

MONTEREY TOWNSHIP, ALLEGAN COUNTY, MICHIGAN
AMENDMENTS TO THE MONTEREY TOWNSHIP ZONING ORDINANCE

Ordinance No. 18-04 Adopted: X Effective: 10-19-18

AN ORDINANCE TO AMEND SECTION 10.12 OF THE MONTEREY TOWNSHIP ZONING ORDINANCE IN ITS ENTIRETY TO ALIGN WITH SUPREME COURT REQUIREMENTS FOR CONTENT-NEUTRAL REGULATION.

MONTEREY TOWNSHIP, ALLEGAN COUNTY, MICHIGAN, ORDAINS:

At a regular meeting of the Township Board for the Township of Monterey, Allegan County, Michigan, held at the Township Hall on October 1, 2018, the following amendment to the Monterey Township Zoning Ordinance was offered for adoption by Township Board Member **Earl Collier** and seconded by Township Board Member **Jennifer Frank**.

Yeas: H Reinart, J Frank, L Commons, E Commons, E Collier

Nays:

Motion Passed X Failed

ARTICLE 1:

Adopt Chapter 10.12 in its entirety to read as presented on the attached pages.

ARTICLE II. SEVERABILITY:

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain valid and in effect.

ARTICLE III. REPEAL AND EFFECTIVE DATE:

This Ordinance is ordered to take effect the eighth day following publication of notice of its adoption in accordance with the Michigan Public Act 110 of 2006 as amended. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Jennifer Frank

Date: 10-1-18

Jennifer Frank, Monterey Township Clerk

Publication date: 10-11-18

Effective date: 10-19-18

SECTION 10.12 SIGNS

- A. Purpose and Intent:** It is hereby determined that regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, to promote traffic safety, safeguard public health and welfare, and facilitate police and fire protection. In addition, it is the intent of this Ordinance to assure the continued attractiveness of the total community environment through the adoption of discretionary controls designed to preserve scenic, aesthetic and economic values within the Township. These regulations are designed to permit maximum legibility and effectiveness of signs and to prevent their over concentration, improper placement and excessive height, bulk and area. In general, it is intended that signs be limited in districts where commercial or industrial activities are prohibited.
- B. Substitution Clause.** Signs which contain non-commercial speech are permitted anywhere that advertising or business signs are permitted subject to the same regulations applicable to such signs. The owner of any sign which is otherwise allowed by this Article may substitute non-commercial language in lieu of any other commercial or non-commercial language. This substitution may be made without any additional approval or permitting. The purpose of this provision is to prevent an inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message.
- C. Definitions:**
1. **Billboard:** A structure designed for the display of content alongside highways and freeways.
 2. **Commercial Establishment:** A business operating independent of any other business located in a freestanding building; in a strip mall, a business completely separated from other businesses by walls from the ground up and with a door which may regularly be used by the public for exclusive ingress and egress to that business; in an enclosed structure with a shared climate controlled area, a business completely separated from other businesses by walls from the ground up and with a door or entrance which may regularly be used by the public for exclusive ingress and egress to that business and which may be closed to the public even while the common area is open to the public; and in an office building, a business holding itself out to the public as a single entity, independent of other businesses or persons.
 3. **Directional Sign:** A sign used primarily to give information about the location of either the driver of motorized vehicles or possible destinations. Although this is a content-based distinction, these signs are important to prevent public confusion and facilitate collision-free flow of traffic.
 4. **Electronic Reader Board/Digital Display Sign:** A sign or portion thereof that displays electronic, digital, pictorial, or text information in which alphanumeric characters, graphics, or symbols are defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs, or other illumination devices within the display area. Such signs can include computer programmable, microprocessor controlled electronic displays, and video display signs.
 5. **Festoons:** A chain or garland of flowers, leaves, or ribbons, hung in a curve as a decoration.
 6. **Freestanding Sign:** a sign installed independently upon its own base, foundation,

posts, or poles. Types of freestanding signs include but are not limited to ground signs and pole signs.

