

RESOLUTION NO. 16-16

CITY OF BEAVERCREEK

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

A RESOLUTION BY THE BEAVERCREEK CITY COUNCIL IMPOSING A MORATORIUM OF SIX MONTHS ON THE ISSUANCE AND PROCESSING OF ANY PERMITS ALLOWING RETAIL DISPENSARIES, CULTIVATORS, OR PROCESSORS OF MEDICAL MARIJUANA WITHIN THE CITY OF BEAVERCREEK, OHIO.

WHEREAS, Substitute House Bill 523, which is the Bill legalizing the cultivating, processing, and dispensing of medical marijuana in the State of Ohio, becomes effective September 8, 2016; and

WHEREAS, for the purposes of this Resolution, the definitions of "cultivators," "processors," and "retail dispensaries" are given the same definitions as those found in Substitute House Bill 523 and Chapter 3796 of the Ohio Revised Code, which Chapter is effective September 8, 2016; and

WHEREAS, Ohio Revised Code Section 3796.29 authorizes a municipality to limit the number of, or entirely prohibit, cultivators, processors, or retail dispensaries licensed under Ohio Revised Code Section 3796.29 in the City of Beavercreek; and

WHEREAS, City Council seeks time to study whether to limit or entirely prohibit the cultivation, processing and/or retail dispensing of medical marijuana; or, alternatively, to develop and implement regulations regarding the possible location and operation of medical marijuana-related businesses within the City of Beavercreek, including medical marijuana-related businesses for retail dispensaries, cultivators, and processors; and

WHEREAS, City staff will require additional time to review and make recommendations on zoning, prohibition and/or limitations of medical marijuana so that any necessary regulations conform to goals of the City of Beavercreek and help ensure the public peace, health, safety, and welfare of its citizens; and

WHEREAS, a moratorium of six months on the granting of permits for medical marijuana-related businesses in the City of Beavercreek will allow City Council time to accomplish the City's goals and help ensure the public peace, health, safety, and welfare of its citizens.

NOW, THEREFORE, CITY COUNCIL FOR THE CITY OF BEAVERCREEK, OHIO, HEREBY RESOLVES:

SECTION I.

City Council hereby imposes a moratorium of six months on the issuance and processing of permits for cultivators, processors, and retail dispensaries of medical marijuana. The purpose of this moratorium is so that City staff may study the new law and the related issues and then determine whether to limit or entirely prohibit cultivators, processors, and retail dispensaries in the City of Beavercreek and to prepare any necessary, related regulations.

SECTION II.

City Council seeks to limit the duration of the moratorium and to instruct the City Manager and City staff to immediately undertake a review of the new law and related issues; City staff will then recommend new regulations regarding the cultivation, processing, and retail dispensing of medical marijuana.

SECTION III.

City Council hereby directs and orders that no permits for cultivators, processors, or retail dispensaries of medical marijuana shall be issued or processed by the City of Beavercreek during the 6-month moratorium.

SECTION IV.

This Resolution shall take effect immediately upon passage.

PASSED this 25th day of July, 2016.



Bob Stone, Mayor

ATTEST:

Dianne Hampton
CLERK OF BEAVERCREEK COUNCIL

PREPARED BY: CITY ATTORNEY

RESOLUTION NO. 16-36

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER JARVIS ON THE 28TH DAY OF NOVEMBER, 2016.

A RESOLUTION BY THE BEAVERCREEK CITY COUNCIL EXTENDING FOR A PERIOD OF SIX MONTHS THE MORATORIUM ON THE ISSUANCE AND PROCESSING OF ANY PERMITS ALLOWING RETAIL DISPENSARIES, CULTIVATORS, OR PROCESSORS OF MEDICAL MARIJUANA WITHIN THE CITY OF BEAVERCREEK, OHIO.

WHEREAS, the purpose of the moratorium is to allow time to review and make recommendations on zoning, prohibition and/or limitations of medical marijuana so that any necessary regulations conform to goals of the City of Beavercreek and help ensure the public peace, health, safety, and welfare of its citizens; and

WHEREAS, the City of Beavercreek seeks to extend the moratorium to allow City Council time to accomplish the City's goals and help ensure the public peace, health, safety, and welfare of its citizens.

