

RESOLUTION NO. 06 - 2005

RESOLUTION ADOPTING TEXT AMENDMENTS TO THE WEST CHESTER TOWNSHIP ZONING RESOLUTION CONCERNING ENFORCEMENT AND SIGNS

WHEREAS, the Board of Trustees desires to update enforcement provisions contained within the West Chester Zoning Resolution to be consistent with the authority provided in the Ohio Revised Code; and,

WHEREAS, the Board of Trustees desires to update sign regulations contained within the West Chester Zoning Resolution to be consistent with current judicial case law; and,

WHEREAS, the Butler County Planning Commission and the West Chester Zoning Commission considered and recommended approval of proposed text changes to the West Chester Township Zoning Resolution designed to accomplish the foregoing in Zoning Case No. 01-05; and,

WHEREAS, the Board of Trustees on February 22, 2005 held a public hearing on the proposed text changes contained herein, wherein all interested persons were asked to provide comment to the Board.

NOW THEREFORE, BE IT RESOLVED that the West Chester Township Board of Trustees does hereby agree to:

SECTION 1. Adopt the following text changes to the West Chester Township Zoning Resolution:

- 5.08 VIOLATIONS AND PENALTIES. ~~It shall be unlawful to~~ No building or land shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used any building or land used in violation of the provisions of this Resolution, ~~or any amendment or supplement thereto~~ to this Resolution (collectively, "Resolution") adopted by the Board of Township Trustees. Each day's continuation of a violation of this Resolution may be deemed a separate offense. Whoever violates this Resolution shall be fined not more that five hundred dollars (\$500.00) for each offense. Any person, firm, or corporation violating any of the provisions of this Resolution or, any amendment or supplement thereto, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues, may be deemed a separate offense.
- 5.09 VIOLATIONS - REMEDIES. In case any building or land is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, ~~or any land is or is proposed to be used~~ in violation of this the provisions of this Resolution, or any amendment or supplement thereto to this Resolution adopted by the Board of Township Trustees, the Board of Township Trustees, the Prosecuting Attorney of Butler County, the Township Planning and Zoning Director, or any adjacent or neighboring property owner who would be especially damaged by such violations, in addition to ~~all~~ other remedies provided by law, may institute injunction, mandamus, abatement or any other

appropriate action or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Board of Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this section.

9.97 ~~SIGN, ELECTION. A temporary sign which endorses a candidate for office or promotes an issue which will be voted upon at an officially sanctioned national, state, or local election.~~

9.97 **SIGN, NON-COMMERCIAL.** A work of art or sign for the expression of a message which is political, religious, or pertaining to a point of view, expression, opinion, or idea that contains no reference to the endorsement, advertising of, or promotion of patronage of a business, commodity, service, entertainment, or attraction that is sold, offered, or existing.

10.2892 Signs Permitted in All Districts Not Requiring a Zoning Certificate. The following types of temporary signs are permitted in all districts provided they comply with the following requirements. Such signs shall not require the approval of a Zoning Certificate.

1. TEMPORARY REAL ESTATE SIGNS--Real estate signs advertising the sale, rental or lease of the premises on which they are maintained, provided:

a) No such sign shall exceed sixteen (16) square feet in display area and have a maximum of two display faces.

b) All such signs set back a minimum of fifteen (15) feet from any street right-of-way or adjoining property line and conform to Subsection 10.16, regarding traffic visibility.

c) No such sign shall exceed six (6) feet in height from grade.

d) No such sign shall be illuminated in any way.

e) No more than one (1) sign may be displayed per road frontage of the subject premises.

~~2. ELECTION SIGN—An election sign which endorses a candidate for office or attempts to influence the outcome of an issue which will be voted upon at an officially sanctioned election, provided:~~

2. NON-COMMERCIAL SIGNS, provided:

a) In any residential district, the Central Business District and in the Olde West Chester Road Corridor Overlay District no such sign shall exceed sixteen (16) square feet of display area and shall have a maximum of two display faces. In any office, business, agricultural, or industrial districts, no such sign shall exceed thirty-two (32) square feet in display area nor have more than two display faces.

