

## XENIA TOWNSHIP ZONING COMMISSION

### PUBLIC HEARING

May 26, 2015

**THESE MINUTES ARE A SUMMARY OF THE EVENTS OF THE MEETING AND ARE NOT A WORD FOR WORD ACCOUNT OF THE DISCUSSIONS WHICH TOOK PLACE.**

The Xenia Township Zoning Commission held a Public Hearing on May 26 at 7:00 p.m. at the Xenia Township Trustees Office, 8 Brush Row Road, Xenia, OH, 45385 with the following members present:

Virgil Ferguson, Kent Harbison, Alan King, Willie Washington, Jeffrey Zweber and alternates Donna Randall and Harold Snyder. Also present was Alan Stock, Zoning Inspector/Clerk.

Chairman Jeffrey Zweber called the Public Hearing to order at 7:01 p.m. The purpose of the Public Hearing was to consider the proposed Sign Text Amendments.

Mr. Zweber asked if the zoning procedures had been complied with. Mr. Stock answered that notice of the public hearing was published in the Xenia Gazette and on the Xenia Township website. He also notified the Greene County Assistant Prosecutor's Office and Greene County Regional Planning. The Prosecutor's Office said the proposed text amendments were well within the law. He said Regional Planning had a meeting today where they were to discuss the proposed sign text amendments for Xenia Township—their comments have not yet been received. Mr. Stock said all other requirements were met. He said for a matter of record there are five sitting members and two alternates at this hearing; so if there is a continuance and one of the regulars is unable to attend, one of the alternates will be able to be seated.

Mr. Zweber said three changes were made to the 4/28/2015 working copy at the meeting prior to the Public Hearing. Mr. Stock stated the changes: 1) 517.4.7 would be stricken; 2) the sentence under 517.4.5 "Where illuminated signs exceed fifty (50) square feet in area they shall not be placed nearer than fifty (50) feet to an adjacent residential lot line" will be moved to working copy page 2, Section 517.1.9; and 3) Section 410.4.3 "billboard" (on page 46 of the Zoning Resolution) will be stricken as it is covered in the proposed text amendments and can be regulated in any zoning district.

Mr. Zweber asked for comments in favor of the zoning text amendments.

Justin, from a sign company in Greenville, made a suggestion in Section 517.4.4 to add to the 120 square feet in each direction. Otherwise, he said you would get a bunch of signs that are 120 square feet on the front and nothing on the back.

Mr. Zweber said the intent of the changes was to base the amount of signage allowed on the frontage of the lot. He said a second issue was large signs. He said the Commission used their best judgment on how large a sign could be depending on what zone it is in. To limit the number of large signs the Commission said the signs would have to be spaced ¼ of a mile apart. They used a sheet of plywood as their standard measure. Mr. Zweber asked guests if they had any comments.

Justin said it appears there is no setback from property lines for the signs. Mr. King answered that was intentional as their research showed setbacks tend to put signs further away which distracts drivers trying to read them. He said before that the signs were considered structures and structures had to abide by setbacks. Justin said the setback on a side lot line might be a good idea because with the proposed text a commercial business owner could put a sign right on the lot line between him and a residential property. Justin suggested putting a minimum setback of 10'. Mr. King said section 517.4.5 talks about illuminated signs which have to be fifty feet from lot line. He said in that section they do not specify whether it is the sign or sign face. The Commission would like it to say sign face. Mr. Zweber asked Justin about section 517.1.3 where it deals with the frequency of electronic messages. Justin said it was standard for the message or image not to change more often than every eight seconds with no longer than a two second transition between messages or images. Justin asked if they were allowing animation. Mr. Zweber answered the plan was to have static messages and images. Mr. King asked Justin about allowing sign faces up to sixteen (16) square feet in the R-1 and E Districts. Justin answered that was not a bad size. Mr. Snyder spoke about an animated sign on the way to Cleveland that is very distracting to the drivers. Justin also suggested having a brightness limit with the digital signs.

Mr. Zweber asked for any final changes to the proposed text amendments. He suggested adding side lot setbacks for signs. The following sentence would be added to 517.1.9: "No sign shall be placed nearer than ten (10) feet to an adjacent residential district lot line." This sentence would be in front of the sentence "Where illuminated signs exceed fifty . . ." The Commission decided to add the word "face" in the sentence to read "Where illuminated sign face exceeds fifty (50) square feet in area it shall not be placed nearer than fifty (50) feet to an adjacent residential lot line." Mr. Zweber said on page 1, Section 517.1.3 for clarification they should revise the sentence to say: "No illuminated or electronic message or image shall change more often than every eight (8) seconds with no longer than one (1) second non-animated transition between static messages or static images. All signs shall be designed, constructed and operated so as to prevent glare upon the street or adjacent property." Mr. Stock asked about a "nit" measurement range being put in the text. Mr. Zweber liked the philosophy of dealing with it when the resident comes in for the permit. There was discussion about double-sided signs in the working copy, page 4. The Zoning Commission decided not to restrict "ugly backs" of signs. They decided artwork would not be counted as a sign. Mr. Harbison asked the difference between a mural and a sign. The answer was the mural does not direct attention to an object, product, place, activity, person, institution, organization or business but the sign does.

Mr. Charles Bingamon from the audience said he understood what they are up against. He gave an example of the sign at Xenia High School which has 4-6 messages which change to another 4-6 messages. He said you cannot possibly read all the messages. He said this is in a school zone and he cannot imagine this type of sign on Brush Row Road for the Greene County Career Center. He did not know what could be done about it. Mr. Zweber said they attempted to have the sign stay fixed for eight (8) seconds, have one (1) second to make a change, then it has to stay fixed for eight seconds again.

Mr. Zweber said they have been working on sign text amendments for a long time—they started with election season 2013 as there were campaign sign questions. The Commission soon

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realized the old text was difficult to enforce at best and unconstitutional at worst. This led to its lenient enforcement.

Mr. Zweber made a motion to continue the Public Hearing until June 23 at 7:00 p.m. so they could review recommendations from Greene County Regional Planning, seconded by Mr. Ferguson. All voted aye. The Public Hearing is continued to June 23.

ATTEST:

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Alan D. Stock, Zoning Clerk