7. Government Sign: A sign erected, permitted by, or required to be erected by a government agency.
8. Ground Sign: A freestanding sign supported by a base or foundation which rests directly on the ground. The width of the base shall be at least 50% of the width of the sign in order to be a ground sign.
9. Identification Sign: A sign intended to communicate information about services and facilities. Although this is a content-based distinction, these signs are important to prevent public confusion and facilitate collision-free flow of traffic.
10. Illuminated Sign: A sign that provides artificial light directly (or through any transparent or translucent material) from a source of light connected with the sign, or a sign illuminated by a light shielded so that no direct rays from it are visible from any public right-of-way or from the abutting property.
11. Inflatable Sign: Any three-dimensional object, including a tethered balloon, capable of being filled with air or gas depicting a container, figure, product, or product trademark, whether or not such object contains a message or lettering.
12. Mansard: A sloped roof or roof-like façade architecturally comparable to a building wall.
13. Mansard Sign: A sign that is mounted, painted on, or attached to a mansard.
14. Manual Sign: A sign on which the letters or pictorials are changed by hand.
15. Mural: A design or representation painted or drawn on a wall.
16. Pennant: A flag or cloth that tapers to a point.
17. Permanent Sign: A sign installed on a support structure, not intended to be moved or removed, but to remain for an indefinite period of time.
18. Pole Sign: a freestanding sign which is supported by a structure, poles, or braces which are less than fifty (50) percent of the width of the sign.
19. Projecting Sign: A display sign which is attached directly to the building wall that extends more than 15 inches from the face of the wall and projects in such a way that the message is not parallel to the wall to which it is attached.
20. Roof Line: The top of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
21. Roof Sign: A sign erected above the roof line of a building.
22. Rotating Sign: A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changeable copy.
23. Sidewalk Sign: An A-frame sign which is portable and designed to be placed on the sidewalk in front of the use it advertises. This may also be called a “Sandwich Board Sign.”
24. Sign: A device, structure, fixture, or placard that is intended for purposes of attracting attention.

25. Streamers: A long, narrow strip of material used as a decoration or symbol.
26. Temporary Sign: A sign not permanently attached to the ground, a structure, or a building. Temporary signs may include banners, portable signs, and any other signs displayed for a limited period of time.
27. Traffic Warning Sign: A sign that indicates a hazard ahead on a road that may not be readily apparent to a driver, bicyclist, or pedestrian. Although this is a content-based distinction, these signs are important to prevent public confusion and facilitate collision-free flow of traffic.
28. Video Sign: A sign which displays moving images as on a television screen.
29. Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than 12 inches from the exterior face of a wall to which it is attached.
30. Window Sign: A sign installed inside a window and intended to be viewed from the outside.

D. Computation of Sign Area: For the purposes of this Ordinance, the total area of a sign shall be expressed in square feet and shall be computed as follows:

1. Single Face Sign: The total area of a single-face sign shall be computed as the number of square feet within any single or combination of geometric shapes -- such as a square, rectangle, triangle or circle -- encompassing the extreme limits of an individual letter(s), word(s), message(s), representation, emblem or any similar figure, including open space(s), together with any frame or other material forming an integral part of display used to differentiate such sign from the background against which it is placed.
2. Double-Face Signs: For double face signs having two (2) faces of equal size arranged and/or positioned back to back, parallel to each other, with no more than a two (2) foot space between the two faces; the area of the sign shall be computed as one-half ($\frac{1}{2}$) the total area of the two (2) faces. When the faces of such a sign are not of equal area, then the area of the sign shall be computed as the total area of the largest face.
3. Three Dimensional Signs: For signs which are designed as a three dimensioned geometric form such as a sphere, cone, cylinder, or cube; the area shall be computed as one half ($\frac{1}{2}$) the total surface of the geometric form.

E. Permit Required:

1. Sign Erection Permit: It shall be unlawful for any person to construct, erect, re-erect, move, alter, enlarge, or illuminate, any sign unless a permit shall have been first obtained from the Zoning Administrator, except as provided in Section 10.12.H (Signs Exempt from Permit Requirement). Any sign that makes use of electricity, shall, in addition to a sign permit, require an electrical permit, regardless of size.
2. Sign Maintenance or Change of Message: No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for change of message of a sign designed for periodic message change without change of structure, including a bulletin board or billboard, but not including a sign to which a new permanent face may be attached.

3. Planning Commission Approval: All subdivision/development signs, time/date/temperature signs, or any type of sign not explicitly defined herein, must be approved by the Monterey Township Planning Commission before a permit shall be issued.

4. Permit Applications: Applications for sign permits shall be made upon forms provided by the Zoning Administrator for this purpose and shall contain the following information:

- a. Name, address and phone number of applicant.
- b. Location of the building, structure, or lot on which the sign is to be attached or erected.
- c. Position of the sign on the building, structure or lot on which the sign is to be attached or erected.
- d. Position of the sign in relation to nearby buildings, structures, signs, property lines, and rights of way, existing or proposed.
- e. Zoning district in which the sign is to be located.
- f. Two (2) copies of the sign plans and specifications for construction, and attachment to the building or ground. The sign plans shall include all pertinent data including highest point, low point clearance, face outline and total face area with method of calculation. When public safety so requires, the specifications shall include the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.
- g. Name and address of the sign erector.
- h. Such other information as the Zoning Administrator may require to show full compliance with this and all other applicable laws of the Township and the State of Michigan.

