



Planning Board Meeting June 18, 2020, 6:00 pm Agenda

REMOTE TELECONFERENCE MEETING**

Due to COVID-19, this meeting will be held via Zoom teleconferencing. Live streaming of the meeting is available on the City's YouTube channel (Bellbrook City Hall).

Should any member of the public wishing to submit comments and/or questions for the Board's consideration may do so by emailing the Clerk of Council at p.timmons@cityofbellbrook.org by 3 p.m. on 6/18/2020.***

**** Note:** The June 18, 2020 meeting of the Bellbrook Planning Board will be conducted as a remote meeting, pursuant to H.B. #197.

1. Call to Order
2. Roll call
3. Approval of prior minutes of May 21, 2020
4. Old Business:
 - Zoning Code Update Discussion
 - Article 18.20(b) Revision. Prepare for Council
 - Property Maintenance Code Updates
 - Maintenance Checklist Example
 - Methods to Combat Repeat Offenders
5. New Business:
6. Open Discussion
7. Adjournment



BELLBROOK PLANNING BOARD

PUBLIC MEETING MINUTES

May 21, 2020

PRESENT: Mr. Tim Tuttle
Mr. Ed Stangel
Mr. Brady Harding
Mr. Denny Bennett
Chairman Mitchell Thompson

Jessica Hansen Planning and Zoning Administrative Assistant was also in attendance.

CALL TO ORDER

Chairman Thompson called the meeting of the Planning Board to order at 6:00 PM. The Clerk called the roll. Mr. Tuttle, yes; Mr. Stangel, yes; Mr. Harding, yes; Mr. Bennett, yes; Chairman Thompson, yes.

FORMAL APPROVAL OF MINUTES

Chairman Thompson asked if there were any corrections or additions to the minutes of February 20, 2020. Mr. Bennett asked that the spelling of his name be corrected. The minutes are approved with the correction requested.

OLD BUSINESS

- **20-51 New Construction Permit Devol – Winter Haven Lot 176**

Mrs. Hansen presented the staff report. The building would be built as a residence but will be used as a business. The plan is for a 1,500 sq. ft. ranch style home with an attached two-car garage and six parking spaces.

This is an update to a request submitted in 2019. The Greene County Soil and Water Department and Engineer have suggested that permeable pavers be used for the parking area to slow water runoff. The Fire Marshall has requested that Mr. Devol install a Knox box in which to keep keys in case of an emergency.

Property owner, Dan Devol stated that he planned to put in a concrete parking area and had not looked into the logistics of permeable pavers. Mrs. Hansen explained that they are just a suggestion and not a requirement.

The Board members agreed that they did not see a need for the permeable pavers.

Mr. Brady asked if Mr. Devol planned to plant screening between his property and the neighbors. Mr. Devol answered that there will be a line of pines and river birch trees planted which will screen the parking area. This property will be a showcase of their work.

Mr. Devol also explained that the property will be ADA Compliant including the parking area and path to the doors. There will be signage and striping included.

ZONING CODE UPDATES

- **Updates to Article 18.20(b)**

Mrs. Hansen explained that the Sign Code will be ready for the Planning Board's review soon and will be sent to the members as soon as possible.

NEW BUSINESS

- **Property Maintenance Code Updates**

- Repeat and Habitual Offenders

Mrs. Hansen explained that other local municipalities have stricter fines. The purpose to combat blight.

- Vacant Property Registration

Currently Bellbrook charges an owner \$100.00 one time to register a vacant property. And according to our code "vacant" only applies to foreclosed properties.

Mrs. Hansen presented the code that Xenia has in place and suggested we update ours similarly. The definition of "vacant" will be updated and fees raised with. She also suggested creating a list of volunteer agencies that would be willing to help property owners who need assistance.

A Property Maintenance Checklist was also presented. This could help property owners understand their responsibilities. It would be online and sent out with the notices of violations. Mrs. Hansen will be creating a specific list for Bellbrook.

ADJOURNMENT

Mr. Thompson adjourned the meeting at 6:35 PM.

Mitchell Thompson, Acting Chairman

Date

Pamela Timmons, Secretary

Date

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Article 18 SIGNS

18.20.B PERMITTED SIGNS (Active Downtown District):

1. SCOPE-OF-REGULATIONS:

The intent of this section is to ensure that signs are compatible with the general architectural character of what was once the “Old Village” referenced in this section of the zoning ordinance which is now known as the Active Downtown District. These regulations are in addition to regulations contained in **Section 18.20.A**, but where there is conflict with **Section 18.20.A**, the regulations contained herein shall take precedence. **The Downtown Review Board** shall be established by City Council to administer this section of the Zoning Ordinance when the Zoning Administrator feels a proposed sign is in conflict of the code or contains elements not covered by this code and would therefore need to be reviewed by the Downtown Review Board. All other sign instances that are in compliance with this section shall be under the authority of the Zoning Administrator.

