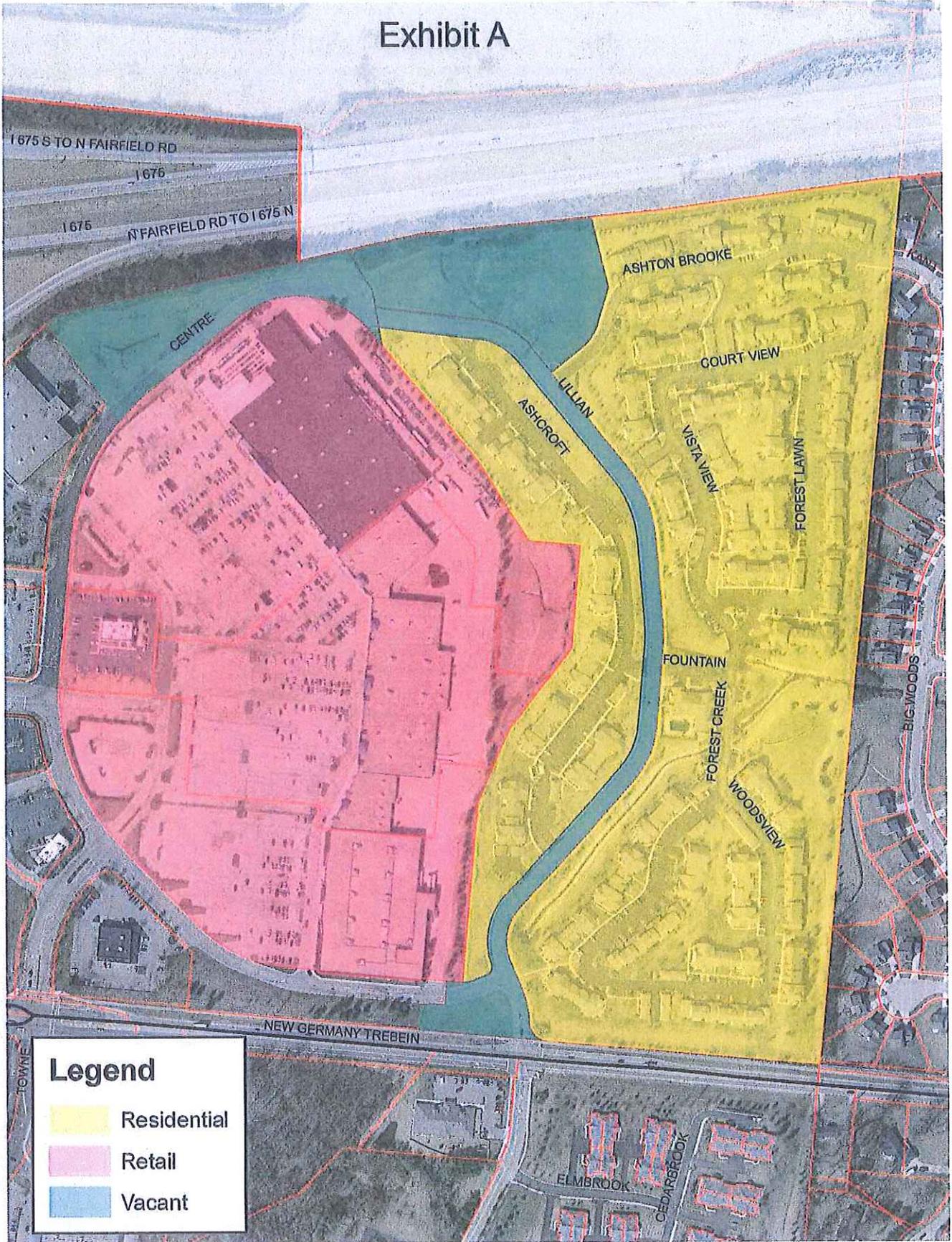
SUMMARY

This Ordinance adopts a recommendation to amend Ordinance #09-34 to construct 32 multi-family residential units on the north side of Lillian Lane, south of I-675.

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

PUD 93-4 Amend 1-16 Ashton Brook 5 Ord

Exhibit A



Legend

- Residential
- Retail
- Vacant

ASHTON BROOKE PHASE FIVE

THE CROSSINGS AT FAIRFIELD
PUD 93-4
(LOT 4)
SPECIFIC SITE PLAN
04/06/2016

LIST OF DRAWINGS

NO.	SHEET	TITLE
1.	COVER	COVER SHEET
2.	SP-1	SITE PLAN
3.	SU-1	SITE UTILITY PLAN
4.	ST-1	SITE TOPOGRAPHY PLAN
5.	SL-1	SITE LANDSCAPING PLAN
6.	SE-1	SITE ELECTRICAL PLAN
7.	A6-1	EXTERIOR ELEVATIONS

RECEIVED

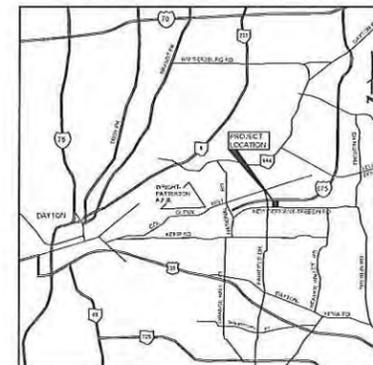
APR 27 2016

CITY OF BEAVERCREEK
PLANNING DEPARTMENT

REVISED PER BEAVERCREEK PLANNING & ZONING 04/27/2016

ENGINEERS:

BRH Group, Inc.
444 SOUTH FRONT ST
COLUMBUS, OH 43215
PHONE: (614) 220-9122
FAX: 614-572-0446



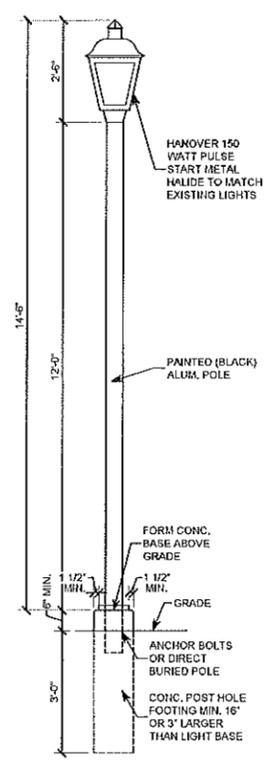
VICINITY MAP
NO SCALE



KONTOGIANNIS & ASSOCIATES
ARCHITECTURE PLANNING DESIGN
400 SOUTH FIFTH STREET SUITE 400
COLUMBUS, OHIO 43215-5492
PHONE: 614-224-2083 FAX: 614-224-4736
E-MAIL: architects@kontogiannis.com

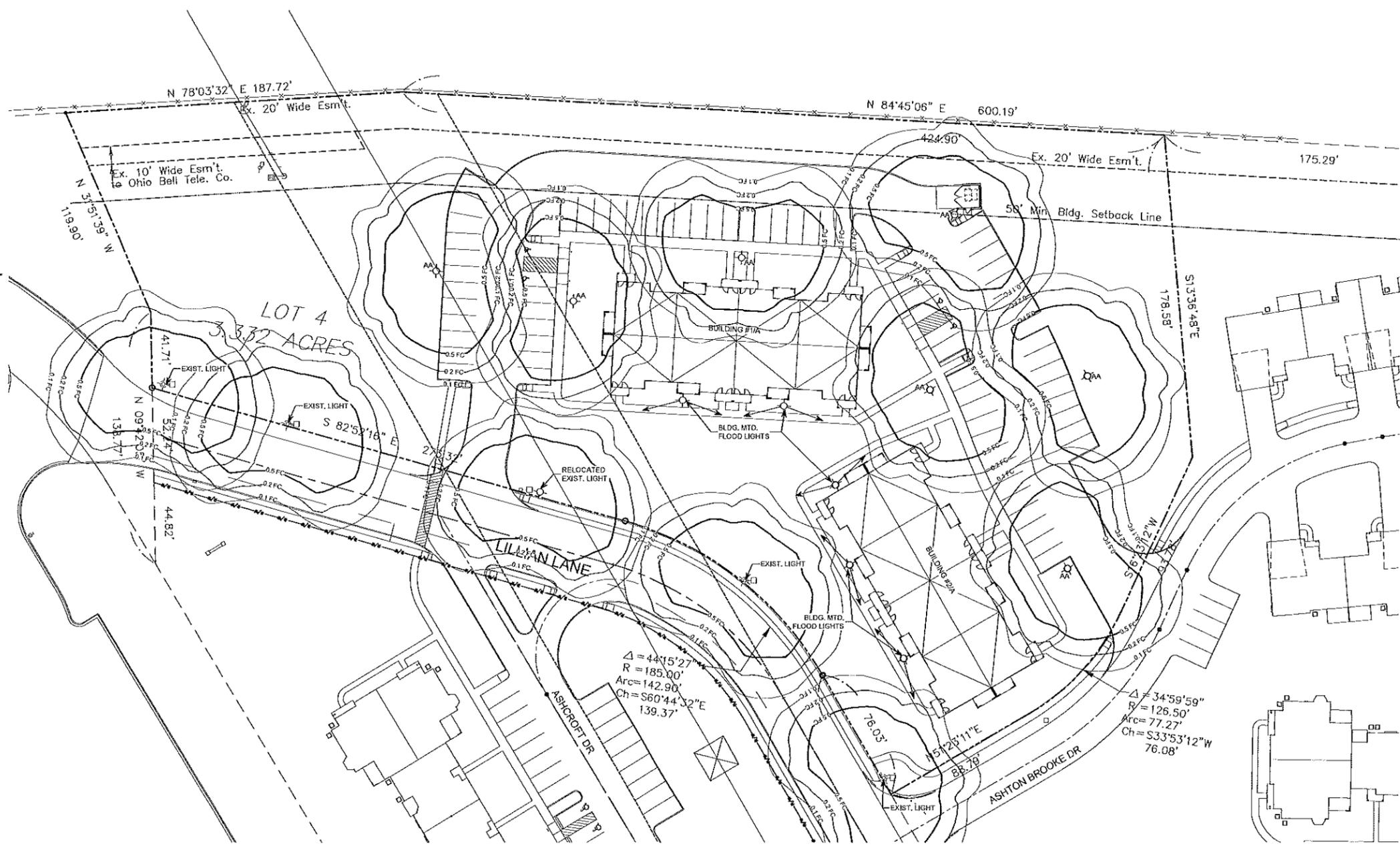
GEORGE J. KONTOGIANNIS, LICENSE #3744
EXPIRATION DATE 12/31/2017
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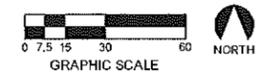


LIGHT & POLE DETAIL
SCALE: 1/2" = 1'-0"