NOW, THEREFORE, CITY COUNCIL FOR THE CITY OF BEAVERCREEK, OHIO, HEREBY RESOLVES:

SECTION I. The City Manager hereby recommends extending the current moratorium on the granting of permits for medical marijuana-related businesses in the City of Beavercreek for a period of six months ending July 25, 2017

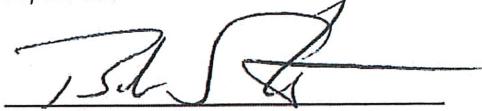
SECTION II. City Council hereby extends the moratorium for six months on the issuance and processing of permits for cultivators, processors, and retail dispensaries of medical marijuana; the purpose of this moratorium is so that City staff may study the new law and the related issues and then determine whether to limit or entirely prohibit cultivators, processors, and retail dispensaries in the City of Beavercreek and to prepare any necessary, related regulations.

SECTION III. City Council hereby directs and orders that no permits for cultivators, processors, or retail dispensaries of medical

marijuana shall be issued or processed by the City of Beavercreek during the current moratorium and during the additional six month period of this moratorium extension.

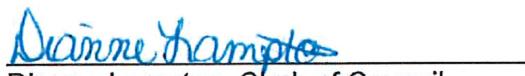
SECTION IV. This Resolution shall take effect immediately upon passage.

PASSED this 28th day of November, 2016.



Bob Stone, Mayor

ATTEST:



Dianne Lampton
Dianne Lampton, Clerk of Council

City of
BEAVERCREEK

DECISION SHEET

Case No: PC 17-3

Case Name: Zoning Code Update

<i>DECIDING BODY</i>	
<input type="checkbox"/>	Planning Commission
<input checked="" type="checkbox"/>	Council
<input type="checkbox"/>	Board of Zoning Appeals

<i>TYPE OF CASE</i>			
<input type="checkbox"/>	Zoning (Ordinance Attached)	<input type="checkbox"/>	Specific Site Plan (SSP)
<input type="checkbox"/>	Planned Unit Development	<input type="checkbox"/>	Variance
<input type="checkbox"/>	Major Modification	<input type="checkbox"/>	Subdivision
<input type="checkbox"/>	Minor Modification	<input type="checkbox"/>	Off Premise Electronic Message Sign
<input type="checkbox"/>	Conditional Use	<input checked="" type="checkbox"/>	Other

Applicant: City of Beavercreek

Applicant's Address: _____

Applicant's City/State/Zip: _____

Public Hearing Held On: June 26, 2017 Decision Date: July 24, 2017

DECISION

Approved Denied Voting Results: 6-1

See Attached Ordinance

DISTRIBUTION:

APPLICANT

CASE FILE

PLANNING (2)

ENGINEERING AND INSPECTION

CLERK

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 Beavercreek Planning Commission has determined it necessary to make certain additions, deletions and changes to the Beavercreek 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.

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 DISPENSARY. 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 be 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

July 6 2017

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.

RESOLUTION

CITY OF BEAVERCREEK
PLANNING COMMISSION
June 7, 2017

RE: PC 17-3 Beavercreek
Zoning Code Updates

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

WHEREAS, public hearing was held on June 7, 2017 by the Beavercreek 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 Beavercreek City Council:

SECTION I

The City of Beavercreek Planning Commission recommends to City Council adoption of the amendment to the Zoning Code as attached in "Exhibit A" dated May 2017.

SECTION II

1. The approved Zoning Code shall be amended as described in "Exhibit A" dated May 2017.

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: June 7, 2017

VOTING FOR ADOPTION:

Charles Curran
Michael Self
Nicholas Loftis
Nathaniel Shrider

VOTING AGAINST: Tiffany Akers

Michael M. Self
Chairman

Attest:

Michael M. Self

PC 17-3 Zoning Code Updates

City of
BEAVERCREEK

BEAVERCREEK PLANNING COMMISSION
NOTICE OF PUBLIC HEARING
CASE NO. PC 17-3

Notice is hereby given that a public hearing will be held at Beavercreek City Hall, 1368 Research Park Drive, Beavercreek, OH 45432, on June 7, 2017 at 6:00 p.m. for the purpose of reviewing an update to the Zoning Code.

