

PLANNING COMMISSION

MINUTES

November 7, 2012

Members Present:	Lynne Thomas-Roth	John Bruns
	Glynn Marsh	Mayor O'Callaghan

City Staff Members Present	John P. Applegate	Denise Winemiller
	Joe Moore	Glen Green

Mrs. Thomas-Roth called the Planning Commission meeting to order on November 7, 2012. Attendance was taken and all planning commission members were present.

1. Mrs. Thomas-Roth asked if there were any additions or corrections from the minutes from October 2, 2012. There were no corrections so Mr. Bruns moved that the minutes be accepted as prepared. Mayor O'Callaghan seconded the motion. All concurred and the minutes from the October 2, 2012 meeting were accepted as prepared.

2. Second discussion of proposed sign regulations.

Mr. Kevin Lantz said it was a pleasure to be back again and thanked them for accommodating his schedule and meeting on a different night than usual.

Mr. Lantz said he had talked to Mr. Applegate before doing this third draft of the regulations. He said in looking at the zoning code, Union does not have a business district or business zoning classification so he had changed the code to reflect that in 1341.02.

Many of the changes are cosmetic and some substantive changes were made such as how long they have to approve or deny an application for a sign, and

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appeal time allowed. One of the important things which has come up in the past for other communities is how quickly the political subdivision has to respond to sign applications or variance requests.

Mr. Lantz added that he had nothing more as far as an overview but asked if the planning commission did have any questions.

Mr. Marsh said he did have a question. He said he saw an ad on the television about a company that would paint a house to use it as a bill board. He asked if these new regulations covered that. Mr. Marsh mentioned that at the last meeting they had discussed the "Mail Pouch" barn signs.

Mr. Lantz said based on what Mr. Marsh had described, it would be considered as a painted advertisement and an off-premise advertisement for a business or service not conducted at that location. Mr. Marsh said it would be possible that the business or service could be conducted on that property. Mr. Lantz said off premises signs are prohibited. If the house painting advertising the service or business is on the premises, the signs would have to abide by the size limitations that the code has, such as 32 or 50 square feet. Another issue is whether it is an advertisement or work of art. The sign regulations do not really address those issues but if it was an advertisement it would be subject to regulations.

Mrs. Thomas-Roth brought up the painting of the Campbell's soup can by Andy Warhol, as an example of art and advertising combined. Mr. Marsh said if there were words saying "Buy" than it would be an advertisement.

Mr. Bruns asked if there was anything in the housing codes about painting houses with a garish design or if there were covenants that covered that. Mr. Applegate said there were regulations on that as far as a historical district zoning but overall, there is not. Mr. Applegate relayed a case in Trotwood concerning a multi-colored garish painted home and the courts said it was permitted. Mr. Lantz said there was a home in Yellow Springs with a mural painted as a road. It was distracting to drivers but was also considered as a work of art.

Mr. Applegate said he and Mr. Green, the zoning inspector, had looked at several existing apartment rental signs. They are on the property and are not in the

right-of-way but there are six of them. The apartment complex was recently sold and these are new owners. Mr. Applegate asked how those signs would be treated. They talked about temporary signs but Mr. Lantz said it would be considered as portable signs, not temporary. They would also not be considered as real estate signs. The planning commission asked about time limitation and limit of the number of signs. Mr. Applegate said he was not against them but he thought they should be limited in the time displayed and the number of signs posted.

Mr. Lantz read the definition of real estate signs and they cannot exceed sixteen square feet in size. He said you could use the square footage to limit the size. They discussed if it would be considered a commercial property and this would not be considered as a commercial property. Mr. Applegate said it would be considered as residential, multi-family. Mr. Applegate said they need to consider how to regulate this. Mr. Lantz felt that they would be considered as real estate signs. Mr. Applegate said not all of them would be real estate signs and he said he would consider them more as advertising rather than real estate.

Mr. Marsh said sometimes signs say "Rent one month free", or "heat free for 1st month" and those would not be real estate signs. Mr. Applegate asked if there could be some kind of "multi-family" signage. Mr. Marsh said some signs say, "special today". Mr. Lantz said he would consider that as commercial sign because it is on the property of a multi-family dwelling and they are trying to lease it. He said if the signs would say "Have a good day", that would be different. Mr. Applegate asked everyone to think about it and he thought he would have Mr. Green get some pictures and send them to everyone. Mr. Marsh said his thoughts would be that they should be limited because of distraction and curb appeal.

They mentioned campaign signs and Mr. Green said that he pulled some that sprang up in the right-of-way on Election Day.