SITE LIGHT FIXTURE SCHEDULE					
MARK	MANUFACTURER	CATALOG NUMBER	LAMP	MT'G. TYPE	REMARKS
AA	HANOVER GRANDE JEFFERSON	8432 R3	175W MET. HAL.	12'-0" POLE	CUT OFF LIGHT



SITE ELECTRICAL PLAN
SCALE: 1" = 30'



KONTOGIANNIS & ASSOCIATES

ARCHITECTURE
PLANNING
DESIGN

400 SOUTH FIFTH ST
SUITE 400
COLUMBUS, OHIO
43215-5492

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PROJECT:

**THE CROSSINGS
AT FAIRFIELD
PUD 93-4
(LOT 4)
ASHTON
BROOKE
PHASE FIVE**

CITY OF BEAVERCREEK
GREENE COUNTY, OHIO

DRAWING TITLE:

**SITE ELECTRICAL
PLAN**

DATE: 04/06/2016
REVISED: 04/27/2016

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EXPIRATION DATE 12/31/2017

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- ZONING SET
- BID SET
- PERMIT SET
- CONSTRUCTION SET

SE-1



**KONTOGIANNIS
& ASSOCIATES**

ARCHITECTURE
PLANNING
DESIGN

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SUITE 400
COLUMBUS, OHIO
43215-5492

PHONE: 614-224-2083
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PROJECT:

**THE
CROSSINGS
AT FAIRFIELD
PUD 93-4
(LOT 4)
ASHTON
BROOKE
PHASE FIVE**

CITY OF BEAVERCREEK
GREENE COUNTY, OHIO

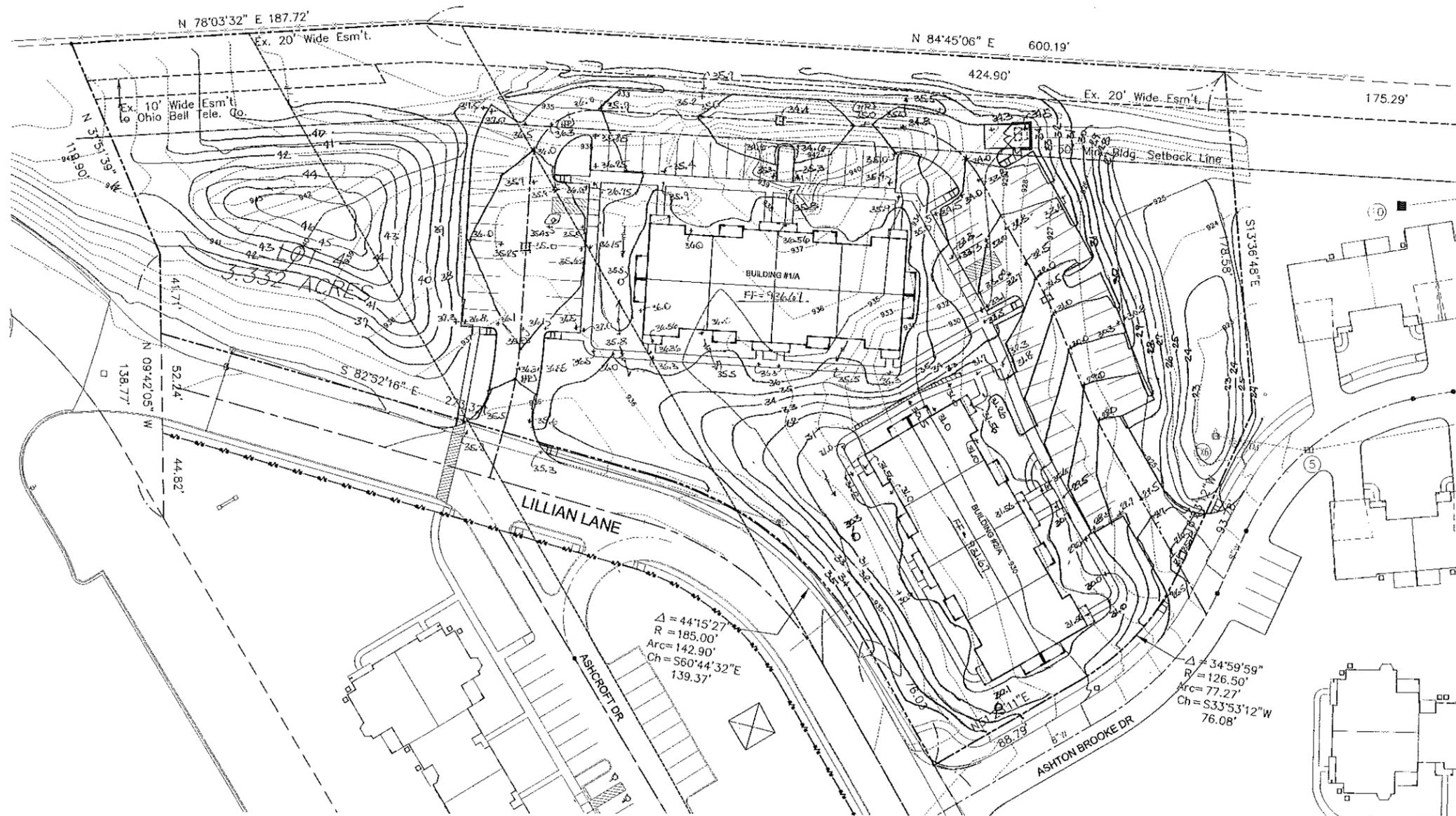
DRAWING TITLE:
**SITE TOPOGRAPHY
PLAN**

DATE: 04/06/2016
REVISED: 04/27/2016

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EXPIRATION DATE 12/31/2017
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- ZONING SET
- BID SET
- PERMIT SET
- CONSTRUCTION SET