5. Sign Erection Permit Expiration. A sign permit shall become null and void if the work for which the permit was issued is not completed within 90 days of the date of issue.

6. Certification: All signs shall be inspected at original installation and if found to be in full compliance with the provisions of this Chapter, shall be issued a Zoning Permit.

F. General Sign Provisions

1. Public Rights of Way: No sign (or any pole or support cable of any nature) except those established and maintained by the township, county, state, or federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement, unless otherwise authorized in this Ordinance.

2. Sign Heights: The highest point of any sign shall not exceed twenty-five (25) feet above the ground or grade level.

3. Traffic Interference. No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such manner as to interfere with, mislead, confuse or create a visual impediment or safety hazard to pedestrian or vehicular traffic.

4. Clear Corner Vision: No sign above a height of thirty (30) inches shall be located within, project into, or overhang the triangular area formed at the intersection of any two street right-of-way lines (existing or proposed) by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection, unless visual under clearance can be assured on the plans.
5. Proximity to Electrical Conductors: No sign shall be erected so that any part including cables, guys, etc., will be within ten (10) feet of any electrical conductor, electric light pole, street lamp, traffic light, or other public utility pole or standard.
6. Illumination: All illuminated signs shall be so arranged or shielded so as not to interfere with the vision of persons on adjacent thoroughfares. In no event shall light from an illuminated sign shine on adjacent property which is used for residential purposes.
7. Fire Escapes: No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape.
8. Wall Signs: No wall sign shall project beyond or overhang the wall, or any permanent architectural feature and shall not project above or beyond the highest point of the roof or parapet.
9. Freestanding Signs: With respect to freestanding signs, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.
10. Liability Insurance: If the height of a proposed or existing sign is such that if it fell or could fall into the public right-of-way or adjacent property, the owner of said sign shall carry sufficient liability insurance to protect the public and adjacent property owners from damage and injury from the fallen sign.

G. Regulations for Electronic Reader Boards and Digital Display Signs

1. The dwell time, defined as the interval of change between each individual messages, shall be at least six seconds and a change of message must be accomplished within one second or less. The dwell time shall not include the one second or less to change the message.
2. An electronic reader board shall not have any flashing, blinking, scrolling, alternating, sequentially lighted, animated, rolling, shimmering, sparkling, bursting, dissolving, twinkling, fade-in/fade-out, oscillating, moving text or images, or simulated movement of text or images.
3. An electronic reader board shall not exceed a maximum illumination of 6,500 nits (candelas per square meter) during daylight hours and a maximum illumination of 325 nits (candelas per square meter) between dusk to dawn as measured at the sign's face at maximum brightness. However, even if the sign complies with the illumination requirements above, the sign shall not be of such intensity or brilliance as to impair the vision of or be a distraction to a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle; or be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.

4. Prior to the issuance of a sign permit for an electronic reader board, the applicant shall provide to the Township Zoning Administrator certification from the manufacturer of the sign that the illumination settings for the sign comply with the maximum illumination requirements of this Section.
5. An electronic reader board shall be equipped with a brightness control sensor that allows for the brightness to be adjusted either manually or automatically.
6. An electronic reader board sign shall not have a white background in order to reduce glare.
7. An electronic reader board is allowed as a window sign and shall comply with the requirements for electronic reader boards as set forth in this Article. Any flashing or strobe type lights within a building or structure which are visible from the exterior of the building or structure are prohibited.
8. Electronic reader boards legally in existence upon the effective date of this Section shall be required to comply with the illumination requirements of this Section and the requirements of Section 1604 regarding flashing, movement, scrolling and other methods of message display within 60 days from the effective date of this Section.
9. Any premises or parcel on which a changeable message sign is located may also display a temporary sign in accordance with the requirements of this Section.

H. Exempt Signs. The following signs shall be exempt from the provisions of this Section. However, Sections 10.12E and 10.12.D shall apply to all signs, including those listed below.

1. Signs which are 1.5 square feet or less in area. No more than one such sign shall be allowed for every 10 lineal feet of road frontage per parcel. Signs located within the required front yard shall be at least 10 feet apart.
2. Directional, identification, traffic warning, or government signs, provided the size of each sign does not exceed four square feet and three feet in height and each sign is located at least five feet from any lot line.
3. Flags of any nation, state, city, township, government, government authorized agency, or educational institution.
4. Seasonal produce and farm product stands

I. Temporary Signs, Banners, Flags: Temporary signs shall be permitted subject to the following conditions:

1. No temporary sign or devices shall be located in the public right-of-way, attached to any utility pole, or located within five (5) feet from any street right-of-way.
2. All temporary signs must be removed within fourteen (14) days of the conclusion of the event, activity, election, sale, etc., for which the temporary sign is displayed.
3. The total area and height of temporary signage shall not exceed the following

standards:

- a. In residential districts, temporary signage shall be limited to six (6) square feet in area and six (6) feet in height.
- b. In all commercial and industrial districts, temporary signage shall not exceed thirty-two (32) square feet of total sign area per side or a height of eight (8) feet.