2. NUMBER OF SIGNS PERMISSIBLE:

a. Single Occupant-Buildings:

Single occupant buildings are permitted one (1) sign of each sign type (free-standing, wall/roof or projecting) no larger than the permissible size (see Section (3) below) for each frontage on a public street. One (1) additional sign no greater than one (1) square foot in area is permitted for each entrance, when flush mounted near the entrance for purposes of pedestrian information. No other exterior signs are permitted unless they are identified as a permitted exception in Section (7) "Exceptions."

b. Multi-occupant Buildings:

Signs on buildings having more than one (1) occupant shall be controlled in the following manner:

1. Each occupancy facing a public street or public access driveway with a door opening directly from the occupancy onto the public street or access shall be allowed one (1) sign of each sign type (free-standing, wall/roof or projecting) of the permitted size, for each street frontage.
2. One sign of the permissible size (see Section (4) below) is permitted for each shared entrance. On this sign all the building occupants sharing the entrance may be listed.
3. One (1) additional sign no greater than one (1) square foot in area is permitted for each building entrance, when flush mounted near the entrance for purpose of pedestrian information. No other exterior signs are permitted unless they are identified as a permitted exception in Section (7) "Exceptions."

3. SIGN TYPES:

a. Projecting:

1. Location:

- a. In no case should the sign or its supports extend above the highest point of the building.
- b. A sign may project from a building beyond the property line and over a public sidewalk providing:
 - i. it does not intrude more than $\frac{3}{4}$ of the sidewalk width; and
 - ii. it clears the sidewalk by ten (10) feet vertically.
 - iii. Limit projecting signs to one per façade or business, except for corner buildings where two signs are appropriate (one per façade).

2. Size:

No projecting sign shall be larger than thirty-six (36) square feet in total exposed faces, except at the corner of two (2) public streets. Projecting signs attached to corners of buildings facing two (2) public streets may be of a size equivalent to the total size allowed for projecting signs on the two (2) sides forming the corner (a total 72 square feet), in which case, no other sign shall be permitted. If less than the allowable area is used, the remaining allowable area may be used to establish one (1) other projecting or flat sign on the respecting intersecting building face.

b. Wall:**1. Size:**

No sign attached flat against the face of a building or painted thereon shall be larger than forty (40) square feet and shall not extend more than twelve (12) inches from the building face

2. Location:

The sign should be proportionate to the building and not dominate the appearance. The sign should be in scale with the façade of the building and signs that cover more than 20% of the façade shall be prohibited.

c. Free Standing:**1. Location:**

- a. No free-standing sign shall be mounted on the roof of a building nor shall it reach a greater height than the lowest point of the cornice of the building or facility it represents.
- b. In no case shall any portion of a free-standing sign be located off the property of the facility it represents.

**FIGURE 1**

- a. Place ground mounted signs in a location that is readable from the street and appropriate for the building and its surroundings.

2. Size:

- a. No free-standing sign shall be larger than thirty-six (36) square feet total exposed faces.

3. Prohibited Characteristics of Free-standing Signs:

- a. Design signs to be subordinate in size to the historic building and/or building and in scale with the building's architectural details.



FIGURE 2

- b. Internally lit or sign boxes that are either plastic or appear to be plastic are prohibited.
- c. Billboard – A form of off premises sign. A free-standing ground sign located on industrial, commercial, or residential property. These types of signs are prohibited in the active downtown district.
- d. Windblown or Inflated Signs – sky dancers, pennants, or other inflatable objects, pinwheels and other similar attention-getting devices shall be prohibited, except when used as a public event temporary sign or where specifically permitted in conjunction with a temporary use.
 - i. Inflatable store-bought balloons are permitted without the need of a permit but shall be displayed for no longer than (3) days.
 1. Under no reason shall balloons be released into the air. Releasing balloons into the air will be considered littering.

d. Roof Signs:

1. Location:

Roof signs are permitted on structures in B-4 zoning districts in the Active Downtown District where a pitched roof overhangs a wall at the ground floor level in a manner which precludes the practical placement of a sign on any part of the wall of the building. The baseline of the roof sign:

- a. Shall be no closer than twelve (12") inches from the gutter line of the roof and the sign, including structure, must be totally contained within the lower fifty percent (50%) of the roof; and
- b. Shall not exceed four feet (4') in height and a maximum of four- and one-half feet (4 ½") from the roof surface as measured vertically from the face of the sign.
- c. In no case shall the roof sign project above the peak of the roof upon which the sign is located.

