

**MEDINA TOWNSHIP  
ZONING COMMISSION  
WORKSHOP MEETING  
July 24, 2012**

Chairperson Alliss Strogin called the workshop meeting of the Medina Township Zoning Commission to order at 7:38 p.m. Permanent Commission members Apana, Overmyer, Erickson and Strogin were in attendance. Permanent member Szunyog was absent. Alternate Board members Don Kuenzer and Gene Kraus were also present as well as Bill Thorne from the Prosecutor's Office.

The Commission approved the June 26, 2012 workshop meeting minutes as written and the May 8, 2012 minutes were approved as amended.

Chair Strogin stated that at the last workshop, Commission member Overmyer took on the task of drafting proposed language on inflatable signs based on the comments from the last two workshop meetings.

*[Draft Inflatable Regs 6-26-12]*

## **Inflatable Signage Regulation – Draft I**

**Whereas:** The Medina Township Trustees have requested the Medina Township Zoning Commission review and comment upon a proposed revision to the Medina Township Zoning Regulations that would permit inflatable signage in the township's commercial districts;

**Whereas:** The Greater Medina Chamber of Commerce Board of Directors issued a resolution dated August 17, 2010, supporting the permitting of inflatable signage;

**Whereas:** Inflatable signage has been the subject of both polite and fractious discussion among the community, its leaders and its commercial interests,

The following *draft* revision to the Medina Township Zoning Regulations is proposed for discussion by relevant parties and authorities. Although this amendment is designed to govern the size, placement and frequency of inflatables, the restrictions that follow are intended to conform to the letter and spirit of Medina Township's existing regulations and those of the greater Medina family of communities.

**605 N.** Temporary Inflatable Signage shall be permitted in the township's commercial districts.

1. Inflatables defined:
  - a. All inflated structures are defined as temporary signs under the provisions of this regulation. [1]
  - b. Inflatable signage is limited to fixed, static, cold-air filled installations. Movement of all or any part of the installation is prohibited. [2]
2. Frequency:
  - a. Inflatables shall be limited to one per property as opposed to one per business or enterprise.
  - b. Inflatable signs shall be limited to 14 days 3 times per calendar year (Jan. 1-Dec. 31). The 14-day periods may be contiguous if the property owner so desires. [3]
3. Inflatables shall require a permit secured by a deposit with the zoning inspector in the amount shown in the "schedule of fees," appendix V. Failure to remove the inflatable within 24 hours of the expiration of the permit shall result in the forfeiture of the deposit to the township.

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**4. Location:**

- a. All inflatables are to be ground-mounted. They are prohibited from rooftops. [4]
- b. Inflatables shall be set back from any right-of-way and property lines a minimum of 10 feet plus the height of the installation. (Example: A 14-foot tall inflatable would be set back 24 feet.) [5]
- c. Inflatables shall not be placed so as to significantly obstruct the visibility of signage on adjacent properties from the road right of way.
- d. Inflatables shall not be placed so as to hinder access by emergency vehicles or services.
- e. No inflatable installation shall be placed within 600 feet of a Federal Interstate Highway.

**5. Size:**

- a. Height shall be measured vertically from the ground to the installation's highest point; width shall be measured horizontally as the distance between the sign's widest points. Area shall be determined by multiplying the installation's height times its width.
- b. Inflatables shall not exceed 14 feet in height; nor shall they exceed 75 square feet in area. [5]

6. Installation: The property owner receiving a permit to install an inflatable structure shall be responsible for the proper, safe and secure construction, erection, safety and maintenance of said structure, and shall ensure that the structure is in compliance with all local, state and federal regulations to include the International Fire Prevention Code and appropriate regulations in the most current edition of the Ohio Building Code.

7. Insurance. The property owner applying for the permit to install an inflatable structure shall provide the Township zoning Inspector with a copy of the Certificate of Insurance at a minimum amount of two Million (\$2,000,000) with the Township as co-insured.

8. Nuisance: The location of the inflatable structure shall not constitute a nuisance.

Mr. Thorne stated that the definition for inflatables goes in the definition section of the code and should not be defined in the "language" itself. A possible definition would be Sign, Inflatable- "A fixed, static, air-filled device designed or intended to be displayed for a short period of time." He continued that the next sentence should read, Inflatable signs may be authorized as temporary signs in all commercial districts. Also, the wording needs to be consistent i.e. inflatable device, inflatable sign, installation etc. The Commission stated it would reference inflatables as "inflatable signs."

