



PLANNING BOARD MEETING AGENDA
Thursday, January 18, 2024 at 6:00 PM

15 East Franklin Street Bellbrook, Ohio 45305
T (937) 848-4666 | www.cityofbellbrook.org

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF THE MINUTES**
 - A. Approval of Minutes from the November 16, 2023, Planning Board Meeting
4. **NEW BUSINESS**
 - A. Nomination and selection of Chair Person
 - B. Nomination and selection of Vice Chair Person
 - C. 2023-PB-07 91 W Franklin Street-Proposed Development Plan and Use for the Construction of a New Storage Facility
5. **OLD BUSINESS**
 - A. 2023-PB-05 Proposed Zoning Code Alteration 18.20 Signs
6. **OPEN DISCUSSION**
7. **ADJOURNMENT**

RECORD OF PROCEEDINGS

Bellbrook Planning Board
November 16, 2023

Item A. Section 3, Item

CALL THE MEETING ORDER:

Mr. Bennett called the meeting of the Bellbrook Planning Board to order at 6:30pm

ROLL CALL:

PRESENT:

Mr. Denny Bennett

Mr. Ed Stangel

Mr. Tim Tuttle

ABSENT:

Dr. Dave Veldhuizen

ALSO PRESENT:

Jason Foster, Community Development Administrator

APPROVAL OF MINUTES:

Mr. Bennett asked if any member had comments or corrections to the minutes of the July 20, 2023, meeting. Hearing none, the minutes were declared approved.

OLD BUSINESS:

Mr. Foster spoke on the case regarding changes to the sign code from the July 20, 2023, meeting. It was tabled by the Planning Board. A motion is needed to un-table and continue discussion in this meeting.

Mr. Tuttle made a Motion to un-table and continue discussion, Seconded by Mr. Stangel.

Voting Yea: Mr. Stangel, Mr. Tuttle, Mr. Bennett.

Motion Carries

NEW BUSINESS:

PB 23-06: Adding a new zoning code (18.31) Light and Glare. Mr. Foster mentioned at the request of the city council an addition to the zoning code was added (18.31) new code. The intention of the proposed code is to encourage lighting systems that are designed to conserve energy, minimize glare, and protect use and enjoyment of surrounding properties.

Mr. Foster explained to the board items that maybe or may not be in violation. Provided details on concerns from the board with the new code and lighting questions.

RECORD OF PROCEEDINGS

Bellbrook Planning Board

November 16, 2023

Item A. Section 3, Item

Mr. Bennett asked for a motion for PB23-06 a proposed zoning code addition (18.31) light and glare.
Motion Made by Mr. Stangel, Seconded by Mr. Tuttle
Voting Yea: Mr. Tuttle, Mr. Stangel, Mr. Bennett
Motion Carries

PB 23-07: 91 West Franklin St. proposed development plan and other use for the construction of a new storage facility.

Mr. Foster stated the applicant requested a continuance to the December meeting for the case to be heard. Staff would recommend this board entertain a motion to continue the meeting to December.

Mr. Bennett asked for a motion to continue until the December meeting.
Motion Made by Mr. Tuttle, Seconded by Mr. Stangel
Voting Yea: Mr. Tuttle, Mr. Stangel, Mr. Bennett
Motion Carries

OPEN DISCUSSION:

The Board mentioned it is great to see the Bridge Project completed.

Mr. Bennett asked if anyone knew what was going on with the Greg Dart building at the corner.

Mr. Foster replied, it is for sale or lease.

David Buckalow of 126 Lower Hillside Drive Bellbrook: Spoke on Bellbrook Planning and Zoning Boards. Mentioned big changes coming to Bellbrook. Provided examples: Dart buildings, Art Towne, and properties in the Old Village. Concerns with the Old Village and the Dart building downtown.

ADJOURNMENT:

With no further business coming before the Board, Mr. Bennett declared the meeting adjourned at ____ pm.

Denny Bennett, Chair Person

Rob Schommer, Clerk of Council





To: Planning Board
From: Jason Foster, Community Development Administrator
Date: November 2, 2023
Subject: Staff Report for 2023-PB-06 91: W Franklin Street

Summary of the Request

The applicant, Douglas Short, is requesting approval of a development plan and use for the property located at 91 W. Franklin Street. The request consists of the construction of a new 6,976 square foot building used for the purpose of commercial storage units. The proposed structure is stick built with an exterior finish of vinyl siding. 14 exterior units with “residential style” garage doors and 16 interior units are proposed. An office area is proposed along the frontage. The Village Review Board met on June 6, 2023, to discuss this submittal and several conditions. During that meeting, staff also recommended that a split of the lot be a condition. The result of that meeting is as follows:

Village Review Board met on June 6, 2023 to discuss the property located at 91 W Franklin Street. At that meeting, VRB had a very in-depth discussion regarding the property and proposed building. At the conclusion of the June 6, 2023, meeting, VRB moved a positive recommendation forward to the Planning Board with several conditions. Those conditions included:

1. The overall size of the proposed building shall be equal to or lesser than the square footage of the existing structure on the lot.
2. The setback of the proposed building, both from the right-of-way and the rear property line shall be equal to the existing structure on the lot.
3. The proposed building shall have appropriate screening from the existing building.
4. The proposed building shall have landscaping along the Franklin Street frontage.
5. The proposed building shall meet lighting requirements per code.