Mr. Green had a question on temporary signs, page 2 if they were only allowed on business lots. He was referring to some areas of residential office space in Union and that they would want to put up some portable signs. The regulations mention business, not residential. Mayor O'Callaghan said it would be a business but Mr. Green said it was not zoned that way. Mr. Lantz said in section 1341.02, (1) it lists permanent signs and they could carry over that to the temporary signs. Mr. Applegate said if they would look under D, (1), (a), it allows

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one portable, or portable folding sign. It allows a business sign in business, commercial, and industrial zoning districts. In the situation Mr. Green was asking about, it was a business in a residential area. Mr. Lantz said he missed that and that there are no “business districts” in Union and he would have to change that to residential since there are business establishments in residential areas.

They also discussed name plates in 1341.02. Mr. Applegate said they had changed the portion indicated in red, so they could allow name plates for a home occupation.

Mr. Green asked about size limits for signs in industrial parks and they said that was one of the items they would need to discuss.

Mr. Applegate suggested that they go through these new, revised sign regulations page by page to catch any typographical errors and look over the changes made so far.

Mr. Lantz started through the proposed chapters. For 1341.01 Purpose, the only change was to remove the brackets, which is highlighted in red after the word “premises”.

1341.011, Findings, he changed the placement of providing the name of the law firm and information he has provided to the city.

On the second page, he added “pedestrian” in addition to “traffic”.

Mr. Applegate said that at the last meeting, they discussed Martindale Road not being listed and Mr. Applegate said that after thinking about it, he thought that it should be included in the list and he will get the traffic count.

It was also mentioned that it should be Dog Leg Road and not “Pike”.

In 1341.02, Permanent signs, there are mostly cosmetic changes there, writing out numbers, etc. and changing the business to residential as discussed earlier. On the following pages Mr. Lantz inserted what was discussed about a business with an additional lot, and that the additional lot would not double the amount of sign square footage. Mr. Applegate said his example was the Toll House Restaurant with the second lot used for a parking lot. Having a second lot does not double the square footage allowed in what they can have for signs.

On page 3, he decided to be more specific concerning traffic control signs and referred to them as devices conforming to the Manual of Uniform Traffic Control Devices.

On page 4, they added a reference to name plates.

Mr. Lantz asked if they were ready to set up the size for signs in Light-Industrial zoning and Mr. Applegate said they were still gathering information on that.

On 1341.03, Temporary Signs, he added in the Uniform Traffic Control Devices instead of traffic control, and there were some other cosmetic changes and he would change business zoning district to residential.

On page 3, for the duration that the signs can be left up, he suggested a change to 30 days per quarter. Mr. Applegate suggested that they cut that in half. Mr. Marsh suggested ten days. Mr. Applegate said a lot of things spanned a weekend so they suggested two weeks or fourteen days.

On page 4, regarding special event signs, Mr. Lantz removed the line stating that the city could remove the sign. Mr. Applegate said most of the people are good at removing signs. He said if this was eliminated, he did not object to that.

They discussed the length of time a special event sign could be displayed which they have as thirty days. Mr. Applegate said he did not have a problem with thirty days. They decided to remove the line where the city could remove a special event sign. Mr. Applegate said that removing the signs could result in being sued and they usually do not have a problem with that but they do want regulations to cover every situation.

Section 1341.04, non conforming signs, had one small, cosmetic change on the second page.

Section 1341.041, Prohibited signs, he added the Uniform Traffic Control Devices wording as had been added in other sections.

For Section 1341.042, signs exempt from regulations, he said that at the last meeting the commission had asked him about flag pole height. He said he checked and there are some codes that do determine that but if that is what they want, flags

would have to be taken out of exempt status. They would not be subject to permits but would be subject to other regulations. The height of the poles is usually tied to the height of the buildings.

Mr. Applegate said they did not have to worry about that. He added that they asked about the size of the flag because that determines the size of the pole. Mr. Applegate said the city does not have any buildings over three stories. He said he didn't think that the city needed to come up with regulations about this. He suggested that they leave the regulations as they are.

In the continuing discussion on signs, Mr. Applegate said if there was a six story building built in the industrial park, the size would be in the building design which would be governed by Montgomery County.

There were no changes to 1341.05 and on page 2 of 1341.06, he added information on special event signs. Instead of giving the Union enforcement officer as having thirty days, it was changed to twenty-one days.

