

# XENIA TOWNSHIP ZONING COMMISSION

## MEETING

August 27, 2013

**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 meeting on August 27, 2013 at 6:00 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 Harold Snyder and Donna Randall. Also present was Alan Stock, Zoning Inspector/Clerk.

Chairman Alan King called the meeting to order at 6:02 p.m.

Ferguson made a motion to approve the minutes from July 23, 2013. Harbison seconded. All voted aye.

Stock spoke about the handouts he gave the group. He said in the future they will be discussing Agribusiness or Rural Entertainment. Stephen Anderson has worked with Caesarscreek Township on that subject and gave the information. The Zoning Commission had asked for research on spot zoning and Stock provided about 5 examples. A citizen brought in a concern to the Trustees about fly rock and some of the mining language. Stock gave the group a study of the last 5 years. The Trustees passed by resolution 2 items for the Zoning Commission to address: 1) Mining language and 2) Political Signage. He advised the Trustees passed the rezone of 2291 SR 235, Eric Fleming, from M-3 to Ag. The owner will have to answer the 7 Duncan standards when asking for area variance within Ag district.

Zweber said we don't have R-2 or R-3 Districts as listed under point 517.1.3. Zweber made a motion to remove R-2 and R-3 and replace with R-M and E. Ferguson seconded. All voted aye.

King did some research about sign setbacks. The traffic safety people said to be effective and for safety purposes, signs should be close to the street so people don't have to look so far away for the signs. Our zoning requires signs to have the same setbacks as buildings. King proposes changing the text for signs to exempt them from setbacks or make them non-structures. The Commission looked at 201.155 for the definition of structure. There was discussion about exempting signs from setbacks found in Section 404. Section 517.1.2 states a sign must comply with yard and setback requirements of districts in which it is located. Section 517.4 last sentence deals with 100 sq. ft. sign needing to be placed 100 ft. from lot line. The Speedway sign (corner of Brush Row Rd. and US 42 E.) is 99 sq. ft. Tecumseh Elementary School wants to put in sign and some concessions were made due to placement of retention pond. Greene Inc. received a variance for placement of their sign. Setback is from right-of-way. Signs cannot be placed in the right-of-way.

Section 517.1.5 deals with safety regulations: No sign shall be erected at the intersection of any streets **or driveways** in such a manner as to obstruct free and clear vision **of traffic**. **Section**

517.1.5a No sign shall be erected at any ~~or any~~ location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device; or which makes use of the words “STOP”, “LOOK”, “DRIVE-IN”, “DANGER”, or any other words, phrases, symbol or character in such manner as to interfere with, mislead or confuse traffic.

517.1.2 could be changed to “All signs hereafter erected, constructed or modified shall be **exempt from** yard and setback requirements of the district in which it is located.”

517.2.10 could be “Bulletin boards and signs for a church, school, community or other public or semi-public institutional building and multiple dwellings containing eight (8) or more units, shall not exceed fifty (5) square feet in area for wall or ground sign with a maximum height of six (6) feet above grade for ground signs ~~and located not less than ten (10) feet from the street right-of-way line. May be illuminated but only from a concealed light source.~~”

Section 517.3—Point #1 can be eliminated—~~The sign shall not be illuminated.~~

King asked Stock to go through all Zoning Resolution and find where signs are mentioned and the group will look at all of it together at the next meeting.

Stock talked about 517.2.8 Political Signs. He said Stephanie Hayden, Greene County Prosecutor’s Office, says we cannot say sign shall not be posted more than thirty days prior to election and it is unconstitutional to regulate signs on private property as it goes against freedom of speech. Point b says sign cannot be posted more than 30 days before the election. Snyder said Obama passed new legislation saying campaign signs can be posted on private property any time before election. Stock said he would have a hard time enforcing signs not being allowed in Section 517.2.8.b because the text was supposed to have been addressed previously and it is considered unconstitutional by the GC Prosecutor’s office. The City is very strict with taking signs out of the right-of-way. Randall suggested removing 517.2.8.c which prohibits metal wire supports for signs. The Commission discussed temporary signs. Stock says we are allowed to regulate if it is a safety issue—such as being in the right-of-way. The Trustees made a resolution in 1996 that gave guidelines on political signs. Snyder asked guest Susan Spradlin if she found anything other than wire sign posts for her campaign signs. Susan Spradlin said signs on private property are allowed. If prohibited, it would be a violation of a first amendment right. She said Stephanie Hayden does not recommend any time limit because it once again goes back to a first amendment right. People can now vote early so word needs to get out. Could remove reference to private property King said we could take out the restrictions about political signs and say political signs must comply with the Ohio Revised Code. Trustees may say they are not going to enforce the regulation about campaign signs being placed more than 30 days before the election but in reality it is the Zoning Inspector’s job to enforce the Zoning Resolution. The Zoning Inspector can decide not to enforce the resolution if there is no compelling reason. Stock has a compelling reason not to enforce something if (a) the Greene County Prosecutor is saying it is unconstitutional and (b) if the Zoning Commission says “we are not there yet.”

King said the Commission would like to consider the Ohio Revised Code for Section 517.2.8 if that will work. He would also like to remove any enforcement of political signs on private property. Also would like to look at time limit to agree with ORC. He is in favor of removing the wire restrictions. Zweber stated we need to look at special event signs on wire also. Stock will make the revisions in the working text.

On the agenda for the next meeting will be continued discussion of signs and discussion of alternative sources of energy. The next meeting will be September 24.

Zweber made a motion to adjourn the meeting. Ferguson seconded. All voted in favor. Meeting adjourned at 8:07 p.m.

ATTEST:

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Alan D. Stock, Zoning Clerk