The plans submitted for this case show:

1. The overall size of the proposed building is equal to the existing building.
2. The setback of the proposed building is equal to the existing building.
3. The proposed plans show a 6’ privacy fence screening the proposed structure from the existing residence.

- 4. The proposed plans show adequate landscaping along the Franklin Street frontage and additional landscaping in the rear of the property.
- 5. The proposed plans show adequate lighting on the proposed building, meeting code requirements.

In addition to the physical characteristics of the proposed building and lot, the Planning Board is also tasked with considering the use of the property. The principal permitted uses in Article 12, B-4 Central Business District are attached to this staff report. A commercial storage facility would fall under “other uses” that can be considered by the Planning Board. It is not a principal permitted use.

Applicant Information

Douglas Short, Owner

Current Zoning District

B-4

Parcel Identification

L35000100020008200

Additional Actions or Next Steps to be taken by the City

Planning Board Review

Applicant’s Reason for the Request

Development in Downtown

Surrounding Land Use within 1,000 Feet

Commercial, Multi-Family Residential, Single-Family Residential

Previous Related Development Decisions in the Immediate Area (3-5 Years)

Village Review Board met on June 6, 2023 to discuss the property located at 91 W Franklin Street. At that meeting, VRB had a very in-depth discussion regarding the property and proposed building. At the conclusion of the June 6, 2023, meeting, VRB moved a positive recommendation forward to the Planning Board with several conditions. Those conditions included:

- 6. The overall size of the proposed building shall be equal to or lesser than the square footage of the existing structure on the lot.

- 7. The setback of the proposed building, both from the right-of-way and the rear property line shall be equal to the existing structure on the lot.
- 8. The proposed building shall have appropriate screening from the existing building.
- 9. The proposed building shall have landscaping along the Franklin Street frontage.
- 10. The proposed building shall meet lighting requirements per code.

Comprehensive Plan Applied to the Geographical Area

The Comprehensive Plan addresses this geographical area many times. It also addresses land use multiple times throughout the plan. Within the Executive Summary, the Comprehensive Plan speaks to the community identity of downtown. The Plan mentions apartments, shops, and restaurants as preferred uses downtown. Within the future land use portion of the Comprehensive Plan, the primary goal is to promote retail and food establishments within the Old Village District.

Existing Public Utilities

Water, Sewer, Electric Gas

Soil Survey Data

N/A

Classification of Streets, Traffic Volumes & Direction, Planned Improvements

New Construction

Flood Plain Information

This property does not fall within the flood plain

Comments from City and County Agencies

The City has a concern with the west side of the proposed lot. The plan shows a 6' 9" concrete pad for purposes of loading and unloading. This pad shall be wide enough for any vehicle to completely exit the public alley to the west for loading and unloading. While 6' 9" may be wide enough for a non-commercial truck, the City is concerned about larger, commercial vehicles, like box trucks, blocking a portion of the alley.

Supporting Maps & Graphics

Attached

Staff Recommendation

Upon review of the application and supporting documents, staff recommends the Planning Board require a lot split, a 10' wide concrete pad and the other conditions set forth by the Village Review Board IF approval is considered.

Article # 12, B-4, Central Business District

12.02 PERMITTED PRINCIPAL USES:

(1) Any generally recognized retail business, service establishments or processing uses as follows:

- (a) Those uses permitted in all residential districts.
- (b) Apparel shops, including specialty shops of all sorts, shoe stores and similar uses.
- (c) Shops selling automobile parts and accessories exclusively.
- (d) Banks, loan offices, stock exchange office and other financial institutions.
- (e) Commercial recreation facilities such as bowling alleys or movie theaters.
- (f) Department Stores.
- (g) Drug Stores.
- (h) Eating and drinking restaurants or other places serving food and/or beverages.
- (i) Food stores including supermarkets and all types of specialty food stores such as bakeries, candy stores and similar uses.
- (j) Furniture and appliances, including rugs, floor coverings, drapery, sewing machine shops used furniture, office equipment, supplies and similar uses.
- (k) Gift shops, camera shops, record shops and similar uses.
- (l) Hardware and related stores as paint, wallpaper and similar uses.
- (m) Hotels and motels.
- (n) Professional and other offices drawing a large number of clients and/or customers such as, but as not restricted to:
 - (1) Chamber of Commerce, Automobile Clubs.
 - (2) Doctors, dentists, lawyers, architects.
 - (3) Insurance, realtors, unions.
 - (4) Post office.
 - (5) Utility Office.
 - (o) Publishing and printing.

- (p) Repair shops such as shoe and watch repair.
- (q) Service shops as barber, beauty, laundry, cleaner and similar uses.
- (r) Travel agencies.
- (s) Variety Stores.

(2) Public and semi-public buildings and privately owned schools such as but not restricted to:

- (a) Churches.
- (b) Fraternal organizations.
- (c) Library.
- (d) Municipal Offices.
- (e) Parking garages.
- (f) Nursery school, provided that there is compliance with State requirements regarding space for play area per child either on-site or in a public play area no more than one (1) block from the facility.