- b) All such signs shall be located out of the ~~road~~ street right-of-way ~~and be located ten (10) feet from any adjoining property lines~~ and conform with Subsection 10.16; regarding traffic visibility.
- c) No such sign shall exceed six (6) feet in height from grade.
- d) Such signs shall not be self-illuminated ~~in any way~~. unless it is located in a district where commercial signs are permitted to be illuminated.
- e) ~~No more than one (1) sign may be displayed, per issue or candidate, per one hundred (100) ft. of road frontage of the subject premises.~~
- f) ~~Such signs are not erected more than thirty (30) days prior to such election and are removed within five (5) days after said election.~~

10.2893 Signs Permitted in All Districts. The following types of signs are permitted in all districts provided that they comply with the following requirements. These signs shall require the issuance of a Zoning Certificate.

1. TEMPORARY CONSTRUCTION SIGNS--Construction signs indicating the name of architects, engineers, contractors and similar persons or firms involved in the design or construction of a structure or project, provided:

- a) No such sign shall exceed sixty-four (64) square feet in display area and have a maximum of two display faces.
- b) All such signs shall set back a minimum of fifteen (15) feet from any road right of way or adjoining property line, and conform with Subsection 10.16, regarding traffic visibility.
- c) No such sign shall exceed ten (10) feet in height.
- d) Such signs shall not be illuminated in any way.
- e) The number of such signs shall be limited to one sign per two hundred (200) feet of frontage of the parcel in which the construction is taking place.
- f) Such signs may be erected for a period of sixty (60) days prior to construction and extend throughout the construction period. All such signs must be removed upon the issuance of a Final Zoning Certificate of Use for the structure or project.

2. STREET ADDRESS DISPLAYS--Signs displaying the address of a business or property are permitted as part of a subdivision identification sign, on-premise ground sign or a wall sign. Such display shall not be calculated as part of the sign display area if less than nine (9) square feet in area.

3. ON-SITE DIRECTIONAL SIGNS--Directional signs used in connection with parking or loading facilities or similar uses, provided that such signs not exceed four (4) square feet in area, do not extend over the street right-of-way, and in no way obstruct or impair the safety of pedestrians or motorists. Such signs may contain the logo or identification of the business or use on the premises provided it is in conjunction with the directional message.

Directional signs which contain the name or logo of the business or use of the property in conjunction with the directional message that are used as the sole form of freestanding identification on the property shall be permitted a maximum of fifteen (15) square feet of display area. A maximum of two such signs shall be permitted per parcel.

4. TEMPORARY SIGNS--Temporary signs for non-profit activities or events, fund raising public service events provided:

- a) No such sign shall have a display area exceeding twelve (12) square feet per face, with a maximum of two (2) faces.
- b) All such signs set back a minimum of fifteen (15) feet from any street right-of-way or adjoining property line and conform to Subsection 10.16, regarding traffic visibility.
- c) No such sign shall exceed six (6) feet in height.
- d) No such sign shall be illuminated in any way.
- e) No more than one (1) sign may be displayed per road frontage of the subject premises.
- f) No such sign shall be of a portable nature which is not affixed to the ground.
- g) Use of such signs shall be limited to a period not to exceed sixty (60) days.

5. COMMERCIAL SPECIAL MESSAGE SIGNS--Temporary signs for the display of special messages, provided:

- a) No such sign shall have a display area exceeding sixteen (16) square feet per face, with a maximum of two faces.
- b) All such signs set back a minimum of fifteen (15) feet from any street right-of-way or adjoining property line and conform to Subsection 10.16, regarding traffic visibility.
- c) No such sign shall exceed six (6) feet in height from grade.
- d) No such sign shall be illuminated in any way.
- e) No more than one (1) sign may be displayed per road frontage of the subject premises.

f) Use of such sign shall be limited to three (3) display periods, not exceeding fourteen (14) days per period during each calendar year.

g) No such sign shall be of a portable nature which is not affixed to the ground.

h) Special message signs advertising grand openings, going out of business, for hire or other promotional events shall be permitted as pennants, banners, and promotional balloons only when securely attached to a building or hard board surface and affixed to the ground and subject to Article 10.2893 #5 a) - g).