This application may be examined during normal working hours at the Beavercreek City Hall, 1368 Research Park Drive, Beavercreek, OH 45432. Interested persons may appear at the hearing and voice their opinion with respect to this application request. The City of Beavercreek wishes to make certain that all citizens have the opportunity to actively participate in their local government. If you have a disability and require accommodations to participate in a public meeting, please contact the City of Beavercreek as early as possible at 427-5500 a minimum of three working days prior to the public hearing.

CITY OF BEAVERCREEK



Melissa Gillaugh
Deputy Clerk

To be published in Xenia Daily Gazette on May 19, 2017, with notarized affidavit furnished to the City of Beavercreek Finance Department.

PEC

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

Meeting Date: 12/11/2017	Reference Topic: Resolution 17-39
Agenda Reference No.: VII. E.	6 Month Moratorium on Medical Marijuana for Cultivation and Processing

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"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input checked="" type="checkbox"/> City Council	<input checked="" 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 checked="" type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

At the request of Mayor Stone, a medical marijuana moratorium is being presented to Council. A moratorium of this nature is permissible under Ohio law. This moratorium will allow Council and staff the opportunity to review zoning and policy considerations with regard to medical marijuana processing and cultivation and implement any necessary changes to the Beavercreek Codified Ordinances.

STAFF RECOMMENDATION:

**CITY OF BEAVERCREEK, OHIO
RESOLUTION NO. 17-39**

**SPONSORED BY COUNCIL MEMBER _____ ON THE 11TH DAY OF
DECEMBER, 2017.**

**A RESOLUTION BY BEAVERCREEK CITY COUNCIL IMPOSING A
MORATORIUM OF SIX MONTHS ON THE ISSUANCE AND PROCESSING
OF ANY PERMITS ALLOWING CULTIVATORS OR PROCESSORS OF
MEDICAL MARIJUANA WITHIN THE CITY OF BEAVERCREEK, OHIO.**

WHEREAS, the Ohio Legislature has legalized medical marijuana cultivators, processors and dispensaries within the State of Ohio; and

WHEREAS, for the purposes of this Resolution, the definitions of “cultivators,” and “processors,” are given the same definitions as those found in Chapter 3796 of the Ohio Revised Code; and

WHEREAS, Ohio Revised Code Section 3796.29 authorizes a municipality to limit the number of, or entirely prohibit, cultivators and/or processors licensed under Ohio Revised Code Section 3796.29 in the City of Beavercreek; and

WHEREAS, Council seeks additional time to study whether to limit or entirely prohibit the cultivation and/or processing of medical marijuana; or, alternatively, to develop and implement regulations regarding the possible location and operation of these medical marijuana-related businesses within the City of Beavercreek, including medical marijuana-related businesses for cultivators and processors; and

WHEREAS, City staff will require additional time to review and make recommendations on zoning, prohibition and/or limitations of medical marijuana so that any necessary regulations conform to goals of the City of Beavercreek and help ensure the public peace, health, safety, and welfare of its citizens; and

WHEREAS, a moratorium of six months on the granting of permits for medical marijuana-related businesses for cultivators and processors in the City of Beavercreek will allow Council time to accomplish the City’s goals and help ensure the public peace, health, safety, and welfare of its citizens.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
BEAVERCREEK, STATE OF OHIO, THAT:**

SECTION I. Council hereby imposes a moratorium of six months on the issuance and processing of permits for cultivators and processors of medical marijuana. The purpose of this moratorium is so that City staff and City Council may study the law and the related issues and then determine whether to limit or entirely prohibit cultivators and processors in the City of Beavercreek and to prepare any necessary, related regulations.

SECTION II.