Mr. Thorne stated he did not have any issues with Frequency. Regarding Location, Mr. Thorne stated that the Township currently does not allow roof signs so to prohibit inflatables from the roof is consistent with the current language but commented he did not know how that would be received by the Trustees. Also regarding c. "Inflatables shall not be placed so as to significantly obstruct the visibility of signage on adjacent properties from the road right of way" he understood the intent but felt it would be an issue for the zoning inspector because someone will complain that an inflatable is blocking their signage. As long as there are setback requirements this language should be omitted.

Regarding e. "No inflatable installation shall be placed within 600 ft. of a Federal Interstate Highway," the Commission decided to change the distance requirement to 660 ft. to be consistent with Controlled Outdoor Advertising known as the Highway Beautification Act of 1968.

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Mr. Thorne stated he did not feel Installation should be referenced in the language. He added an individual who wants to put up an inflatable sign automatically has to comply with other agencies to be able to have such a sign. To keep this wording implies the Township would get involved to ensure compliance with other governing agencies, which was not the case. Mr. Thorne added it was up to the Commission to keep this language in but it is not necessary.

Also, the reference to Insurance should be omitted as it is not a land use control.

The nuisance language should be removed as one would not want to put the zoning inspector in the middle of private nuisances and civil matters.

The Commission reviewed the Rationale and Comments written by Mr. Overmyer regarding the proposed language:

#### RATIONALE AND COMMENTS

*The following comments describe the concepts and factors that were considered when specific provisions of the proposed draft regulations were framed. They are for reference and discussion only, and need not appear as part of the draft regulations when the regulations are submitted for review.*

1. Permitting permanent installation of additional signage that substantially exceeds the established signage provisions would render moot all township regulations governing size and location.
2. Inflatables are intended to capture, however briefly, the attention of motorists. They are an intended distraction. Prohibiting movement in signage, as is done in other sections of the township's zoning regulations, is intended to minimize driver distraction and preserve public safety as well as possible.
3. Allowing 42 days of display per calendar year is reasonable and generous. A survey of 9 communities permitting inflatables conducted by Zoning Commission member James Apana identified temporal restrictions ranging from 1 week to 30 days with the average being 16 days. The 42-day privilege is nearly twice the average.
4. Restricting location
  - a. All signage, temporary or otherwise, should comply with the letter and spirit of the township's established zoning regulations. These regulations prohibit permanent signs rising above rooflines. Allowing signage of any nature to be placed so as to rise above rooflines would nullify long standing regulations that have enhanced the community's appearance and contributed to its economic vitality.
  - b. Permitting signage on roofs would limit the erection of such advertising to a limited number of buildings and businesses whose design and dimensions are capable of supporting inflatables. The zoning commission is required to be fair and equitable in framing regulations. It does not have the ethical authority to confer signage advantages to some businesses but not all. Applicants unwilling to accept limitations by this or any other provisions of 605. N. have the option of seeking variance(s) from the Medina Township Board of Zoning Appeals.
5. Inflatables are temporary structures and are by design less stable than fixed signage. Installations that are subject to collapse from technical/mechanical failure or the thrust of inclement weather should not threaten motorists or damage adjacent property.
6. All signage in the community is subject to dimensional limitations. Inflatables are no exception. A 14-foot height limit was determined by adding 4 feet to the maximum height (10 feet) allowed for a ground sign by current regulations. This in effect increases the height of permissible, albeit temporary, ground-anchored signage by a generous 40%.

The area specified in 605 N.5.b. of the draft regulations was determined by multiplying the maximum permissible height of the structure (14') by the Golden Mean (0.6180) to arrive at the most esthetically pleasing width -- in this

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instance 5.348 feet. The 14' height was then multiplied by this width to create a square footage of 74.87, which was rounded to 75 square feet. The Golden Mean has been an established architectural value for more than 2,500 years and is employed here to avoid creating arbitrary values for overall size.

Inflatables are commercial devices intended to attract attention from motorists and passers-by. A colorful structure more than twice as tall as the average man is sufficient to accomplish this end without transgressing into the realm of excessive. In other words, a 14-foot tall structure allows an enterprise to shout but prohibits it from screaming.

### Comments

Opposition to inflatable signage expressed by officials and residents appears to be more common than support for the structures. With the exception of Brunswick, home to an enterprise that makes the structures, not one of the communities in Medina County permits such outdoor advertising.

