**CITY OF WEST CARROLLTON**

**PLANNING COMMISSION**

**WEST CARROLLTON, OHIO**

RESOLUTION: SC-23-1, RECOMMENDING TO CITY COUNCIL AMENDMENTS TO CHAPTER 153 OF THE CODE OF ORDINANCES OF WEST CARROLLTON, KNOWN AS THE “SIGN CODE”.

**WHEREAS,** sign regulation in West Carrollton is part of a comprehensive program of planning and zoning controls; and

**WHEREAS,** the U.S. Supreme Court decision in *Reed v. Town of Gilbert, Ariz., --U.S.--, 135 S.Ct. 2218 (2015)* and in *City of Austin v. Reagan Nat’l Advert. Of Austin, LLC, 142 S. Ct. 1464 (2022)* as well as other federal and state case law necessitates certain amendments be made to bring Chapter 153: Signs into compliance with this evolving case law; and

**WHEREAS,** notification of a public hearing before the Planning Commission regarding this matter was advertised in the Miamisburg-West Carrollton News on April 13, 2023; and

**WHEREAS,** this proposal was posted on the City website; and

**WHEREAS,** a public hearing was held on May 4, 2023 by the West Carrollton Planning Commission, at which time all people who wished to testify gave their comments; and

**WHEREAS,** for all of these reasons, the Planning Commission finds that it is both necessary and appropriate as part of its overall Land Usage Code and other code provisions designed to preserve and protect the public health, safety and welfare in the physical development of the community to adopt the following amendments to the provisions of the Land Usage Code affecting signs.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF WEST CARROLLTON, OHIO, AS FOLLOWS:

SECTION I. That the Planning Commission makes the following findings of fact with respect to the proposed text amendment pursuant to case SC-23-1:

1. The City’s Sign Code, which is one of the mechanisms used to implement the vision of the Comprehensive Plan, states in part that the purposes of the Sign Code regulations are to: *“(a) Enhance and protect the physical appearance of the community (b) Promote and maintain attractive, high value residential, retail, commercial, and industrial districts, and preserve the scenic and natural beauty of designated areas (c) Provide necessary, yet reasonable and appropriate, signage for all residential, institutional and business uses in the community.”* The proposed Sign Code amendments would accomplish these purposes by enabling the proper enforcement of the city’s sign regulations by correcting errors and conflicts and articulating clear standards for the use of commercial and non-commercial signs.

Section II. That the Planning Commission recommends to City Council the adoption of amendments to Chapter 153 of the Code of Ordinances of West Carrollton known as the “Sign Code”, as reflected in “Exhibit A” attached hereto.

SECTION III. That this recommendation shall be forwarded in writing immediately to City Council for consideration of adoption.

PASSED this 4th day of May, 2023.

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Chair Secretary

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