~~17.065~~ TEMPORARY ELECTION SIGNS. Temporary election signs which endorse a candidate for office or promotes an issue which will be voted upon at an officially sanctioned election are permitted in all office districts. Said signs shall not require the issuance of a Zoning Certificate, but shall be subject to the following requirements:

~~a) No such sign shall exceed thirty two (32) square feet of display area and shall have a maximum of two display faces.~~

~~b) All such signs shall set back a minimum of fifteen (15) feet from any road right of way or adjoining property line and conform with subsection 10.16, regarding traffic visibility.~~

~~c) No such sign shall exceed four (4) feet in height from grade.~~

~~d) No such sign shall be illuminated in any way.~~

~~e) No more than one (1) sign shall be displayed per issue or candidate per one hundred (100) feet of road frontage of the subject premises.~~

~~f) Such signs are not erected more than thirty (30) days prior to such election and are to be removed within five (5) days after said election.~~

~~20.096~~ TEMPORARY ELECTION SIGN. Temporary election signs which endorse a candidate for office or promote an issue which will be voted upon at an officially sanctioned election are permitted in all office districts. Said signs shall not require the issuance of a Zoning Certificate, but shall be subject to the following requirements:

~~a) No such sign shall exceed thirty two (32) square feet of display area and shall have a maximum of two display faces.~~

~~b) All such signs shall set back a minimum of fifteen (15) feet from any road right of way or adjoining property line and conform with Subsection 10.16, regarding traffic visibility.~~

~~c) No such sign shall exceed four (4) feet in height from grade.~~

~~d) No such sign shall be illuminated in any way.~~

e) No more than one (1) sign shall be displayed per issue or candidate per one hundred (100) feet of road frontage of the subject premises.

f) Such signs are not erected more than thirty (30) days prior to such election and are to be removed within five (5) days after said election.

23.10 ~~TEMPORARY ELECTION SIGNS.~~ Temporary election signs which endorse a candidate for office or promote an issue which will be voted upon at an officially sanctioned election are permitted in all industrial districts. Said signs shall not require the issuance of a Zoning Certificate, but shall be subject to the following requirements:

a) No such sign shall exceed thirty two (32) square feet of display area and shall have a maximum of two display faces.

b) All such signs shall set back a minimum of fifteen (15) feet from any road right of way or adjoining property line and conform with Subsection 10.16, regarding traffic visibility.


c) No such sign shall exceed four (4) feet in height from grade.

d) No such sign shall be illuminated in any way.

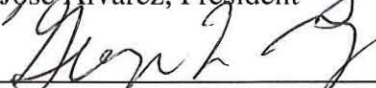
e) No more than one (1) sign shall be displayed per issue or candidate per one hundred (100) feet of road frontage of the subject premises.

f) Such signs are not erected more than thirty (30) days prior to such election and are to be removed within five (5) days after said election.

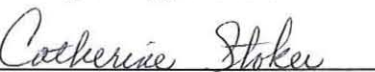
Adopted this 8th day of March, 2005.


Jose Alvarez, President

YES
Yes / No

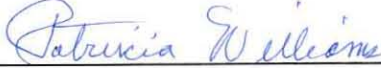

George Lang, Vice President

YES
Yes / No


Catherine Stoker, Trustee


YES
Yes / No

ATTEST:



Patricia Williams, Township Clerk

APPROVED AS TO FORM:



Donald L. Crain, Law Director

CERTIFICATE OF PUBLICATION

February 22, 2005

Date

First Reading

Date

March 8, 2005

Date

Emergency Reading

Second Reading

March 14, 2005 Journal News

Date and Newspaper

March 17, 2005 Pulse Journal

First Publication
(After Approval)

March 21, 2005 Journal News

Date and Newspaper

March 24, 2005 Pulse Journal

Second Publication
(After Approval)

Patricia Williams, 17/15/05

Clerk Signature & Date

Certificate of Publication