ST-1



SITE TOPOGRAPHY PLAN

SCALE: 1" = 30'





**KONTOGIANNIS
& ASSOCIATES**

ARCHITECTURE
PLANNING
DESIGN

400 SOUTH FIFTH ST
SUITE 400
COLUMBUS, OHIO
43215-5492

PHONE: 614-224-2083
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PROJECT:

**THE
CROSSINGS
AT FAIRFIELD
PUD 93-4
(LOT 4)
ASHTON
BROOKE
PHASE FIVE**

CITY OF BEAVERCREEK
GREENE COUNTY, OHIO

DRAWING TITLE:
SITE PLAN

DATE: 04/06/2016
REVISED: 04/27/2016

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EXPIRATION DATE 12/31/2017

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- ZONING SET
- BID SET
- PERMIT SET
- CONSTRUCTION SET

SP-1

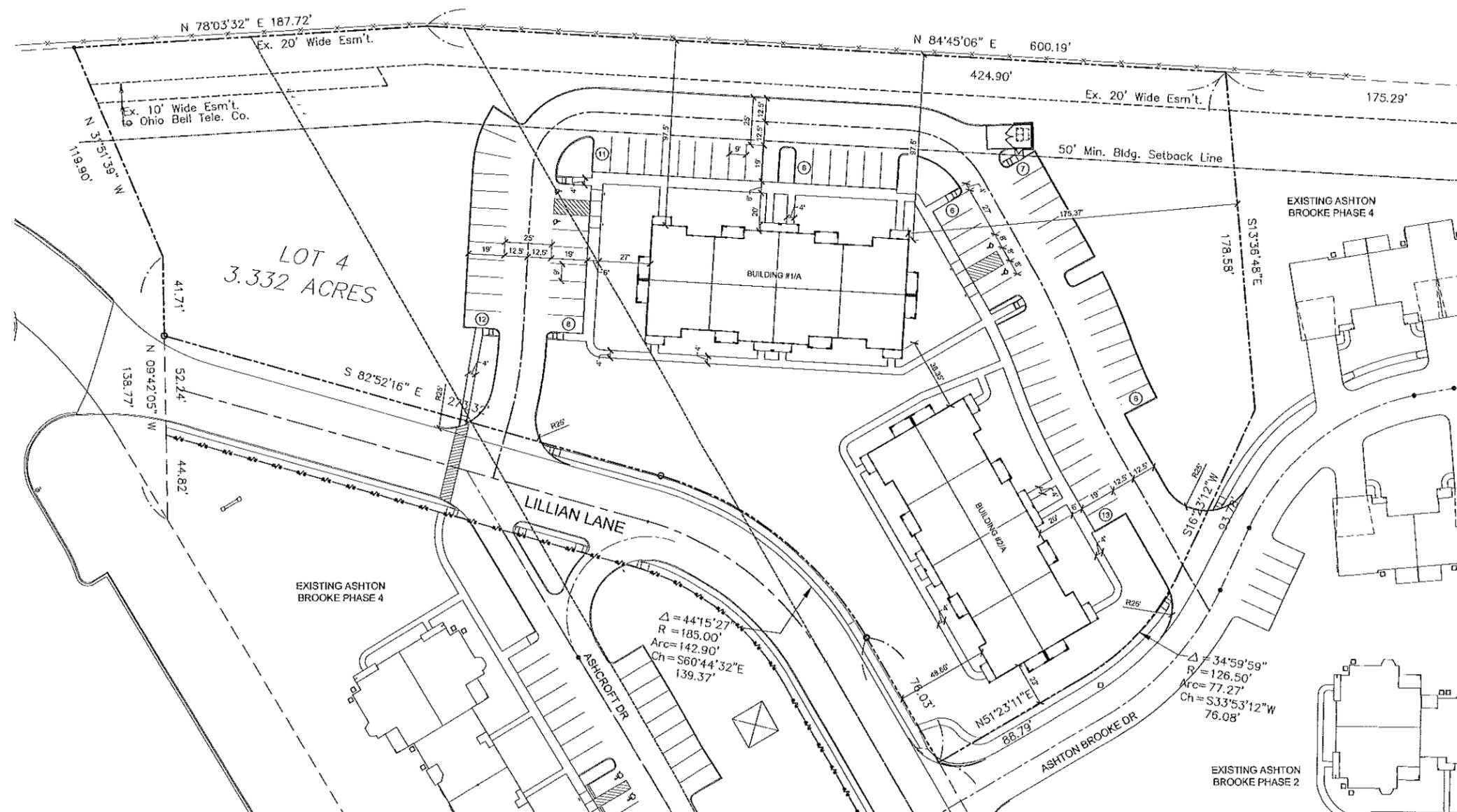
GENERAL SITE DATA:

PROPOSED LAND USE:
16 UNITS / BLDG. / TWO - 2 STORY APARTMENT BUILDINGS
32 TOTAL UNITS
ONE BEDROOM UNITS
APPROX. PROPOSED BUILDING SQ. FT.:
2 BUILDINGS X 14,870 = 29,740 SQ. FT.
APPROX. 35' HEIGHT