(3) Other uses, which in the opinion of the Planning Board are similar to the above uses indicated as being permitted. The following uses are expressly prohibited:

- (a) Adult Entertainment Facilities, (See Article #18, Section 18.30);
- (b) Auto service stations;
- (c) Mechanized car wash facilities; and
- (d) New or used auto sales lots or showrooms.

(4) Off-street parking facilities provided according to the provision of Section 18.16 excluding multi-story parking garages.

PLANNING BOARD DECISION RECORD

Item C. Section 4, Item

Decision No. PB 24-02

January 18, 2024

City of Bellbrook State of Ohio

Planning Board Decision Record PB 24-02

WHEREAS, on November 1, 2023, the applicant, Douglas Short, requested approval of a development plan and use at 91 W Franklin Street; and

WHEREAS, the requested development plan indicates the construction of a approximately 6,976 square foot building used for the purposes of commercial storage; and

WHEREAS, the Bellbrook Village Review Board moved forward a positive recommendation with conditions on June 6, 2023; and

WHEREAS, Article 12 of the Bellbrook Zoning Code gives the Planning Board authority to approve the development plan and use; and

WHEREAS, on January 18, 2024 the City of Bellbrook Planning Board did meet in an open, public forum and fully discuss the details of the request of the applicant reviewing Planning Board Case # PB-23-07.

NOW, THEREFORE, BE IT RESOLVED by the City of Bellbrook Planning Board that:

Section 1. There was a valid motion placed on the floor to approve the request made by the applicant, Douglas Short for approval of a development plan and use at 91 W Franklin Street (Planning Board Case PB 23-07) in accordance to the Staff Report dated November 2, 2023.

Section 2. That it is found and determined that all formal actions of the Planning Board relating to the adoption of this Decision Record Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including §121.22 of the Revised Code of the State of Ohio.

MOTION STATED BY: _____ and SECONDED BY: _____

Roll call vote showed _____ Yeas; _____ Nays.

Motion to approve is _____ this 18th day of January 18, 2024

AUTHENTICATION:

Denny Bennett, Planning Board Chair

Rob Schommer, Clerk/Secretary

18.20

PERMITTED SIGNS

Subsection 18.20A applies and governs signs in all districts. Subsection 18.20B modifies and delineates special controls for signs in the Old Village District.

18.20A

PERMITTED SIGNS (GENERAL):

(1) PURPOSE:

The purpose of this sign section of the ordinance is to:

(a) Protect each person's Constitutional right to freedom of speech; and

(b) Protect the public health, safety, convenience, comfort, prosperity, and general welfare.

(2) OBJECTIVES:

This section, 18.20A, regulates the time, place, and manner in which signs are displayed to achieve the following:

(a) Primary Objectives:

(1) Permit non-commercial signs on any property within the city;

(2) Permit signs, which do not create a potential hazard to the public safety; and

(3) Permit commercial signs appropriate to the land use and/or zoning classification of each property within the city.

(b) Secondary Objectives:

(1) To create a more aesthetically pleasing city; and

(2) To eliminate visual clutter within the city.

Commentary: A fundamental concept to understanding this sign section 18.20A of the Zoning Ordinance is the classification of a sign into the following two broad categories: (1) permanent versus temporary; and (2) commercial versus non-commercial.

(3) DEFINITIONS:

(a) Building Frontage:

Building frontage shall mean the maximum horizontal width of the ground floor of a building that approximately parallels and faces an adjacent public right-of-way of at least fifty (50) feet in width. In the case of a building with multiple occupants, the maximum horizontal width of the portion of the building where each occupant's main entrance is located shall be considered that occupant's separate and distinct building frontage. In the case where the ground floor of a building is occupied by two (2) or more different tenants, the portion of the building frontage occupied by each tenant shall be considered a separate and distinct building frontage. Corner lots and through lots shall be considered to have only one (1) distinct and separate building frontage.

(b) Commercial Message:

Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

(c) Legible:

A message that is legible from a particular location is one that can be comprehended by a person with eyesight adequate to obtain a current Ohio driver's license standing in the public right-of-way way or other location from which legibility is to be determined. Where such facts are material, it shall be presumed that the observation takes place in daylight hours, and that the person making the observation is standing and is between five feet two inches (5'2") and six feet (6') tall.

(d) Localized Background:

A localized background is any distinctive material, pattern or color that provides a visual background for the sign message and that distinguishes a sign from a larger surface against which it is placed.

(e) Sign:

A sign shall mean any visual communication device utilizing a letter, a word, a number, a symbol, a picture, an object, color, illumination or motion, the major function of such device being to convey visual information to or attract the visual attention of:

(1) A person within a public right-of-way; and/or

(2) A person not on the premises on which the visual communication device is located.

The term "sign" shall specifically include the following:

(1) Any localized background which is a part of or is placed in conjunction with a sign for the purpose of improving the visibility of the sign; and,

(2) Any artificial illumination device whose major function is to provide illumination of the visual information conveyed by a sign.

The following are types of signs:

(1) Directional Signs:

A directional sign is a sign that conveys information that pertains to the direction of traffic movement onto or within a premises.

