

ORDINANCE NO. 17-10

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER WALLACE ON THE 26TH DAY OF JUNE, 2017.

AN ORDINANCE AMENDING CHAPTER 158, BY MAKING CERTAIN ADDITIONS, DELETIONS AND CHANGES TO VARIOUS SECTIONS OF THE ZONING CODE AND DECLARING AN EMERGENCY. (PC 17-3)

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

WHEREAS, a public hearing was held June 7, 2017 and Planning Commission voted to recommend the additions, deletions and changes to various sections of Chapter 158, the Zoning Code, to City Council; and

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

NOW THEREFORE THE MUNICIPALITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I

The current language, numbers and words of various sections of Chapter 158, the Zoning Code, shall be, and hereby is, amended with the additions, deletions and changes as described in the attached Exhibit A dated July 6, 2017.

SECTION II

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

SECTION III

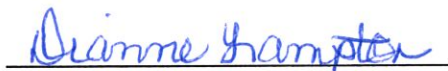
This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and will immediately take effect upon adoption.

PASSED this 24th day of July, 2017.



Bob Stone, Mayor

ATTEST:



Dianne Lampton, Clerk of Council

SUMMARY

This Ordinance adopts the proposed changes to the Zoning Code as described in Exhibit A dated July 6, 2017. This is an emergency ordinance and will become effective immediately upon approval.

PC 17-3 Zoning Code Revisions Ordinance

Exhibit A

' 158.003 DEFINITIONS.

MEDICAL MARIJUANA CULTIVATION FACILITY. An entity licensed to grow, prepare and package medical marijuana for the sale to ***MEDICAL MARIJUANA PROCESSING FACILITIES***, and/or to other medical marijuana cultivation facilities, but not directly to retail dispensaries or patients.

MEDICAL MARIJUANA PROCESSING FACILITY. A licensed entity which processes medical marijuana obtained from a medical marijuana cultivation facility into a form that may be dispensed, delivered or sold to one or more licensed retail dispensaries.

MEDICAL MARIJUANA RETAIL DESPENSARY. A licensed medical clinic whose primary function is to prepare and sell medical marijuana to authorized patients.

MEDICAL MARIJUANA TESTING FACILITY, RESEARCH FACILITY or LABORATORY. A licensed entity that obtains medical marijuana from licensed cultivators, processors, and retail dispensaries to conduct testing on the product. Testing procedures include but are not limited to testing for potency, homogeneity, and contamination and the preparation of a report of test results.

' 158.030 A-1 AGRICULTURAL DISTRICT.

(M) *Additions.* Additions to existing principal structures shall be architecturally compatible, in both scale and design, to the principal structure.

' 158.031 R-1AA, R-1A, R-1B ONE-FAMILY RESIDENTIAL DISTRICT.

(K) *Additions.* Additions to existing principal structures shall be architecturally compatible, in both scale and design, to the principal structure.

' 158.032 R-2 TWO-FAMILY RESIDENTIAL DISTRICT.

(L) *Additions.* Additions to existing principal structures shall be architecturally compatible, in both scale and design, to the principal structure.

' 158.033 R-3, R-4 MULTI-FAMILY RESIDENTIAL DISTRICT.

(N) *Additions.* Additions to existing principal structures shall be architecturally compatible, in both scale and design, to the principal structure.

' 158.034 R-5 MANUFACTURED HOME RESIDENTIAL DISTRICT.

(G) *Additions.* Additions to existing principal structures shall be architecturally compatible, in both scale and design, to the principal structure.

Exhibit A

‘ **158.035 RO-1 RESIDENTIAL/OFFICE DISTRICT.**

(N) *Additions.* Additions to existing principal structures shall be architecturally compatible, in both scale and design, to the principal structure.

‘ **158.036 B-1 NEIGHBORHOOD BUSINESS DISTRICT.**

(S) *Additions.* Additions to existing principal structures shall be architecturally compatible, in both scale and design, to the principal structure.