Medina Township has a "gentleman's agreement" with the contiguous communities of Sharon, Montrose and Montville to standardize signage regulations in order to promote fair competition among the communities and their commercial enterprises, and to prevent signage from clashing where the communities share borders. Permitting inflatables would invalidate this agreement and the goodwill it nurtures. In addition, the township's current signage regulations were deliberately designed to harmonize with those of the city of Medina. This is another understanding that fosters goodwill between the two communities.

Prohibiting rooftop inflatable displays is common. Zoning Commission member James Apana conducted an Internet survey that identified 47 communities that had adopted regulations governing inflatables. Of those, some 28 (60%) prohibited inflatables outright. Of the 19 communities that permitted inflatables, 17 (89%) prohibited them from being installed on rooftops and one (1) specified that they be ground-mounted. Only one (1) community in the survey specifically permitted rooftop installation.

A number of the communities prohibiting inflatables offered reasons for doing so. Among these were: preservation community aesthetics, prevention of signage competition, control signage proliferation, minimization of motorist distractions, minimization sign clutter, and preservation the appearance and value of commercial districts by prohibiting what many view as tawdry displays of commercialism.

Mr. Thorne then made the following remarks about the Rationale and Comments:

That you can't have an inflatable on the roof because it discriminates between business owners is no different then allowing different size businesses to have larger wall signs based on the linear frontage.

Not permitting roof signs is consistent with the Township's current code.

The majority of the Township's in Medina County do not permit roof signs.

Mr. Apana asked how Judge Kimbler's ruling effects what the Commission is now doing with this proposal? Mr. Thorne stated Kimbler's decision was very narrow. It basically said Doraty was cited for having a movable sign and the inflatable was not a movable sign. Judge Kimbler then remanded it back to Township for consideration of other reasons to deny the inflatable as a temporary sign and there is. The Township does not permit signs on the roof.

The Commission then modified the definition of Inflatable signage to read, "Signage, Inflatable-Is limited to a fixed, static, air filled device intended to attract attention..... Movement of all or any part of the inflatable sign is prohibited."

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Mr. Erickson questioned the language on frequency. As drafted it stated that such signs are limited to 14 days but the 14-day period may be contiguous. He stated that the City of Brunswick makes the applicant wait 30 days between putting up inflatables. Zoning Inspector Ridgely stated she would like to see some type of interval between taking down and putting up an inflatable. The Commission and Mr. Thorne discussed many different options and time-frames i.e. 14 days 3x per calendar year, 7days 3x per calendar year, once a quarter for 7 days per calendar year. Mr. Thorne commented that once a quarter would allow a business to take advantage of seasonal sale opportunities i.e. back to school, Christmas etc. This would give the Zoning Inspector the ability to track the erection of inflatable signs.

Mr. Apana stated by going to once a quarter for 14 days, the inflatable signs went from 42 days to 56 days a year. He added in the Rationale and Comments drafted by Mr. Overmyer it gave the survey results of those communities that permit inflatables with the average being 16 days. The 42-day privilege is nearly 3 times the average. Now we are proposing 56 days a year.

The Commission discussed modifying the language to  
Frequency:

- a. Inflatable signs shall be limited to one per property.
- b. Inflatable signs shall be limited to 7 days per quarter per calendar year (January 1-December).

The Commission also decided that they would propose prohibiting inflatable signs to be mounted on rooftops.

The Commission then discussed the proposed setback for an inflatable sign to be a minimum of 10 ft. plus the height of the sign. Mr. Erickson stated the code requires a ground sign, which is 10 ft. in height to be 10 ft. away from the road right of way and for an identification sign to be setback 20 ft. from the road right of way. An inflatable sign will probably be taller in height so possible the setback should be greater than 10 ft. What about a setback of 20 ft. or 15 ft.? This will avoid sign clutter. For now the Commission decided to leave the setback as proposed at 10 ft. plus the height of the inflatable sign.

The Commission then reviewed 5. Size of an Inflatable Sign

- a. Height shall be measured vertically from the ground to the signs highest point; width shall be measured horizontally as the distance between the signs widest points. Area shall be determined by multiplying the signs height times the width.
- b. Inflatable signs shall not exceed 14 ft. in height; nor shall they exceed 75 sq. ft. in area.