2. Size:

No roof sign shall be larger than twenty-four (24) square feet total exposed face.

e. Murals:

A mural is defined as a hand-produced work of visual art which is tiled or painted by hand directly upon or affixed directly to an exterior wall of a building.

In recognizing the importance of murals in establishing a sense of place and contributing to the character and overall quality of life in the City of Bellbrook, murals within the Active Downtown District may be exempted from the normal maximum sign area provisions for signs. Due to the nature of a mural the overall design must be approved by the Downtown Review Board (DRB). However, the DRB cannot force an artist to change his or her work, they are not to specify characteristics of the artwork (specific content, colors, arrangement, etc.), merely approve or deny based on the overall nature of the work or idea submitted. No mural shall contain material that could be deemed offensive, racist, sexist or otherwise obscene. Commercial or branded murals will be considered if they are historical in nature or relative to a current business and created with the intention of being a work of art rather than a sign. Murals should be works of art that represent our community.

Murals shall be placed and sized in a way that is complementary to the building it is placed on. Each mural's proposed placement and respective size shall be reviewed and approved by the DRB.



FIGURE 3



FIGURE 4A

f. Awnings:

Signs shall be permitted on awnings provided the awnings are constructed of frame and cloth. The area of the awning used as a sign shall be no larger than twenty-four (24) square feet. Awning signs shall be used as secondary signs only. The use of an awning sign as a primary sign shall be in an unusual circumstance only where the business may have no other alternative, or where the Zoning Administrator or Downtown Review Board deem appropriate.

- 1) The use of plastic or shiny materials in awning signs shall be prohibited.
- 2) Covering historic details with awnings shall be prohibited in the Active Downtown District.
- 3) Awnings shall have a minimum depth of 3 feet to provide a traditional appearance.

4. PHYSICAL CHARACTERISTICS AND PROHIBITED CHARACTERISTICS OF SIGNS:

a. Color:

Sign colors shall be subdued and compatible with building colors.

b. Materials:

In historic downtowns signs were generally painted directly onto the building or made of wood and either attached to the building or suspended from iron brackets. As time and technology advanced building styles changed and a wider range of materials were used, including: bronze plates, cast iron, stainless steel, etched or painted glass, leaded glass, gold leaf, and tile. Each material has its own appropriate time period association.

- 1) Allowable materials are those listed above. Closely related materials or facsimiles of those materials are permissible if deemed acceptable by the Zoning Administrator.
- 2) The use of non-durable materials such as vinyl (except for the case of vinyl window decals and metal signs wrapped in vinyl), PVC, corrugated plastic or paper, cardboard, plywood, particle board, or foam shall be prohibited.
- 3) Highly reflective materials should be carefully examined and shall require approval from the Zoning Administrator and in extreme instances the Downtown Review Board.
- 4) The use of plastic shall be prohibited unless determined appropriate by the Zoning Administrator.

c. Lighting:

No sign shall be lighted internally nor shall there be rotating light beams, beacons, or flashing illumination. All signs shall be lighted by a separate light source, set to not constitute a hazard to pedestrian or vehicular traffic. No back lighting shall be allowed.

1) Window Signs:

Lighted signs on the inside of windows are not exempt from this ordinance and must obtain a zoning permit and thusly a request for a variance from the BZA after a decision has been made by the Downtown Review Board.



FIGURE 5



FIGURE 6

FIGURE 4

FIGURE 5

Common example of signs that are internally lit and placed in windows.

2) Open Signs:

Businesses are allowed to have an open sign that is lighted internally, open signs shall be considered a subordinate sign and do not require a permit. Only one per business is allowed in the Active Downtown District. However, it shall not blink, flash or animate in any way.



FIGURE 7

3) Exceptions:

Signs with historic character such as those of Theaters or Cinemas, barber poles, etc. shall be partially exempt or wholly exempt as determined by the Downtown Review Board. Such signs shall be approved by the Downtown Review Board and the business owner must provide reasoning why the sign has historic character if it is not easily identified.