Council seeks to limit the duration of the moratorium and to instruct the City Manager and City staff to immediately undertake a review of the law and related issues; City staff will then recommend new regulations regarding the cultivation and processing of medical marijuana.

SECTION III.

Council hereby directs and orders that no permits for cultivators or processors of medical marijuana shall be issued or processed by the City of Beavercreek during the 6-month moratorium.

SECTION IV.

This Resolution shall take effect and be in full force from and after the date of its passage.

PASSED this 11th day of December, 2017.

Bob Stone, Mayor

ATTEST:

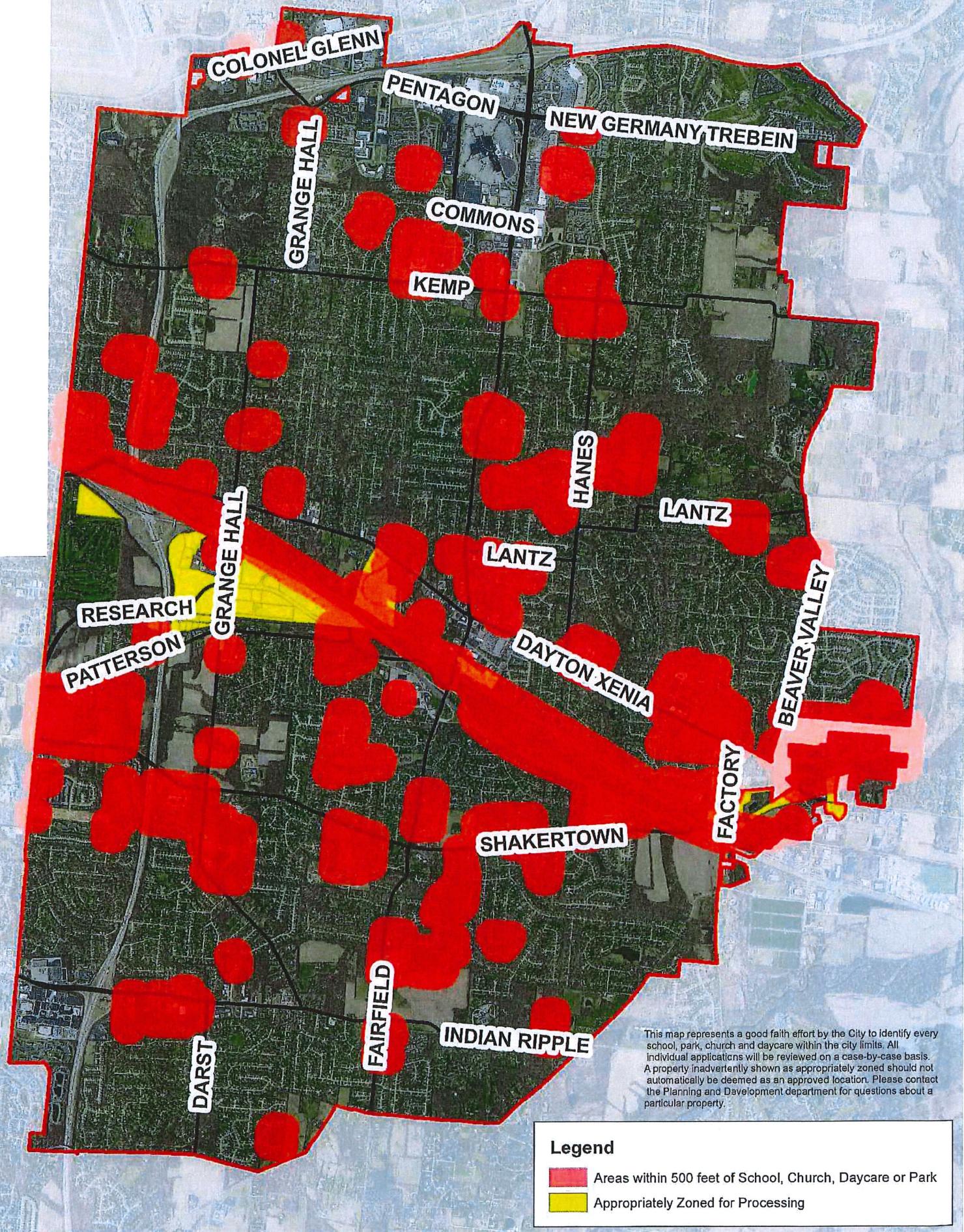
Dianne Lampton, Clerk of Council