PARKING SUMMARY
PARKING REQUIRED: 2 SPACES PER UNIT + 1 SPACE PER 5 UNITS
32 x 2 = 64 + 6.4 = 70.4 SPACES
TOTAL REQUIRED SPACES = 71 SPACES

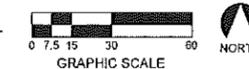
PARKING PROVIDED
HANDICAPPED PARKING (PER ADA) = 4 SPACES
SURFACE PARKING PROVIDED = 67 SPACES
TOTAL PARKING PROVIDED = 71 SPACES

OPEN SPACE AREA:
TOTAL SITE AREA = 3.332 ACRES / 145,141.92 SQ. FT. = 100%
IMPERVIOUS AREA = 1.037 ACRES / 45,171 SQ. FT. = 31.12%
OPEN SPACE AREA = 2.295 ACRES / 99,970.92 SQ. FT. = 68.88%



SITE PLAN

SCALE: 1" = 30'





**KONTOGIANNIS
& ASSOCIATES**

ARCHITECTURE
PLANNING
DESIGN

400 SOUTH FIFTH ST
SUITE 400
COLUMBUS, OHIO
43215-5492

PHONE: 614-224-2083
FAX: 614-224-4738
E-MAIL: architects@kontogiannis.com

PROJECT:

**THE
CROSSINGS
AT FAIRFIELD
PUD 93-4
(LOT 4)
ASHTON
BROOKE
PHASE FIVE**

CITY OF BEAVERCREEK
GREENE COUNTY, OHIO

DRAWING TITLE:
**BUILDING
ELEVATIONS**

DATE:
REVISED:

GEORGE J. KONTOGIANNIS, LICENSE #3784
EXPIRATION DATE 12/31/2017

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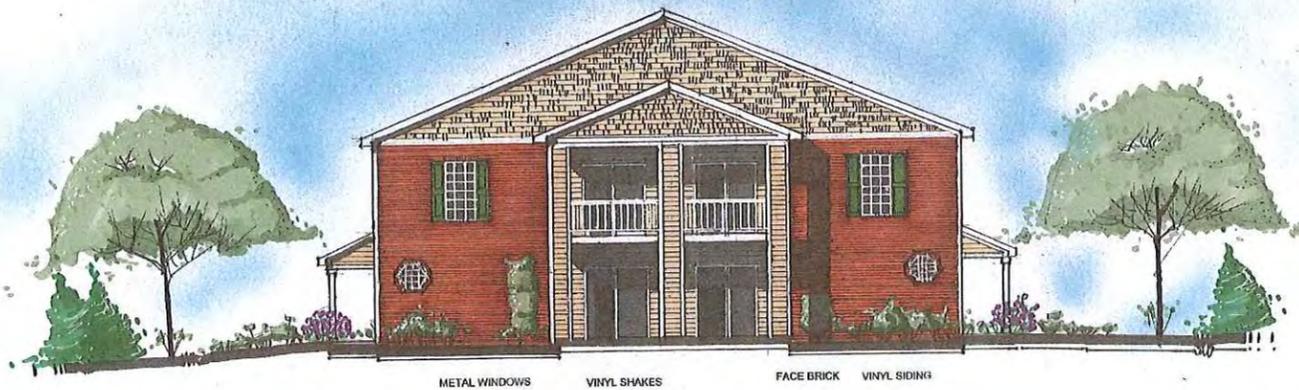
- ZONING SET
- BID SET
- PERMIT SET
- CONSTRUCTION SET

A6-1



**ASHTON BROOKE PHASE FIVE
FRONT & REAR ELEVATION**

SCALE: 1/8" = 1'-0"



**ASHTON BROOKE PHASE FIVE
SIDE ELEVATION**

SCALE: 1/8" = 1'-0"

**CITY OF BEAVERCREEK
PLANNING COMMISSION
AGENDA ITEM REPORT**

Meeting Date: May 4 th , 2016	Reference Topic: PC 16-1 Zoning Code Updates
Agenda Reference No.	

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" 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 _____

REQUEST

Attached you will find a memo outlining the major changes to the Zoning Code as well as the specific text which must be continually updated by staff in order to address requests by City Council, changes in law, and minor inconsistencies and/or typographical errors.

STAFF RECOMMENDATION:

Staff is recommending approval of this request as outlined in the attached resolution.

PROCEDURAL OPTIONS FOLLOWING ACTION:

The Planning Commission may choose to approve, modify, disapprove, or table this resolution.

TO: Planning Commission
FROM: Sandra Pereira, Associate City Planner
RE: *Zoning Code Update*
DATE: 4/29/16

Attached you will find proposed language for the most recent changes to the City of Beavercreek Zoning Code (Exhibit A). The two major changes, and the primary reason for this most recent update, are the addition of a section addressing the raising of chickens in residential districts and the revision of the existing sign code and its related definitions. Any other changes address minor inconsistencies and typographical errors.

You will find in the attached text that ~~blue strike thru text~~ represents proposed deletions, while underlined blue text represents proposed additions and/or corrections in Exhibit A. The major changes are summarized as follows:

§158.126 THE KEEPING OF CHICKENS IN RESIDENTIAL DISTRICTS.

Based on recent requests and complaints, City Council has asked that the raising of chickens be once again addressed as it is currently not permitted within any residential districts. The topic has come up in past updates but has failed to be approved by Planning Commission and/or City Council. This new section allows for up to six (6) chickens per single family residential property and addresses related concerns to the raising of chickens.

