

RECORD OF PROCEEDINGS

**MINUTES OF THE
XENIA TOWNSHIP TRUSTEES:**

**PUBLIC HEARING
SEPTEMBER 29 , 2015 7:30 P.M.**

NOTE: These minutes are a summary of the discussion and are not a word for word account of the discussions. The proceedings were electronically recorded. The meeting place was the Xenia Township Office, 8 Brush Row Road, Xenia, Ohio.

Chair Susan Spradlin welcomed everyone and called the public hearing for sign text amendments to order at 7:30 p.m.

Roll Call: Susan Spradlin, Trustee Chair; Daniel O'Callaghan, Trustee; Scott Miller, Trustee; Alan Stock, Township Administrator.

All participated in the Pledge of Allegiance.

Mr. Stock summarized the steps leading up to the public hearing and verified that all conditions of the ORC had been met. The letter of conveyance from the Zoning Commission to the Trustees was read by Mrs. Spradlin.

Mrs. Spradlin expressed appreciation to the Zoning Commission for their hard work over the past approximately 16-18 months. She said there are multiple sections to look over.

Clarification of Information:

Mrs. Spradlin had questions about a few things. She made a suggestion in Section 201, definition of Sign (Electronic), to read "A sign with a fixed or changing display or message which may be changed or **altered** by electronic means. She gave another example which read "computer driven electronic impulses".

Mr. O'Callaghan asked about having a definition for illuminated signs. Mr. Zweber agreed about adding a definition for illuminated signs. Mr. Miller asked if the Zoning Commission or the Trustees were going to write the definition.

Mr. O'Callaghan asked why size of sign could be up to forty (40) feet. Mr. Zweber said in looking at the rest of the text, structures are limited to 35'-45'. Mr. O'Callaghan asked if person with residential 1/3 acre lot could put a forty (40) foot pole in yard with sign on it with dimensions allowed without permit needed. Mr. Zweber agreed that is what they intended. He said in their discussions they thought that was so unlikely it would not happen. Mr. O'Callaghan asked if it would be a better strategy to be more restrictive and if someone wanted a larger sign they could apply for a variance. Mrs. Randall said they try to be less restrictive when feasible. Mrs. Spradlin commented about the definition for Sign (Ground) and gave an example of a sign which attached to a building face. Mr. O'Callaghan noted a sign over a doorway that extends 16" is neither a wall sign nor a ground sign. He said a fix could be to delete the phrase "and which extends not more than twelve (12) inches from the wall." Mrs. Spradlin said you could say for Sign (Wall) "A sign which is attached directly to the wall of a building structure." Mrs. Spradlin asked if Sign (Temporary) could read "a freestanding sign that does not occupy a permanent location on the ground". Mr. Zweber said they used language from the definition for Structure. Mr. O'Callaghan said there is a definition for Ground Sign and Wall Sign, and they are not mentioned anywhere else. Mr. Stock said the former Trustees said a Wall Sign is \$25.00 and a Ground Sign is \$50.00. Mr. Miller asked if there was a maximum height for a structure in Xenia Township. The answer was there is a different maximum in each district. Mr. Stock said a ground sign was treated the same as a structure and had to comply with setbacks. Mr. Miller asked if roof signs are allowed. Mr. Zweber said the Commission discussed it and decided the roof signs would be treated the same as any other sign. Mr. Stock said a difficulty with zoning is there is always an interpretation. Mrs. Spradlin asked about Section 517.1.2 "All signs hereafter erected, constructed or modified shall be exempt from yard and setback requirements of the districts in which they are located. All signs are prohibited in the right-of-way." Mr. King said the way the Zoning Resolution currently reads a sign has

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to be at least as far back as the house. Mr. Miller said the right-of-way setback varies dramatically. Mr. King said they tried to cover it later in the text so there would not be sight issues. Mr. Ferguson said a good example was the new sign at Tecumseh School that had to be moved. Mr. Stock said they had to alter the slope because the sign was blocking view. He said you cannot put signs in the right-of-way and signs are no longer considered structures. There was discussion about a sign which looked like a stop sign for a business. There was discussion about signs with messages or images identifying specified sexual activities or specified anatomical areas. With the breast cancer awareness campaign there could be images of these areas that would not be considered obscene, indecent or immoral.