PREPARED BY: CITY ATTORNEY

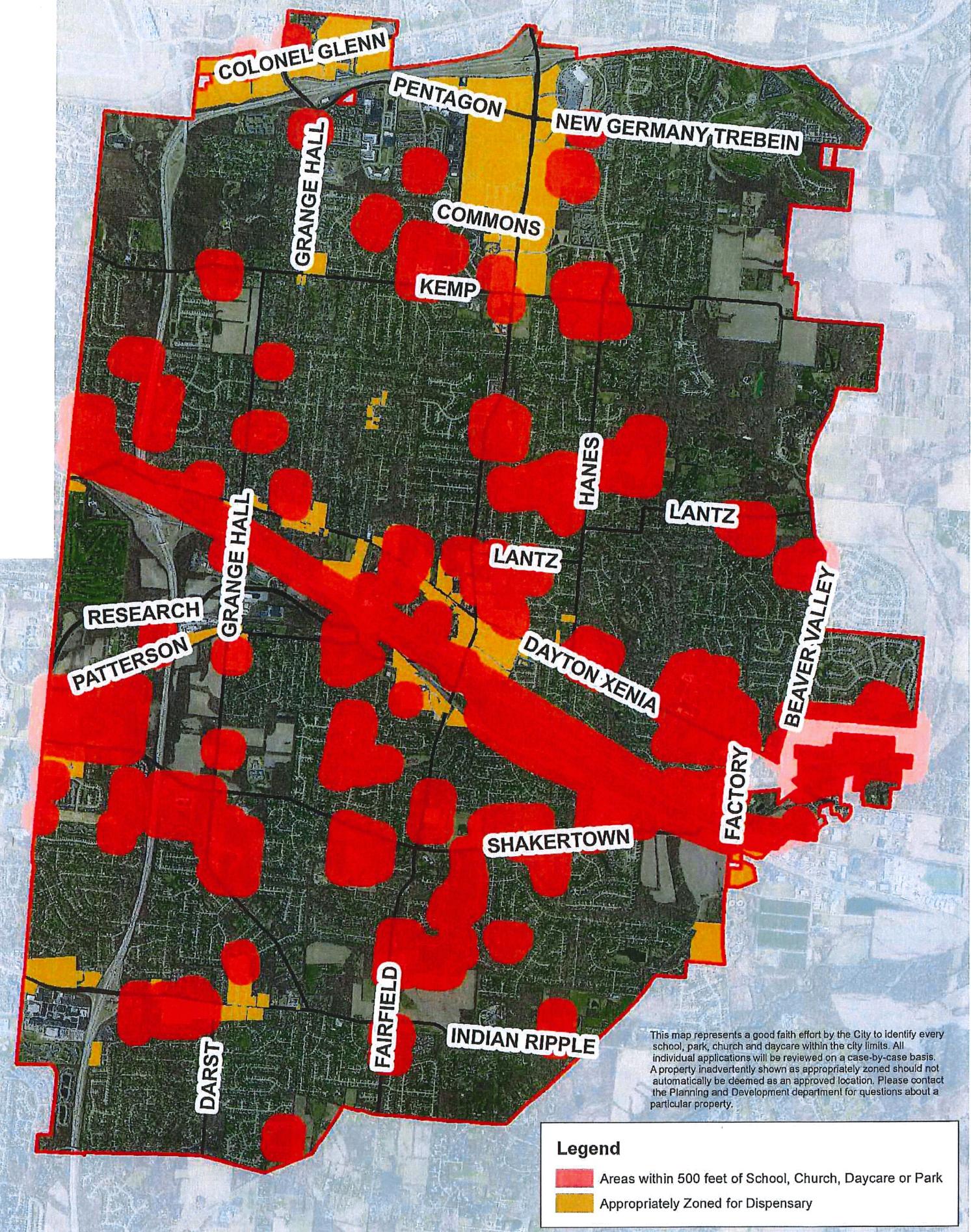
SUMMARY

THIS RESOLUTION IMPOSES A MORATORIUM OF SIX MONTHS ON THE ISSUANCE AND PROCESSING OF ANY PERMITS ALLOWING CULTIVATORS OR PROCESSORS OF MEDICAL MARIJUANA WITHIN THE CITY OF BEAVERCREEK, OHIO.

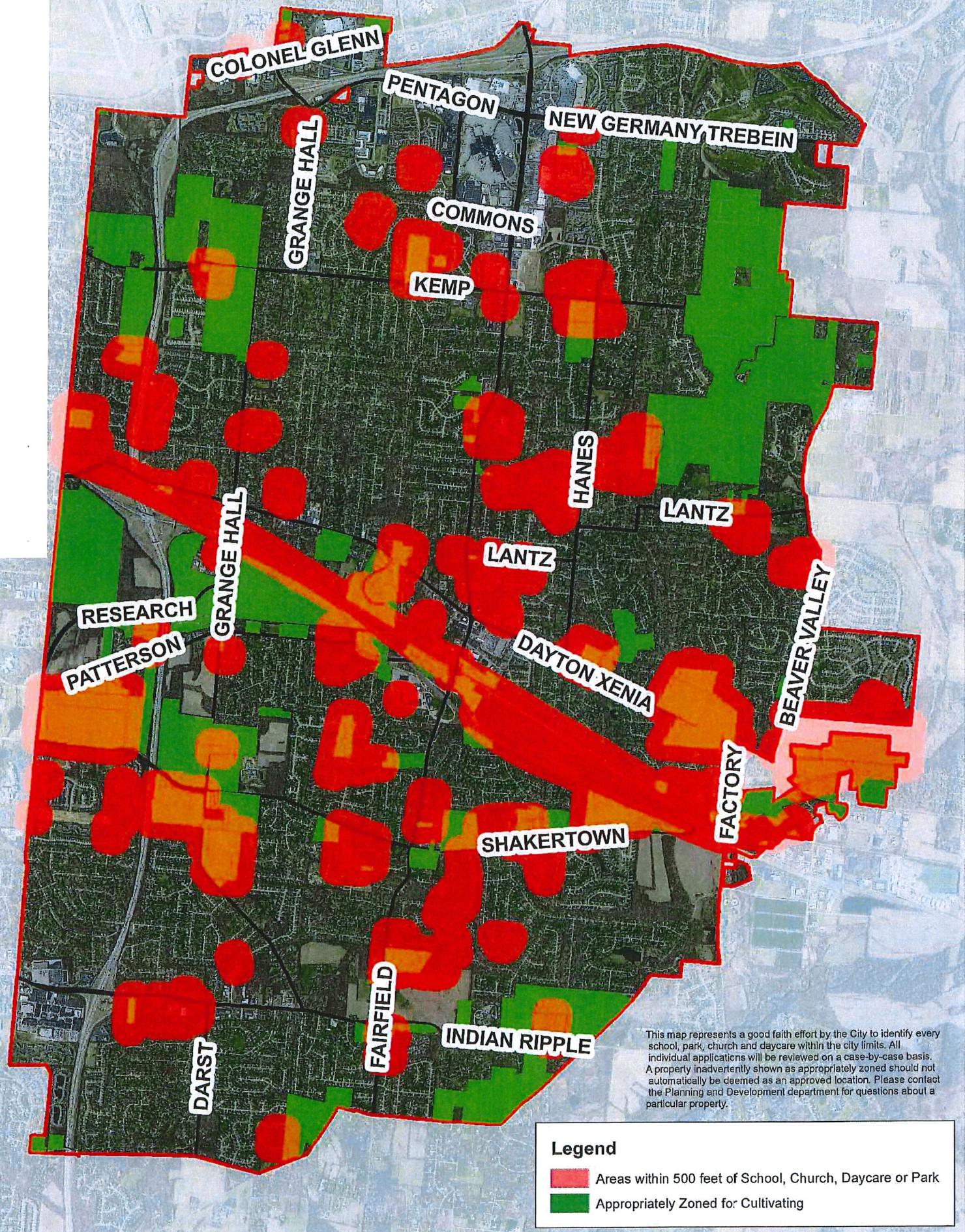
Processing Facilities - Permitted Locations