§158.145 SIGNS. In June of 2015, the United States Supreme Court ruled that differentiating between types of signs (i.e. political signs, real estate signs, menu boards, etc.) constitutes regulating content, which violates the First Amendment. Staff has revised the entire sign code and its definitions to make it as content neutral as possible, which as time progresses may require additional tweaking for clarity.

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, ILLEGAL. Any sign which is contrary to the requirements of this code and does not satisfy the nonconforming specifications stated in this code.

Zoning Code

89

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 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.

~~*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.

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(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%

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(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.

(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 A RESIDENTIAL DISTRICT.

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. Roosters shall not be permitted to be housed or kept on any residentially zoned property within the City.

(3) Chicken pens or chicken coops. All chickens shall be kept in a pen or coop at all times. The chicken pen or chicken coop shall conform to the following standards:

(a) Pens must consist of sturdy wire fencing, or constructed of a solid wood, composite or vinyl material that must be buried at least 12" into the ground, and must be covered with wire, aviary netting, or solid roofing and 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 Chicken. Chickens shall not be permitted to be butchered within public view.

(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 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 that are up to and including 100 total square feet 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 chicken 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.

(C) Screening of play space. Any part of the play space abutting an existing residential district or a parking lot shall be screened by a hedge or other screening at least four feet in height acceptable to the Planning Commission and/or City Council. Landscaping and screening shall be as specified in •158.135,

SIGNS

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• **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) 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.**

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.~~

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(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, or newspaper vending machine.

~~(104)2~~ Signs for which a permit has not been issued by the city or which are not exempt under • 158.146.

(1143) Signs attached to or painted on the face of accessory buildings except those attached to automatic teller machines or similar structures.

(1244) 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.~~

(1346) Signs which obstruct free ingress and egress from a required door, window, fire escape, or other required exit way.

(1447) Signs or parts thereof which are erected within or above a public right-of-way.

(1548) Signs which convey visual information that may be prohibited under the obscenity statutes of the state.

(1649) Spinning devices or strings of spinning devices.

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

(1824) 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.

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(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 varietics 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.

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

(H) *Neon signs and neon 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 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:

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(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 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 C~~ 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.~~

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

5. ~~Political~~ 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 avning 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.

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(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

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~~ 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.*

(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

(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)

• 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

(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.

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(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.

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(2) Where a developed parcel has street frontage in excess of 300 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 200 feet and said signs 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 32 square feet per sign face or 64 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.

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

(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.

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

(E) *Permanent canopy signs.*

(1) One 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.

(F) *Permanent marquee signs.*

(1) A changeable copy marquee sign shall be permitted only on places of public entertainment such as theaters, arenas, and the like.

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(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.

(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.

(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.*

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(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.

(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)

§158.156 ADMINISTRATION AND ENFORCEMENT OF SIGNS.

(A) *General.* The Code Enforcement Officer shall enforce all provisions of this section.

(B) *Permits required.* A zoning permit shall be obtained for erection, construction, relocation, or alteration of any sign unless exempted by this section. Any sign subject to this section shall comply with all city zoning, building, and electrical codes.

(C) *Permit application.* Application for a permit to install a temporary or permanent sign shall be made upon an application form provided by the Planning and Zoning Department. This application shall be accompanied by such information as may be required to assure compliance with all appropriate provisions of this section.

(D) *Permit fee.* A fee shall accompany each sign permit application, in accordance with § 158.173 (C). In addition, when any sign is erected, placed, installed or otherwise established on any property without first obtaining the permit required by this section, the fee shall be doubled; however the payment of such double fee shall not relieve any person from complying with other provisions of this section or from penalties prescribed herein.

(E) *Sign duration.*

(1) *Permanent.* Any sign deemed permanent under this section shall remain a permanent sign unless otherwise stated in this section. A renewal fee is not required.

(2) *Temporary.* Any sign deemed temporary under this section shall comply with the duration specified within §§ 158.145 - 158.155.

(F) *Maintenance of signs.* Every sign, whether requiring a sign permit or not, shall be maintained in a safe and aesthetically presentable condition at all times and must not appear to be in a deteriorated or dilapidated condition. Proper sign maintenance includes, but is not limited to, the replacement of defective parts, painting, cleaning, and other acts required for maintenance of the appearance and structural condition of the sign.

(G) *Removal of sign outside of the right-of-way by the Code Enforcement Officer.*

(1) The Code Enforcement Officer shall cause to be removed any temporary or permanent sign that constitutes a public nuisance in that it endangers the public safety, such as a sign which has been abandoned, is illegal, is dangerous, or is materially, electrically, or structurally defective. The Code Enforcement Officer shall also cause to be removed any sign except a valid nonconforming sign for which no permit has been issued or a sign which is not in compliance with the permit issued. Before removing any such sign, however, the Code Enforcement Officer shall first prepare a notice which describes the sign and specifies the violation involved. This notice shall require that a permanent sign

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shall be removed or the violation corrected within the next ten days or that a temporary sign shall be removed or the violation corrected within the next 24 hours. If this notice is not complied with, the sign shall be removed immediately following the applicable time frames by the Code Enforcement Officer in accordance with the provisions of this section.

(2) All notices issued by a Code Enforcement Officer may be served by certified mail, by placing in a prominent place on the property or delivery to the property owner, current occupant, to a person temporarily or permanently in charge of the establishment or the sign owner in case of temporary signs. Any time periods provided in this section shall be deemed to commence on the date of the service of the notice.