The Commission asked Mr. Overmyer how he came to the measurement of 75 sq. ft. in area for an inflatable sign. Mr. Overmyer responded the area was determined by multiplying the maximum permissible height of the structure (14') by the Golden Mean (0.6180) to arrive at the most esthetically pleasing width—in this instance 5.348 ft. The 14' height was then multiplied by

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this width to create the square footage of 74.87, which was rounded to 75 sq. ft. The Golden Mean has been an established architectural value for more than 2000 years and is employed here to avoid creating arbitrary values for overall size.

Regarding the height, Mr. Overmyer stated inflatables are commercial devices intended to attract attention from motorists and passerby. A colorful structure more than twice as tall as the average man is sufficient to accomplish this end without transgressing into the realm of excessive. In other words, a 14-foot tall structure allows an enterprise to shout but prohibits it from screaming. Mr. Overmyer stated he proposed 14 ft. in height, which gave 40% more signage than what was permitted for a ground sign. This is extremely generous.

Mr. Kraus stated the largest wall sign permitted is 80 sq. ft. Permitting a 14 ft. tall inflatable sign is basically doubling the amount of signage (an additional 75 sq. ft.) a business would be allowed.

The Commission would remove the wording on installation, insurance and nuisance from the proposed language.

The Commission also discussed inflatables being placed in parking lots. Mr. Thorne stated they could be permitted but could not take up more than the required minimum number of parking spaces. The Commission stated that should be referenced under Location.

Mr. Apana stated that it was in today's Gazette that Brunswick was trying to get rid of pole signs in the City. They listed their rationale in proposing this change. "The intention of the legislation is to amend several parts of the City's sign regulations to clarify vague language, and to make the law reflect the corridor plan Council adopted over 6 yrs. ago."

Mr. Apana continued in the draft Comp Plan that was never legally adopted, the steering committee proposed the following wording for the Rt. 18 corridor, "Comprehensive design standards for signage within the corridor to encourage better design signage that mirrors building architecture and serves to reduce visual clutter." Chair Strogin stated that wording was almost exactly what was in the original Comp Plan that was adopted January 1984. That Plan addressed the Rt. 18 corridor and wanted to reduce sign clutter, multiple signs and signs of all different shapes and sizes. Chair Strogin added there's no doubt businesses need signage but Medina Township is not Vegas. In addition the Rt. 18 corridor is the entranceway into the County seat and the City of Medina. This is a highly visible area.

Mr. Overmyer stated there is nothing to prohibit the Commission from making the decision to prohibit inflatables all together. Chair Strogin stated that the Commission would receive recommendations from the CPC as well as hear comments at the public hearing that maybe the Commission did not consider and/or are worth considering. The Commission should take all that information into consideration and make a well-informed decision regarding inflatables before forwarding wording onto the Trustees for their consideration at a public hearing.

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The issue was then brought up about inflatables being used as political signs. Mr. Thorne stated the courts have determined for the most part that political speech/messages are not regulated unless determined a hazard or obstruction of traffic mainly in a road right of way. If someone wanted to use a 14 ft. inflatable at their business to state a political message they could.

Mr. Kuenzer asked if inflatables were restricted in the residential district. Chair Strogin stated based on the definition of a sign which is to attract attention to a business or product, this really was not applicable in a residential district. The exception would be if somebody ran a home-based business i.e. Alliss's Cupcake and there was an inflatable of a cupcake. That would be drawing attention to a business as opposed to a pumpkin inflatable at holiday.

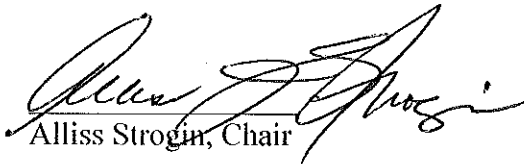
ZI Ridgely asked Mr. Thorne if they should address inflatables in a residential district vs. commercial district. Mr. Thorne stated the Township could and proposed the wording, "An inflatable not intended to draw attention to a business or a product shall not be considered a sign." He added that way it would address those businesses located in a residential district such as Smith Bros. Mr. Thorne concluded that he would take a more in-depth look at this issue.

Mr. Overmyer stated he would make the changes based on this evening's comments and they would be included in the Commission's August meeting packet. The Commission tentatively will place the proposed draft language on their regular August meeting agenda for review and potential revision/acceptance of the draft language. A public hearing would eventually be set with the exact wording that is proposed by the Zoning Commission.

Having no further business, the workshop was adjourned at 9: 10 p.m.

Respectfully Submitted,

Kim Ferencz  
Zoning Secretary

  
Alliss Strogin, Chair