Dispensary Facilities - Permitted Locations



Cultivation Facilities - Permitted Locations



(C) *Conditional uses.* The Planning Commission is authorized to hear and decide all conditional use applications, except for as provided in § [158.172](#)(H)(6).

(1) *Application and filing requirements.* An application for a conditional use shall be submitted by the property owner or authorized agent thereof on a form provided by the city to the Planning and Zoning Department, along with a nonrefundable payment to the city in an amount equal to the established fee for conditional use applications. The application shall contain an original and copies of all application materials, as required on the checklist on file at the time of application with the Planning and Zoning Department in a quantity specified by the Planning and Zoning Department.

(2) *Application completeness and officially filed status.* An application for a conditional use shall not be considered officially filed until the applicant has submitted all applicable filing fees and submitted to the Planning and Zoning Department all information required by or under subsection (6)(a) of this section. Completeness of an application and submission of necessary information is the responsibility of the applicant. Only after an application is determined by the Planning Director to be complete and officially filed will application review procedures begin.

(3) *Public hearing.* The Planning Commission shall conduct a public hearing on the conditional use application within 45 days after its official filing date. Before such public hearing, notice shall be given by at least one publication in one or more newspapers of general circulation in the municipality at least 15 days before the date of the hearing. The failure of delivery of such notice as provided in this section shall not invalidate subsequent action.

(4) *Findings.* After consideration of the nature and condition of all adjacent and surrounding uses and buildings and a review of the conditional use application and any administrative reports, the Planning Commission shall make, by resolution, the following findings in deciding on the conditional use application:

(a) The proposed conditional use is to be located in a district wherein such use may be conditionally permitted;

(b) The proposed conditional use will not have a substantial or material detrimental effect on surrounding properties and will not have a substantially negative impact on or substantially conflict with surrounding properties; and

(c) Taking into account current vehicular traffic volumes and traffic volumes as may be expected to increase with increasing development of the community, and taking into account vehicular turning movements in relation to routes of traffic flow, street intersections, sight distances and pedestrian traffic, the vehicular traffic to and from the conditional use can be accommodated by the existing street network without significant adverse effect.

(5) *Performance bond and violation.* In approving a conditional use, the Planning Commission may prescribe appropriate conditions and safeguards in conformity to the provisions of this Zoning Code. The Planning Commission may also require security to assure conformance to such conditions and safeguards. Violation of such conditions and safeguards shall cause the security to be forfeited and shall also be deemed a violation of this code and punishable under § [158.999](#)(A), as well as loss of the right to continue the conditional use until the requirements of these conditions and safeguards are met. An approved conditional use shall maintain the status of a conditional use regardless of the type of zoning district in which it is located.

(6) *Burden of proof.* The applicant shall have the burden of proving by a preponderance of evidence that the standards set forth in subsection (6)(d) of this section are met and the conditional use may be approved only if the Planning Commission finds the standards have been met by such evidence.

(7) *Effect of approval.* The effect of Planning Commission's approval of a conditional use application is authorization for the Planning and Zoning Department to allow conditional use for that property. The decision of the Planning Commission shall be final unless appealed to City Council pursuant to division (E) of this section.

(8) *Period of validity.* A conditional use approval shall expire two years after it is approved by the Planning Commission unless actual construction has taken place or is underway or actual occupancy has occurred except as provided elsewhere in this Zoning Code. If a conditional use is approved, the plan must be followed. Any deviation requires the resubmission of an application for approval of the conditional use.