(3) The property owner and current occupant shall be jointly and severally obligated to reimburse the city immediately for all third party and administrative expenses incurred in removing any sign including but not limited to costs to the city for the time of city employees. If the violations are corrected and removal obligations paid, the property owner, the occupant or the sign owner of temporary sign may reclaim the sign from the city.

(H) *Removal of unlawful sign in the public rights-of-way.* Signs, other than governmental signs, are specifically prohibited in public rights-of-way. The city shall immediately remove or cause to be removed from the public rights-of-way any sign other than governmental as referenced in this section. Just as a private property owner may remove any sign placed on his or her private property so may the city if the sign is in violation of this section. Such removal authority must be exercised in a nondiscriminatory manner.

(I) *Recovery of unlawful signs.* In order to recover any unlawful sign confiscated by the city, a sign recovery fee, as determined by City Council, must be paid prior to pickup. Should the sign recovery fee not be paid within ten days from the date the sign was confiscated, the sign shall become property of the City of Beavercreek.

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

• 158.157 NONCONFORMING SIGNS.

(A) *General.* Any sign lawfully existing prior to the effective date of this chapter or amendments thereto, which no longer conforms to all the standards and regulations of the current chapter.

(B) *Rules for nonconforming signs.*

(1) A nonconforming sign shall not be replaced by another nonconforming sign except that the substitution or interchange of poster panels, painted boards or demountable material on nonconforming signs shall be permitted.

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(2) Minor repairs and maintenance of nonconforming signs such as repainting, electrical repairs and neon tubing repair shall be permitted. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this section or to make it less nonconforming.

(3) If a nonconforming sign is damaged by more than one-half of its replacement value, it shall be removed and shall not be repaired or replaced except in conformance with this section.

(4) Any nonconforming sign which is altered, relocated or replaced shall comply with all provisions of this sign code as if it were a new sign.
(Ord. 09-21, passed 7-27-09)

• 158.158 ILLEGAL SIGNS.

(A) *Does not satisfy code requirements.* Any sign which is contrary to the requirements of this code and which does not satisfy the nonconforming specifications stated in this code shall be deemed an illegal sign.

(B) *Illegally erected signs.* Signs which were illegally erected, established or maintained with respect to the applicable requirements of prior resolutions or ordinances shall be removed or brought into compliance with this sign code per the requirements and procedures of • 158.156.
(Ord. 09-21, passed 7-27-09)

• 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~~ ~~E~~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.

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(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.

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(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)

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 ~~effect~~ 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

RESOLUTION

CITY OF BEAVERCREEK
PLANNING COMMISSION
May 4, 2016

RE: PC 16-1 Beaver Creek
Zoning Code Updates

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

WHEREAS, public hearing was held on May 4, 2016 by the Beaver Creek Planning Commission at which time all people who wished to testify gave their comments at the public hearing.

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

SECTION I

The City of Beaver Creek Planning Commission recommends to City Council adoption of the amendment to the Zoning Code as attached in "Exhibit A" April 21, 2016.

SECTION II

1. The approved Zoning Code shall be amended as described in "Exhibit A" dated April 21, 2016.

SECTION III

These papers relating to the Zoning Code changes shall be submitted with this resolution to City Council.

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

ADOPTED: May 4, 2016

VOTING FOR ADOPTION:

VOTING AGAINST:

Chairman

Attest:

April 18, 2016

**STAFF REPORT
FINAL SUBDIVISION REQUEST
FLYING ACE CAR WASH
CASE NO. S 16-4**

APPLICANT: Flying Ace Express Car Wash LLC
7175 Far Hills Avenue
Dayton, OH 45459

ENGINEER/ Van Atta Engineering
570 Congress Park Rd.
Dayton OH 45459

I. NATURE OF REQUEST

The applicant is requesting approval of a final subdivision for 1.321 acres located at the northeast corner of Indian Ripple Road and County Line Road.

II. DISCUSSION

Planning Commission and City Council recently approved a specific site plan for a Flying Ace Express car wash and a Starbucks restaurant on this property. In order for the applicant to obtain financing, the buildings are required to be on separate lots. This subdivision proposes that the existing lot 5 be split into two separate lots. Lot 1 will consist of 0.7411 acres and is the proposed location for the car wash. Lot 2 is shown as 0.582 acres and will house the Starbucks. All right-of-way was previously dedicated and no new dedications are required.

Appropriate cross access and drainage and storm water detention easements have not been shown on the proposed record plan, and will be required prior to being recorded.

The proposed plat has been routed to the appropriate agencies, and all that returned comments have recommended approval or conditional approval. All of their concerns shall be required to be addressed prior to obtaining any signatures for recording from the City of Beavercreek.

III. RECOMMENDATION

Staff recommends approval of this final subdivision request subject to the following conditions, which must be addressed prior to release of the record plan:

1. The approved record plan shall be the plan stamped "April 11, 2016", except as modified below.
2. All concerns and comments of the Planning and Zoning Department, City Engineer, Greene County Sanitary Engineering Department, Greene County Auditor, public utility providers, and the Beavercreek Township Fire Department shall be addressed and satisfied prior to release of the record plan for recording.
3. Prior to release of the record plan for recording, the applicant shall provide a digital format file of the subdivision in Autocad or .dxf format.