(2) Ground Signs:

A ground sign is a sign not attached to a building.

(3) Projecting Sign:

A projecting sign is a sign supported by a building wall or column and extending a distance exceeding twelve (12) inches from the wall.

(4) Roof Sign:

A sign mounted vertically on a pitched roof which overhangs a wall at ground level.

(5) Wall-Sign:

A wall sign is a sign which is located on or formed by the surface of the wall of a building. A mansard roof facade on a building shall be considered part of the wall.

(6) Portable Sign (prohibited):

Any sign not attached to the ground or other permanent structure or a sign to be transported, including, but not limited to, signs designed to be transported by means of wheels; balloons used as signs, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business. This definition does not include "sandwich board" signs.

(7) Window Signs

Any sign, illuminated or non-illuminated, attached or affixed to any window. Illuminated window signs shall be limited to two illuminated window signs per property address. Open/Closed signage shall not be considered illuminated signage.

(f) Sign Area:

The sign area shall mean the total area in square feet of all the visible information-conveying surface area(s) of a sign including all localized backgrounds but excluding all materials not conveying significant visual information and whose major function is providing structural support for the sign. An irregular

surface area of a simple plane or solid geometric shape, which approximates the size and shape of the sign surface area. The area of individual elements of a sign placed against a non-localized background such as letters placed against a wall, shall be measured by calculating the area of the smallest single rectangle which would completely enclose all elements of the sign.

(g) Sign-Height:

Sign height shall mean the maximum vertical height in feet that the highest part of a ground sign extends above the surface of the ground underneath the sign.

(h) Sign - Permanent:

A permanent sign is a sign permitted by this Ordinance to be located on a premises which is permanently anchored for an unlimited period of time.

(i) Sign-Sandwich Board:

A temporary sign with two (2) hinged boards which can be placed on the ground. A sandwich board sign is not considered a portable sign under this ordinance. A sandwich board shall only be displayed during the hours in which the business is open.

(j) Sign - Temporary:

A temporary sign is a movable sign permitted by this Ordinance to be located on a premises for a limited period of time. A temporary sign is not considered a portable sign under this ordinance.

(a) any sign located on a premise in conjunction with any election is considered a temporary sign under this ordinance and must conform to all standards of a temporary sign, except; any temporary sign in conjunction with any election shall only be displayed thirty (30) days prior to that election and must be removed within two (2) days after that election on any non-residential property.

(4) SIGNS EXEMPT FROM ORDINANCE:

The following signs are not subject to the provisions of this Ordinance:

(a) Signs Inside Buildings:

Any sign located inside or behind a window shall not be subject to any provision of the Ordinance, except the Prohibited Signs and Sign Characteristics contained in this Ordinance and any illuminated window sign exceeding the limit of two per property address.

(b) Other Signs:

Other signs that are not legible from the public right-of-way or from private property other than that on which the building is situated.

(5) SIGNS PARTIALLY EXEMPT FROM ORDINANCE:

The following signs may be erected or constructed without a permit, but may be subject to additional regulations under this section. Where a sign is erected pursuant to a state statute or a court order, the sign may exceed the size standards of this ordinance or otherwise deviate from the standards set forth in this ordinance to the extent that the statute or court order expressly requires the larger size or other deviation. In all other respects, such signs shall conform to the standards of this ordinance:

(a) Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message;

(b) Signs installed by employees or officials of a state or federal agency in the course of their governmental duties and bearing no commercial message;

(c) Signs installed by employees or officials of the City of Bellbrook or of Greene County in the course of their governmental duties and bearing no commercial message;

(d) Signs required by a state or federal statute;

(e) Signs required by an order of a court of competent jurisdiction;

(f) Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message as necessary to identify the use; and

(g) Signs installed by a transit company with a franchise or other right to operate in the City of Bellbrook, where such signs are installed along its routes and relate to schedules or other information about the transit route.

(6) SIGNS PERMITTED IN PUBLIC RIGHT-OF-WAY.

The following signs, and only the following signs, shall be allowed in the public right-of-way:

(a) Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message;

(b) Signs installed by employees or officials of a state or federal agency in the course of their governmental duties and bearing no commercial message;

(c) Signs required by a state or federal statute;

(d) Signs installed by employees or officials of the City of Bellbrook or Greene County;

(e) Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message is necessary to identify the use;

(f) Signs installed by a transit company with a franchise or other right to operate in Bellbrook, where such signs are installed along its routes and relate to schedules or other information about the transit route; and

(g) In the Old Village District only, sandwich board signs located on sidewalks in conformance with Sec. 18.20B. For display of non-commercial sandwich board signs, see Section 18.20A(9)(h).

(7) SIGNS ALLOWED WITHOUT A PERMIT:

The following signs shall be exempt from the permit requirements of this ordinance but shall be subject to all other standards of this ordinance:

(a) Signs installed by employees or officials of the City of Bellbrook that do not fall under one of the broader exemptions of this section;

(b) Detached signs smaller than two (2) square feet in area and less than four (4) feet in height, and containing no commercial message;

(c) Wall signs smaller than two (2) square feet in area and containing no commercial message; and

(d) In residential districts only, temporary signs allowed by this ordinance that have no more than six (6) square feet of sign area per side or (twelve (12) square feet total sign area.