FIGURE 8

d. Animation:

No sign shall be permitted which incorporates physical movement or the illusion of physical movement, with the exception of rotation, for example in the instance of barber poles or other vintage signage. Signs with video messages or computer interfaces are prohibited.

e. Design:

The design (shape, material, colors, lettering) of signs shall in total be compatible with late 19th century and early 20th century architectural characteristic of the Active Downtown District.

f. Positioning:

New signs should respect neighboring buildings so that they do not overpower adjacent structures. New signs should create a cohesiveness with the other signs in the Active Downtown District. Compliance shall be determined by the Zoning Administrator.

5. ERECTION AND DISPLAY OF SIGNS:**a. Display:**

No exterior sign may be erected or displayed within the Active Downtown District without a permit Zoning Administrator.

b. Compliance:

Compliance shall be determined be by the Zoning Administrator. In cases where compliance cannot be determined by the Zoning Administrator the Downtown Review Board will decide if the sign is in compliance or whether a request for a variance should be submitted to the BZA.

c. Closure/Vacancy:

Upon the closure of businesses or the movement of a business the signs must be removed, name plate removed or some indication provided on the sign that the property is now vacant or

for rent/lease. Said signage shall be removed within ten (10) days of closure. If the property owner does not comply with this regulation, they will be subject to **section 19.12** of the Zoning Ordinance.

d. Removal of unlawful signs in the public right-of-way:

The City Manager, Zoning Administrator, Service Department, Police Department or anyone appointed by the City Manager may remove or cause to be removed any unlawful sign in the public right-of-way. The sign will be destroyed or disposed of within **10 days** of removal unless claimed by owner. Signs can be picked up at the City Administrative Building at

6. MODIFICATION AND REPAIR OF SIGNS:

a. Non-Conforming:

Existing signs which do not meet the requirements of this ordinance shall be considered non-conforming and shall be subject to the following restrictions:

1. No sign sustaining over fifty percent (50%) damage based on current replacement costs shall be repaired. In this case the damaged sign must be removed and/or replaced with a conforming sign.
2. No change in the size, shape, color or content of a non-conforming sign shall be permitted except a change in ownership identification.

b. Conforming:

No new sign shall be erected and there shall be no change in size, shape, color or content of an existing conforming sign. No sign shall be permitted without prior approval of the Zoning Administrator.

7. EXCEPTIONS:

a. General:

Certain unique types of identifying signs or emblems shall be allowed upon approval by the Zoning Administrator. Examples are barber poles, physician's caduceus, community bulletin boards, etc., provided they are of a scale suitable for the business they identify and are compatible as to color, and materials as otherwise noted herein.

b. Temporary:

1. Time Limit:

Temporary signs of various types and designs for businesses and public notice shall be allowed provided they are approved by the Zoning Administrator and are limited to a total of thirty (30) days display time per quarter, which can be renewed.

2. Extended Temporary Sign 31-90 Days:

Extended temporary signs are allowed with approval by the Zoning Administrator for special circumstances or events, but for no greater than (90) ninety days per quarter. No extended

temporary sign shall be approved for two consecutive quarters in a row unless the sign is for a governmental institution.

3. Sandwich Board Signs:

Sandwich board signs, such as those used as menus or detailing events, shall be exempt and are not considered a sign under this ordinance. Sandwich board signs however must not contain any offensive messages and/or any of the prohibited characteristics of this code. If the sandwich board sign is found to have any offensive message or material, and/or a prohibited characteristic, the Zoning Administrator has the authority to remove and return the sign to the owner. Sandwich board signs must not block walkways and must not be in the right-of-way or in parking spaces.



FIGURE 9 SANDWICH BOARD SIGN EXAMPLE

8. ADMINISTRATION, ENFORCEMENT AND APPEAL:

a. Administration:

Administration of this section of the Zoning Regulations shall be the responsibility of the Zoning Administrator. If the Zoning Administrator feels a proposed sign is in conflict of the code or contains elements not covered by this code, the request would require approval by the Downtown Review Board. See **Section 14.13** for the assembly of the Board. Application for display or modification shall contain the following minimum information:

- Name and address of the applicants;
- Address of the property at which the sign will be displayed;
- Listing of occupants of the buildings on the property where sign is to be displayed;
- A rendering and/or photograph showing the location of the sign on building or property; and
- A written description and rendering of the sign containing the wording, colors, material and dimension of the sign.

b. Enforcement:

Any person, firm or corporation erecting or modifying a sign not in accordance with an approved application will be subject to penalties as specified in **Section 19.12** of the Zoning Ordinance.

c. Appeal:

Appeal of the decisions of the Downtown Review Board or the Zoning Inspector shall be made to the Board of Zoning Appeals.