Mrs. Spradlin suggested changing page 3, Section 517.2.3 to read “A flag, pennant or insignia of any nation . . .”

Mrs. Spradlin wanted clarification on Section 517.4 about corner lots where it said “frontage on **all** public roads” whereas it means just the roads along the parcel.

Mr. O’Callaghan asked why the different allowable sign size by district. Mr. King said they changed the numbers quite a few times and looked at pictures and measurements. Mr. Miller asked the Commission if they had spoken to any professional sign companies about the sizes. Mr. King said they talked to one person from a sign company and had a lot of input from Regional Planning. Mr. Zweber said the most input they had was about electronic signs, animation, and full-motion video, repeating animations and transitions. Mr. Zweber said the amount of signage allowed in Xenia Township is more than other jurisdictions by a significant amount, and the Commission thought that was okay. Mrs. Randall said they were trying to allow the property owners more right to decide.

Mrs. Spradlin said they received an article about a Supreme Court case regarding townships and regulation of political signs. Mr. Stock said the proposed sign text would comply with the Supreme Court ruling.

Mr. Miller said the lights on emergency vehicles have become so bright and overwhelming, and he is concerned with electronic signs. He said electronic signs have so many lumens available to them the goal will be to create a sign that is usable and functional but is not a distraction to people on the roadway. Mrs. Randall said studies done by Federal and State government showed the electronic signs were not distractions to drivers to the extent they cause accidents. Mr. King said the text specifies where permitted the electronic signs would be constructed to prevent glare upon the street or adjacent property. It is left to discretion. Mr. Stock said signs on State roads are regulated more specifically by the State. Mr. Zweber suggested looking at 517.1.6 on page 2, to see if there were any changes the Trustees would want as this was the place the Commission attempted to put anything that was a safety hazard.

Comments in favor of the text amendment:

Jeff Zweber said he supports the sign text amendments. He thinks it greatly simplifies the text. He was glad it got rid of the content restrictions and now focuses on square footage, size and placement of the signs. He is glad the text allows more signs. He said there are a lot of examples of signs that are tolerated in the Township that will explicitly be allowed with the approval of the text amendments. He would like the Trustees to approve them.

Willie Washington agreed with Mr. Zweber. He said they are not going to please all the people all the time. He stated there is no perfect document because we are imperfect people. He said they have worked on the document for eighteen months (18) and thinks they have done a good job in terms of what they as a Commission thought was appropriate for the Township. He is in favor of this text amendment for the Township.

Alan King echoed what his fellow Zoning Commission members said. He said their intention was to: simplify, make more property-owner friendly, give freedom of expression, make content neutral, make signage regulation safe and take into account

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the dilatory effects on neighbors. He urged the Trustees to adopt the text amendments with whatever modifications they desire.

Comments against the text amendment:

There were no comments.

Public Questions:

Janis James commended the Zoning Commission on their work, diligence, attention to detail and on how well they work together.

There was discussion about closing the public comments/questions part of the Hearing to move on to the Trustee Deliberation and it was decided to continue the Hearing at this time.

ADJOURNMENT:

Mr. O'Callaghan made a motion to continue the Public Hearing on the sign text amendments to Monday, October 26, at 6:30, seconded by Mrs. Spradlin. All voted Aye. The Public Hearing recessed at 9:11 p.m.

XENIA TOWNSHIP BOARD OF TRUSTEES

Resolution #

Date Approved

Susan Spradlin, Chair

ATTEST:

Daniel O'Callaghan

Alan D. Stock, Administrator

Scott Miller

slb