(8) PROHIBITED SIGNS AND SIGN CHARACTERISTICS:

The following signs are prohibited in the city:

(a) Any sign erected at or near any intersection of any street in such a manner as to obstruct free and clear vision between the height of three (3) feet from the ground and the height of nine (9) feet from the ground;

(b) Any sign which by reason of any combination of location, position, shape, or color, may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or which makes use of the word "stop"; "look"; or "danger"; or other word phrase or symbol in such a manner as to interfere with, mislead, or confuse traffic;

(c) Any lighter-than-air or inflatable sign situated on, attached or tethered to a premises;

(d) Any sign, which conveys at any time the visual sensation or appearance of motion, or presents a non-constant visual image to the eye of an observer;

(1) 'Visual sensation or appearance of motion' shall not include a change of message that is completed in less than one (1) second. The change of message shall appear as a seamless transition from one message to the next and shall include no special visual effects: and

(2) A message display period of five minutes or longer shall constitute a constant visual image;

(e) Any sign with lighting directed out or away from the sign so that the light is cast directly onto or toward a public street or sidewalk or toward private property other than the premises on which the sign is located;

(f) Any sign utilizing a fixed or mobile beacon, strobe light, search light, signaling light, spot light, or similar apparatus, equipment or device, which is directed above or outside of a premises in such a manner so as to attract an unusual amount of visual attention of persons not located on the premises;

(g) Any sign or part thereof which utilizes flame as a source of light;

(h) Any sign utilizing an energized lamp bulb where the surface of the bulb is directly visible to persons not located on the premises;

(i) Any sign mounted on a roof, attached to a roof or integrated into a roof except as permitted for certain special cases as allowed under §18.20A(12)(c)(2), and for certain buildings in the B-4 zoning district of the Old Village District, and as permitted more fully set forth in §18.20B(3)(d), and

(j) Any portable sign.

(9) GENERAL PROVISIONS:

A sign shall be designed, erected, altered, reconstructed, moved, and maintained in accordance with the provisions of this section of this Ordinance unless specifically modified by another section of this Ordinance.

(a) Permits Required:

A Zoning Permit shall be obtained for erection, construction, relocation, or alteration of any permanent or temporary sign unless exempted from this Ordinance or from permit requirements by the express terms of this Ordinance. Installation of any sign shall conform to all city zoning, building, electrical and fire codes.

(b) Non-Conforming Signs:

See: Sec. 18.20B, Non-Conforming Signs, Non-Conforming Lots, Non-Conforming Uses of Land, Non-Conforming Structures; Non-Conforming Uses of Structures and Premises and Non-Conforming Characteristics of Use, Section 18.21 of this Ordinance.

(c) Maintenance of Signs:

Every sign, which requires a sign permit, shall be maintained in a safe, presentable, and good structural condition at all times, including the replacement of a defective part, painting, cleaning, and other acts required for the maintenance of said sign. Permits shall not be required for:

- (1) Routine maintenance of any sign, not involving structural changes to the sign; and
- (2) Changes of message, either manually or electronically, on an electronic message sign, changeable copy sign, subject to limitations of this ordinance on the frequency of message changes.

(d) Dangerous or Defective Signs:

A sign in dangerous or defective condition shall not be permitted on any premises. Any such sign shall be removed or repaired promptly upon receipt of notice from the City Manager or his/her designee. The City Manager may immediately remove or cause to be removed any dangerous or defective sign which, in the opinion of the City Manager, creates an immediate or potential danger to persons or property due to structural deficiencies, inadequate maintenance, or because of the location of the sign.

(e) Location of Signs:

All signs shall be located on private property and a minimum of 15 feet from the paved edge of the road. Signs shall not be permitted in the public right-of-way nor in a median, sidewalk or tree lawn area. Signs shall not be affixed to any improvement (utility pole, traffic control device, bridge, guardrail, or other safety barrier) within such right-of-way or within required sight distance of or on city owned property or buildings, except within lawful proximity of polling places on Election Day, under rules established by the Greene County Board of Elections. Any sign erected in the public right-of-way or on public property in violation of this ordinance shall be deemed abandoned and may be removed by the City Manager or his/her designee without notice or compensation to the owner. Removal by a city official shall not affect the penalties applicable for the unlawful erection or placement of a sign in the public right-of-way or on public property.

(f) Duration of a Permanent Sign:

Any sign permitted in this Ordinance shall be considered to be a permanent sign unless otherwise stated in this Ordinance.

(g) Sign Location with Respect to Frontages:

Allowed signs in Business, Industrial or other non-residential Districts are determined in part by the frontage of the premises on particular roads; where the sign area is calculated based on the frontage on a particular road or street, the allowed sign shall be located along that road or street frontage, regardless of the fact that the premises may have frontage on other streets or roads.

(h) Non-Commercial Messages:

Any sign allowed under this ordinance or a predecessor ordinance, by sign permit, by conditional use permit, or by variance, may contain, in lieu of any other message or copy, any non-commercial message that does not direct attention to a business operated for profit, or to a product, commodity, or service for sale or lease, or to any other commercial interest or activity, so long as said sign complies with the size, height, area, and other requirements of this ordinance. The substitution of a non-commercial message may be made without any additional approval or permitting.