Mr. Bruns asked if it was twenty-one calendar days or business days. Mr. Lantz said that when reference was made to days in these kinds of matters for the state, it referred to business days but Mr. Lantz said he was not referring to business days in this ordinance. The planning commission members thought it stretched things out too much. Mr. Marsh suggested calendar days. Mr. Applegate said it is standard in Ohio, since it is usually referred to as business days, Mr. Applegate said they move fairly quickly on permits. Mr. Bruns questioned the lower number in case someone was on vacation. He suggested they leave it as twenty-one days and not specify if it would be calendar or business days in (c) (1). Mr. Applegate said he would prefer the regulations to be specific. Mr. Applegate said they could say twenty-one business days and they would try to do it sooner than that.

On the expiration day, it was decided to extend it to twenty-eight days. Mr. Applegate said it could be left as days, instead of calendar days because they will be able to do the permit right away. Mr. Lantz said they could always send a notice. Mr. Applegate said they usually know right away if they would approve it or not.

Mr. Green asked about page 3, on the appeal, about the length of time to respond on an appeal. Mr. Green said they would respond but would send things by certified mail which takes more time. He said that sometimes in the time he takes to review it or to consult with other companies, and then sending items out by certified mail, it could take longer than the twenty-one days. Mr. Green said it would depend on the time it would take to review it and then to mail it. Mr. Applegate said he took it that once the permit was disapproved, it allowed twenty-one days to notify them. Mr. Applegate said the city has twenty-one days to issue the permit, and then an additional twenty-one days to notify them of their decision. There was further discussion the interpretation on the regulations.

Mr. Applegate felt Mr. Green was correct and there was not enough time to get a review and notification out to the applicant. Mr. Applegate said they needed more than seven days, adding in the mailing time. Mr. Lantz said as long as the item was “mailed” in the deadline, it did not matter how long it would take for the post office to deliver the response.

Mr. Lantz said if they were in compliance, they would issue a permit. The only time a letter would be required would be if the permit was rejected or if there was conditional approval – that they would need to meet certain conditions.

Mr. Applegate felt they still needed more time. Mr. Lantz suggested changing the 14 days to 21 days to approve or reject, and the 21 days to 28 days to send a notice of the rejection. Mr. Applegate and Mr. Green were satisfied with the additional time.

On page 5 in that same section, Mr. Lantz said he made a change according to Mr. Bruns’ suggestion, about removing signs from the city right-of-way. They also changed “notice” to “Notice of Violation”.

In 1341.07, Definitions, he added a more complete definition on deteriorating signs.

Later in that section, under (y), he removed a non-commercial sign from the off-premise sign definition.

On page 5, regarding special events, in response to a discussion at an earlier meeting that special events and a church out of town would like to advertise their event, he changed it by adding “ or vicinity” after the City of Union.

There were no changes in 1341.08 and a one change in 1341.09, off-site changed to off-premises.

Mr. Applegate said he and Mr. Green were talking about service stations and a section in the code that just dealt with that kind of business. It talked about pole signs for service stations so they can have their prices displayed. Mr. Applegate asked Mr. Lantz what he thought about that.

Mr. Applegate said eventually there would be a service center across the river. The pole signs are more than fifty square feet. Mr. Applegate said the regulations are in the zoning code, under conditional uses for gasoline stations. Mr. Applegate was asking should they remove it, or leave it in and should they address that in the sign code.

Mr. Lantz asked if they were concerned about a new service station coming in. He suggested if they were comfortable with limiting new service signs to permanent sign regulations. Mr. Applegate said he was not worried about the existing stations but was concerned with new stations.

Mrs. Thomas-Roth said she had read that some city in the news did not want signs going too high. Mr. Applegate said he was concerned with the total square footage. Those signs, whether they are low or high, can be four feet by eight feet. Mr. Bruns said if a new station went in, it would be covered by both the sign ordinance and the conditional use. They did not want new regulations that would deal with exceptions. Mr. Applegate said if it was left under conditional use, it would continue to give the city control. Mr. Bruns said both of them need to stay in place. Mr. Applegate said it had worked well in the past but he would appreciate Mr. Lantz taking a look at that.

Mr. Applegate suggested they look at this again at their regular planning commission meeting in December and after that, the planning commission would need to decide if they wanted to forward the regulations to the council. The next planning commission meeting in December would be December 4.

3. Open agenda

There was nothing for the open agenda portion of the meeting.

4. Mr. Marsh moved that the November 7, 2012 planning commission meeting be adjourned. Mayor O'Callaghan seconded the motion. All concurred and the meeting was adjourned.