‘ **158.037 B-2 COMMUNITY BUSINESS DISTRICT.**

(R) *Additions.* Additions to existing principal structures shall be architecturally compatible, in both scale and design, to the principal structure.

‘ **158.038 B-3 GENERAL BUSINESS DISTRICT.**

(Q) *Additions.* Additions to existing principal structures shall be architecturally compatible, in both scale and design, to the principal structure.

‘ **158.039 B-4 HIGHWAY BUSINESS DISTRICT.**

(Q) *Additions.* Additions to existing principal structures shall be architecturally compatible, in both scale and design, to the principal structure.

‘ **158.040 O-1 OFFICE BUILDING DISTRICT.**

(R) *Additions.* Additions to existing principal structures shall be architecturally compatible, in both scale and design, to the principal structure.

‘ **158.041 ORP-1 OFFICE RESEARCH PARK DISTRICT.**

(S) *Additions.* Additions to existing principal structures shall be architecturally compatible, in both scale and design, to the principal structure.

‘ **158.042 RP-1 RESEARCH PARK DISTRICT.**

(S) *Additions.* Additions to existing principal structures shall be architecturally compatible, in both scale and design, to the principal structure.

‘ **158.043 I-1 LIGHT INDUSTRIAL DISTRICT.**

(R) *Additions.* Additions to existing principal structures shall be architecturally compatible, in both scale and design, to the principal structure.

Exhibit A

' 158.044 I-2 HEAVY INDUSTRIAL DISTRICT.

(R) *Additions.* Additions to existing principal structures shall be architecturally compatible, in both scale and design, to the principal structure.

' 158.104 ACCESSORY BUILDINGS, STRUCTURES, APPURTENANCES AND CARPORTS WITHIN RESIDENTIAL AND COMMERCIAL DISTRICTS.

(E) *Maximum size.*

(1) Residential districts.

(a) Within any residential district where the footprint of the principal structure is less than 1,200 square feet, the sum of the footprint of all accessory buildings shall not exceed 600 square feet.

(b) In the case where the footprint of the principal structure is greater than 1,200 square feet, the sum of the footprint of all accessory buildings shall not exceed 50% of the footprint of the principal structure, or 900 square feet, whichever is less.

(c) In cases where the lot size is 20,000 square feet or greater, the sum of the footprint of all accessory buildings shall not exceed 50% of the footprint of the principal structure.

(F) *Breezeways.* If an accessory structure is attached to a principal structure by a breezeway, it shall not be considered part of the principal structure, unless said breezeway meets all of the following criteria:

(1) The accessory structure and the principal structure are no more than 12 feet apart.

(2) The breezeway and the accessory structure are constructed of building materials and color consistent with the principal structure and shall be fully enclosed.

(3) The breezeway and the accessory structure are designed, in terms of height and roof pitch, consistent with the principal structure.

(4) If the structure does not meet the above criteria, it shall not be considered part of the principal structure, and must meet all setbacks and size requirements of accessory structures.

(5) Breezeways that are longer than 12 feet, or are not architecturally compatible with the principal structure, shall be considered an accessory structure, and will be counted toward maximum accessory structure square footage.

Exhibit A

' 158.114 OFF-STREET PARKING REGULATIONS.

(D) *Minimum parking space and driveway aisle dimensions.* The following minimum dimensions shall apply to all parking spaces and driveway aisles approved by the city after the effective date of this section as amended:

(1) *Handicap spaces.* Pursuant to R.C. ' 4511.69, any parking area to be used by the general public shall provide parking spaces designed and located to adequately accommodate disabled persons and those parking spaces shall be marked as such. The standards for such parking with regard to design, location, marking and signage shall be in accordance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG), published in the Federal Register, Vol. 56, No. 144, July 26, 1991, or as revised.