(i) Commercial Messages:

All commercial information conveyed by any sign permitted under this Ordinance must pertain to commercial activities lawfully conducted on the premises on which the sign is located. For purposes of this provision, the offering of a property for sale or lease shall be considered a commercial activity conducted on the premises.

(j) Ground Sign:

(1) Setback:

Unless otherwise stated in this ordinance, any temporary or permanent ground sign or any part thereof shall be set back a minimum distance of ten (10) feet from any right-of-way.

(2) Lot Frontage:

A ground sign shall be allowed only on a lot which has lot frontage on a public right-of-way. Corner lots and through lots shall have only one (1) lot frontage.

(3) Landscaping Requirements:

A permanent ground sign shall require a single continuous landscaped area to be maintained beneath the sign in accordance with the following standards:

(A) The minimum size of landscaped area shall be equal to the total area of the sign; and

(B) The landscaped area shall include living plantings aesthetically located and maintained. The use of concrete, asphalt, or any other paved surface inside the required landscaped area beneath the sign shall be prohibited.

(k) Projecting Signs:

Where projecting signs are allowed, they shall conform with the following standards. A projecting sign:

(1) Shall have vertical clearance of at least ten (10) feet above a sidewalk and fifteen (15) feet above a driveway;

(2) Shall be attached to the building wall at an angle of ninety (90) degrees and no part of the sign shall project more than four (4) feet from the wall; and

(3) Shall not extend higher on the wall than the bottom height of any second story window.

(l) Wall Signs:

Where wall signs are allowed, they shall conform with the following standards. A wall sign:

(1) Shall not extend more than twelve (12) inches from the wall of the building upon which it is mounted;

(2) Shall be inclined from the vertical only to the extent necessary for conformity to the general contour of the wall to which the sign is mounted;

(3) Shall not extend above the top of the wall and shall not extend beyond the limits of any wall to which they are attached;

(4) Shall not obscure an architectural feature, such as but not limited to doors, windows or trim; and

(5) Shall have hidden structural supports.

(m) Temporary Signs:

The illumination of a temporary sign shall be prohibited.

(10) SIGNS PERMITTED FOR AGRICULTURAL ZONES:

(a) Permanent Signs, Generally:

(1) Permanent signs requiring a permit shall be prohibited on vacant or undeveloped land in agricultural zoning districts; and

(2) Permanent signs shall be allowed on a premises with a permanent building designed for human use or occupancy (not including storage or equipment sheds) in accordance with the further provisions of this sub-section.

(b) Occupied Land:

(1) Permanent Signs:

One (1) permanent ground sign shall be allowed for each occupied premises in the agricultural zoning district, subject to the following standards:

(A) The permitted sign area shall not exceed one (1) square foot of sign area per ten (10)

linear feet of lot frontage and shall not exceed thirty-two (32) square feet per side or sixty-four (64) square feet total sign area;

(B) The sign shall not exceed six (6) feet in height;

(C) The sign shall be subject to the setback standards applicable to ground signs in other zoning districts, as set forth under "General Provisions"; and

(D) The sign may bear any non-commercial message or a commercial message related to agricultural activity conducted or agricultural products sold on the premises.

(2) Temporary Signs:

Temporary signs shall be allowed in the agricultural zoning district subject to the following:

(A) Temporary signs shall be ground signs and shall not be attached to buildings, fences or walls;

(B) Such temporary signs shall not exceed twelve (12) square feet in area per side, or twenty-four (24) square feet total sign area, and shall not exceed six (6) feet in height;

(C) One (1) temporary sign bearing a commercial message related to the sale, lease or rental of the premises is allowed per frontage at any time;

(D) On occupied property, one (1) temporary sign may bear a commercial message related to temporary commercial activities lawfully conducted on the premises, including the occasional sale of personal property through a

garage or yard sale, but no premises shall have a temporary sign bearing a commercial message (other than one related to the sale or lease of the property) for more than ninety (90) days per calendar year; and

(E) Any temporary sign may bear a non-commercial message

(F) The sign shall be located outside any public right-of-way but shall not be subject to the general ground sign setback provision.

(11) SIGNS PERMITTED FOR RESIDENTIAL ZONES:

(a) Permanent Signs Generally:

(1) Permanent signs, other than neighborhood entrance signs that conform to Section 11(f), requiring a permit shall be prohibited on vacant or undeveloped land in residential zoning districts; and

(2) Permanent ground signs are prohibited in all residential districts with the exception of permanent neighborhood entrance signs (f) and churches, schools or institutions (d); permanent wall signs are allowed in such districts in accordance with the further provisions of this section (11).

(b) Occupied Lots in Single- or Two-Family Residential Zones:

(1) Generally:

(A) No sign may be directly illuminated;

(B) Projecting signs shall be prohibited; and

(C) The provisions of this sub-section (b) apply to individual occupied residential lots in these districts; sub-section(d), (e) and (f) of this section apply to signs in other locations in these districts.