RECEIVED

APR 11 2016

CITY OF BEAVERCREEK
PLANNING DEPARTMENT

RECORD PLAN FLYING ACE CAR WASH

LOCATED IN SECTION 11 & 12, TOWN 2, RANGE 6 M.Rs.
CITY OF BEAVERCREEK GREENE COUNTY, OHIO
BEING ALL OF LOT 5 OF INDIAN RIPPLE CENTER REPLAT #2
P.C. 36 PG. 258A-258B

CONTAINING: 1.321 ACRES
APRIL, 2016



DEDICATION AND EASEMENTS

WE THE UNDERSIGNED, BEING ALL THE OWNERS AND LIENHOLDERS OF THE LAND HEREIN PLATTED, DO HEREBY ACKNOWLEDGE THE MAKING AND SIGNING OF THE SAME TO BE OUR VOLUNTARY ACT AND DEED AND DO HEREBY RESERVE THE EASEMENTS SHOWN ON THE WITHIN PLAT TO THE PUBLIC USE FOREVER.

OWNER: FIFTH THIRD BANK
AN OHIO BANKING CORPORATION

BY: _____
ITS _____

STATE OF _____, COUNTY OF _____, S.S.
BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY CAME _____ BY _____ ITS _____ TO ME KNOWN AND ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE WITHIN PLAT TO BE _____ FREE AND VOLUNTARY ACT AND DEED.

IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND NOTARY SEAL ON THE DAY AND DATE ABOVE WRITTEN:

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____ ON DATE ABOVE

OWNERS STATEMENT:

I, BEING DULY SWORN, SAYS THAT ALL PERSONS OR CORPORATIONS OR PARTNERSHIPS TO THE BEST OF HIS/HER KNOWLEDGE, INTEREST OR BELIEF, HAVE BEEN DULY JOINED IN THIS DEDICATION, EITHER AS OWNERS OR LIENHOLDERS, HAVE UNITED IN ITS EXECUTION.

BY: _____

STATE OF _____, COUNTY OF _____, S.S.
IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND NOTARY SEAL ON THE DAY AND DATE WRITTEN ABOVE.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____ ON DATE ABOVE

DESCRIPTION:

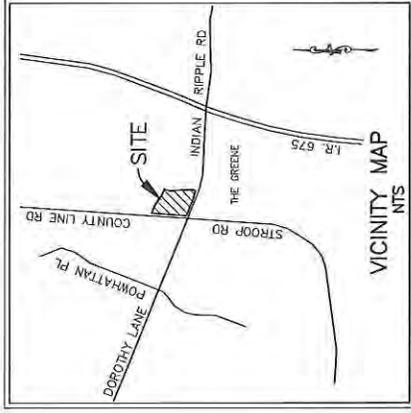
THE WITHIN PLAT IS A SUBDIVISION OF 1.321 ACRES, BEING ALL OF LOT 5 OF INDIAN RIPPLE CENTER - REPLAT #2 AS RECORDED IN PLAT CABINET 36, PAGES 258A AND 258B AS CONVEYED TO FIFTH THIRD BANK, AN OHIO BANKING CORPORATION BY OFFICIAL RECORD VOLUME 2681, PAGE 844 ALL OF THE DEED RECORDS OF GREENE COUNTY, OHIO.

CERTIFICATION:

I HEREBY CERTIFY THAT THIS SUBDIVISION WAS PREPARED IN ACCORDANCE WITH OHIO ADMINISTRATIVE CODE CHAPTER 4733.37 STANDARDS FOR SURVEYS AND ALSO CONFORMS TO THE OHIO REVISED CODE CHAPTER 711 FOR RECORD PLANS AND WAS CONDUCTED UNDER MY DIRECT SUPERVISION, BASED ON FIELDWORK IN JANUARY 26, 2016. ALL MEASUREMENTS ARE CORRECT AND MONUMENTS ARE TO BE SET AS SHOWN. CURVE DISTANCES ARE MEASURED ON THE ARC. IRON PINS TO BE SET AT ALL LOT CORNERS.

VAN ATTA ENGINEERING, INC.

BY: JEFFREY A. VAN ATTA
OHIO REGISTERED SURVEYOR NO. 7354



APPROVALS:

THIS PLAT APPROVED BY THE CITY OF BEAVERCREEK, OHIO
THIS _____, DAY OF _____, 2016

JEFF McGRATH _____ PLANNING COMMISSION CHAIR
PLANNING DIRECTOR

TRANSFERRED ON THIS _____ DAY OF _____, 2016

GREENE COUNTY AUDITOR

FILE NO: _____
FEE: _____ PLAT CABINET VOLUME _____ PAGES _____
RECEIVED FOR RECORD THIS _____ DAY OF _____ 2016
AT _____ RECORDED THIS _____ DAY OF _____ 2016

GREENE COUNTY RECORDER _____ DATE _____

SUPERIMPOSITION NOTE:

THE PLAT SHOWN HEREIN IS SUPERIMPOSED WITHIN THE LANDS OF THE DEDICATORS FROM WHICH THE PLAT IS DRAWN.

OCCUPATION STATEMENT
LINES OF OCCUPATION AGREE GENERALLY WITH THE BOUNDARY AS SHOWN.

SURVEY REFERENCES:

- O.R. 2649, PG. 53
- O.R. 2681, PG. 844
- O.R. 2955, PG. 752
- P.C. 36, PG. 258A
- P.C. 36, PG. 258A-258B
- TAXMAP