(a) In an effort to accommodate our aging population, the number of off-street handicap parking spaces required shall be the minimum required in the Americans with Disabilities Act Accessibility Guidelines (ADAAG) plus additional off-street spaces for Rehabilitation facilities that specialize in treating mobility-related conditions, outpatient physical therapy facilities, and facilities intended for habitation/use of an elderly population (such as assisted living facilities, nursing homes and senior residential facilities) as described in the chart below:

Number of Off-Street Parking Spaces	Handicap Parking Spaces Required for Certain Facilities*
1-10	ADA
11-50	ADA + 1
51-200	ADA + 2
201-300	ADA + 3
301-400	ADA + 4
401-500	ADA + 5
501-600	ADA + 6
601-700	ADA + 7
701-800	ADA + 8
801-900	ADA + 9
901-1000	ADA + 10
1001+	ADA + 1 for every 100 off street parking spaces within the parking field rounded up to the nearest whole parking space.
* Rehabilitation facilities that specialize in treating mobility-related conditions, outpatient physical therapy facilities, and facilities intended for habitation/use of an elderly population	
ADA = Minimum ADA guidelines for number of handicap accessible off-street parking spaces	

' 158.126 MEDICAL MARIJUANA.

Pursuant to Ohio Law, medical marijuana cultivation, testing facilities, processing facilities and/or dispensaries shall be permitted within the City of Beavercreek, under the following guidelines:

(A) *Medical Marijuana Cultivation Facility.* A medical marijuana cultivation facility is a conditional use within an A-1, I-1 and/or I-2 Zoning District. Conditional use shall not be authorized unless the following conditions and the provisions of ' 158.171(C), at a minimum, are complied with:

Exhibit A

(1) Crops, seeds, and byproducts shall be kept inside a secure facility at all times, before, during and after cultivation.

(2) *Minimum setback requirements.* No medical marijuana cultivation facility shall be located within 500 feet of the boundaries of a parcel of real estate having a school (including public and private schools, and public and private day care facilities), places of religious assembly, public library, public playground, or public park.

(B) *Medical Marijuana Processing Facility.* A medical marijuana processing facility is a conditional use within an I-1 or I-2 Zoning District. Conditional use shall not be authorized unless the following conditions and the provisions of ' 158.171(C), at a minimum, are be complied with:

(1) Crops, seeds, and byproducts shall be kept inside a secure facility at all times, before, during and after processing.

(2) No medical marijuana processing facility shall be located within 500 feet of the boundaries of a parcel of real estate having a school (including public and private schools, and public and private day care facilities), places of religious assembly, public library, public playground, or public park.

(C) *Medical Marijuana Retail Dispensary.* A medical marijuana retail dispensary is a conditional use within a B-2, B-3 and B-4 Zoning District. Conditional use shall not be authorized unless the following conditions and the provisions of ' 158.171(C), at a minimum, are be complied with:

(1) No medical marijuana retail dispensary shall be located within 500 feet of the boundaries of a parcel of real estate having a school (including public and private schools, and public and private day care facilities), places of religious assembly, public library, public playground, or public park.

(D) *Medical Marijuana Testing or Research Facility.* A medical marijuana retail testing or research facility is a conditional use within an I-1, I-2, ORP-1, RP-1, B-2, B-3 and B-4 Zoning District. Conditional use shall not be authorized unless the following conditions and the provisions of ' 158.171(C), at a minimum, are be complied with:

(1) No medical marijuana testing facility shall be located within 500 feet of the boundaries of a parcel of real estate having a school (including public and private schools, and public and private day care facilities), places of religious assembly, public library, public playground, or public park, except as permitted by Ohio Revised Code Sec. 3796.30 (B).

' 158.150 SIGNS PERMITTED IN R DISTRICTS.

(A) *Permanent ground signs.*

(3) The total sign area of such a ground sign shall not exceed 48 square feet. The sign shall not exceed 24 square feet per face.

' 158.175 AMENDMENTS.

(G) *Notice of public hearing in newspaper.* Before holding a public hearing as required in division (F), notice of such hearing shall be given by the Planning Commission by at least one publication in one or

Exhibit A

more newspapers of general circulation in the municipality at least 15 days before the date of the hearing.
This notice shall set forth the time and place of the public hearing.