(2) Temporary Ground Signs:

No permanent ground signs shall be allowed. The following rules apply to temporary ground signs:

(A) Temporary signs shall be ground signs and shall not be attached to buildings, fences or walls;

(B) Such temporary signs shall not exceed six (6) square feet per side, or twelve (12) square feet total sign area, and shall not exceed four (4) feet in height;

(C) One (1) temporary sign bearing a commercial message related to the sale, lease or rental of the premises is allowed per frontage per premises at any time;

(D) One (1) temporary sign may bear a commercial message related to temporary commercial activities lawfully conducted on the premises, including the occasional sale of personal property through a garage or yard sale, but no premises shall have a temporary sign bearing a commercial message (other than one related to the sale or lease of the property) for more than thirty (30) days per calendar year;

(E) Any temporary sign may bear a non-commercial message.

(F) The sign shall be located outside any public right-of-way but shall not be subject to the general ground sign setback provision.

(3) Wall Sign:

Only one (1) wall sign shall be permitted on each dwelling unit and each sign shall not exceed one (1) square foot. The wall sign may bear any non-commercial message or a commercial message pertaining to a commercial activity lawfully conducted on the premises.

(c) Multi-Family Residential Zones:

(1) Generally:

(A) No sign may be directly illuminated;

(B) Projecting signs shall be prohibited; and

(C) The provisions of this sub-section (c) apply to individual occupied residential premises in these districts; sub-sections (e), (e) and (f) of this section apply to signs in other locations in these districts.

(2) Temporary Ground Signs:

No permanent ground signs shall be allowed. The following rules apply to temporary ground signs:

(A) Temporary signs shall be ground signs and shall not be attached to buildings, fences or walls;

(B) Such temporary signs shall not exceed six (6) square feet per side, or twelve (12) square feet total sign area, and shall not exceed four (4) feet in height;

(C) One (1) temporary sign bearing a commercial message related to the sale, lease or rental of the premises is allowed per frontage per premises at any time;

(D) One (1) temporary sign may bear a commercial message related to temporary commercial activities lawfully conducted on the premises, including the occasional sale of personal property through a garage or yard

sale, but no premises shall have a temporary sign bearing a commercial message (other than one related to the sale or lease of the property) for more than thirty (30) days per calendar year;

(E) Any temporary sign may bear a non-commercial message.

(F) The sign shall be located outside any public right-of-way but shall not be subject to the general ground sign setback provision.

(3) Wall Sign:

Only one (1) wall sign shall be permitted on each dwelling unit and each sign shall not exceed one (1) square foot. The wall sign may bear any non-commercial message or a commercial message pertaining to a commercial activity lawfully conducted on the premises.

(d) Signs for Institutional Uses:

Any school, house of worship, recreation center or other institutional use, including the Old Village District, may have the same signage allowed for any other use in the same zoning district in which it is located or the signs listed in paragraphs (1), (2) and (3), in this sub-section:

(1) One (1) detached ground sign, not to exceed thirty-six (36) square feet per side or seventy-two (72) square feet total sign area, or six (6) feet in height. Such signs may be illuminated;

(2) The number of wall signs shall be limited to one per each wall of the building and the total combined area of all wall signs shall not exceed one (1) square foot of sign area per linear foot of building frontage; and

(3) Signs conforming to the Manual of Uniform Traffic Control Devices and containing no commercial message are permitted in required off-street parking areas.

(e) Temporary Subdivision Signs:

As a temporary use accessory to the permitted activity of lawful subdivision development, one temporary sign per subdivision is permitted. There shall in no case be more than one (1) such sign for each fifty (50) lots in a proposed subdivision. Such sign shall not be illuminated and shall not exceed thirty-two (32) square feet per side, or sixty-four (64) square feet total sign area. Such signs shall be removed upon the sale of ninety percent (90%) of the lots in the subdivision.

(f) Permanent Neighborhood Entrance Signs:

Permanent neighborhood or multi-family monument signs, either illuminated or non-illuminated, are permitted. Such signs may include a masonry wall, landscaping or other similar materials or features. Such signs shall be located at the principal entrance(s) to the neighborhood on private property and not in the public right-of-way. Such signs may not exceed thirty-two (32) square feet per side or sixty-four (64) square feet total sign area, and six (6) feet in height.

(12) SIGNS PERMITTED FOR BUSINESS, INDUSTRIAL, OR OTHER NON-RESIDENTIAL ZONES (EXCLUDING THE OLD VILLIAGE DISTRICT):

(a) General-Provisions:

(1) All permanent signs may be illuminated. Temporary signs shall not be illuminated; and

(2) Signs for business, industrial, or other non-residential uses which are lawfully located in a residential zoning district shall be subject to the standards of this subsection (12).

(b) Ground or Projecting Signs:

(1) Only one (1) ground or projecting sign per street frontage shall be permitted on a premises;

(2) The ground or projecting sign shall not exceed one (1) square foot of sign area per one (1) linear foot of lot frontage not to exceed thirty-two (32) square feet per side or sixty-four (64) square feet total sign area; and

(3) Ground signs shall be a maximum height of six (6) feet at the minimum sign setback line and for every additional five (5) feet of sign setback, two (2) feet may be added to the sign height not to exceed a total sign height of sixteen (16) feet. (4) See (e) "Directional Signs".

(c) Wall Signs:

(1) The number of wall signs shall be limited to one (1) per each wall of the building and the total combined area of all wall signs shall not exceed one (1) square foot of sign area per linear foot of building frontage; and

(2) In the case of a building with a pitched roof that overhangs a wall at the ground floor level in a manner that precludes the practical placement of a wall sign on any part of the wall of the building, that portion of the roof surface that overhangs the wall shall be considered part of the wall and a wall sign may be located on that overhanging roof surface provided that no part of the sign extends more than three (3) feet from the roof surface and that the sign height does not exceed two (2) feet. An application for a permit for a sign under this paragraph shall include a detailed drawing by a licensed architect or engineer showing how the sign will be placed and showing sufficient dimensional details to indicate that such placement will conform with the requirements of this paragraph.

(d) Temporary Signs:

(1) Temporary ground or wall signs shall be permitted.

(A) The sign area shall not exceed sixteen (16) square feet per side or thirty-two (32) square feet total sign area;

(B) The sign height shall not exceed six (6) feet;

(C) Only one temporary sign bearing a commercial message shall be allowed for each business address at one time;

(D) Temporary ground or wall signs with commercial messages are permitted for four (4) separate occurrences per business for a total of thirty (30) days per quarter of a calendar year; and

(E) Temporary ground or wall signs with non-commercial messages shall be allowed for an unlimited time

(e) Directional Signs:

In addition to any other permanent or temporary sign permitted elsewhere in this Ordinance, permanent or temporary sign(s) which convey information which pertains to wayfinding onto or within a premises shall be permitted provided that:

(1) The sign area shall not exceed two (2) square feet per side or four (4) square feet total sign area;

(2) Sign height shall not exceed three (3) feet if located within twenty-five (25) feet of a public right-of-way or six (6) feet in height in any other location; (3) The sign shall be located outside any public right-of-way but shall not be subject to the general ground sign setback provision;

(3) No commercial message on such a sign shall be legible from the public right-of-way or from private property other than the premises on which the sign is located;

(4) Any commercial message, including the name or Logo of a business establishment, shall pertain to the premises on which it is located;

(5) For purposes of the previous two paragraphs, in the case of a shopping center or other multi-tenant

property with a single site plan, the entire area under one site plan shall be considered a single premises, regardless of the fact that some occupants of the center may own their individual sites or spaces; and

(6) When located in the Old Village District, the sign shall comply with all the general design standards and general provisions applicable to signs located within the Old Village District.



To: Planning Board
 From: Jason Foster, Community Development Administrator
 Date: January 4, 2024
 Subject: Staff Report for 2023-PB-05

Summary of the Request

Staff felt an alteration to 18.20, Signs in the City of Bellbrook Zoning Code was necessary to regulate illuminated window signage. Currently, the Zoning Code does not regulate window signage in any way. Several commercial operations have an abundance of illuminated window signage that has become a distraction to traffic. The proposed changes to the definition of window signage and exempt signs, allows the City to regulate the amount of illuminated window signage a business may have. These changes also allow the enforcement of the proposed changes if a business is in non-compliance.

Applicant Information

City of Bellbrook

Current Zoning District

N/A

Parcel Identification

N/A

Additional Actions or Next Steps to be taken by the City

If approved, city staff would forward to the legal department for approval and ultimately City Council for final adoption.

Applicant’s Reason for the Request

To regulate illuminated window signage.

Surrounding Land Use within 1,000 Feet
N/A
Previous Related Development Decisions in the Immediate Area (3-5 Years)
N/A
Comprehensive Plan Applied to the Geographical Area
N/A
Existing Public Utilities
N/A
Soil Survey Data
N/A
Classification of Streets, Traffic Volumes & Direction, Planned Improvements
N/A
Flood Plain Information
N/A
Comments from City and County Agencies
N/A
Supporting Maps & Graphics
Enclosed
Staff Recommendation
Staff recommends the approval of the alteration to section 18.20, Signs in the City of Bellbrook Zoning Code

PLANNING BOARD DECISION RECORD

Item A. Section 5, Item

Decision No. PB 24-01

January 18, 2024

City of Bellbrook State of Ohio

Planning Board Decision Record PB 24-01

WHEREAS, the City of Bellbrook has a need to update and make amendments to the Bellbrook Zoning Code in order to improve efficiencies and make improvements for planning and zoning of the City; and

WHEREAS, The Bellbrook Planning Board has reviewed Planning Board Case PB-23-05 and recommends certain amendments to the Bellbrook Zoning Code

NOW, THEREFORE, BE IT RESOLVED by the City of Bellbrook Planning Board that:

Section 1. There was a valid motion placed on the floor to approve a recommendation to Bellbrook City Council for certain amendments to the Bellbrook Zoning Code in accordance to the Staff Report dated July 20, 2023.

Section 2. That it is found and determined that all formal actions of the Planning Board relating to the adoption of this Decision Record Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including §121.22 of the Revised Code of the State of Ohio.

MOTION STATED BY: _____ and SECONDED BY: _____

Roll call vote showed _____ Yeas; _____ Nays.

Motion to approve is ADOPTED this 18th day of January, 2024

AUTHENTICATION:

, Planning Board Chair

Rob Schommer, Clerk/Secretary