J. Signs Prohibited Throughout the Township: The following signs are prohibited throughout the Township, notwithstanding anything to the contrary in this Chapter.

1. **Unsafe Signs:** Any sign which is structurally or electrically unsafe.
2. **Utility Poles and Landscaping:** Any sign erected on a utility pole, directional sign post, or landscaping including trees. Prohibited signs shall not include street signs erected by the township, county, state, or federal government or a public transit agency.
3. **Sign Structure Without Sign:** Any sign structure or frame no longer supporting or containing a sign. The owner of the property where the sign is located shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to prevent the changing of the message of a sign.
4. **Other Signs Prohibited:** Other signs not expressly permitted shall be prohibited.

K. District Regulations

1. **Signs Permitted in Agricultural and Residential Districts:**
 - a. For each dwelling unit, one (1) address sign
 - b. Small accessory signs no more than four (4) square feet in area. The total area of all small accessory signs on one premise shall not exceed eight (8) square feet.
 - c. One (1) subdivision entrance sign per vehicle entrance may be permitted on private property in compliance with the corner clearance provisions and shall not exceed twenty-four (24) square feet in area or a height of six (6) feet above grade. The location and appearance of all subdivision/condominium signs shall be subject to review and approval by the Planning Commission at the time of site plan review, provided that such signs shall be located no closer than twelve (12) feet from any property line. Adequate provisions shall also be made at the time of site plan review to insure continued maintenance of the sign.
 - d. **On non-residential parcels within Agricultural and Residential Districts:**
 - i. One freestanding sign not more than thirty two (32) square feet in area, of not more than six feet above established grade and not less than ten

(10) feet from any property line.

ii. One wall sign of not more than thirty two (32) square feet

2. Signs Permitted in the C-1 Neighborhood Business District

a. The total sign area for an occupied parcel of property in the C-1 Commercial District shall not exceed 125 square feet per 100 feet of street frontage with the total sign area for any parcel not to exceed 200 square feet.

b. One (1) freestanding sign may be allowed per property. Such sign shall not exceed twenty-five (25) feet in height and 100 square feet in area.

c. In addition to the signs allowed in paragraphs 1 and 2 above, wall sign(s) may be erected on the rear or parking lot side of a premises not exceeding one-half ($\frac{1}{2}$) square foot for each linear foot of the rear length of the principle building(s), provided that the total sign area shall not exceed thirty-two (32) square feet.

d. Gasoline service stations shall be permitted signs on each pump island indicating the prices and types of gasoline and the type of service. The aggregate area of such signs shall not exceed twenty (20) square feet per pump island. In no event shall the total area of all such signs exceed one hundred twenty (120) square feet.

e. Electronic Changeable Message Signs meeting the above standards and section 10.12.G may be permitted by the Planning Commission subject to the Standards for Special Use in Section 10.18.

3. Signs Permitted in the I-1 Light Industrial District:

a. One (1) wall sign may be erected per building face up to one-hundred (100) square feet in area or 10% of the total facade area of the building whichever is less.

b. One (1) freestanding (ground or pole mounted) sign may be erected provided said sign does not exceed one-hundred (100) square feet of display area per side. Such sign shall have a height of no more than twenty (20) feet above the established grade and be erected no closer than twenty (20) feet from any property line.

c. In addition to signs permitted in paragraph 1 above, one (1) wall sign shall be permitted for each tenant having an individual means of entranceway into the side or rear of a building. Such sign shall not exceed six (6) square feet in area, and shall be erected not less than four (4) feet nor more than twelve (12) feet above the established grade.

d. Directional signs, up to four (4) square feet in area, designating entrances, exits, parking and unloading areas, shipping docks, and similar internal traffic control signs shall be permitted and located no closer than within five (5) feet of any property line.

L. Construction and Maintenance Standards

1. Materials and Design: All signs shall be designed, constructed and maintained in conformity with the provisions for materials, loads, and stresses of the latest adopted edition of the

Building Code and requirements of this Chapter.

2. Fastenings: All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use, and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion. Any defect due to the fault of the erector shall be repaired by the erector.
3. Freestanding Signs: Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is no danger that either the sign or the supportive structure may be moved by the wind or other forces and cause injury to persons or property.
4. Sanitation/Landscaping: Property surrounding any freestanding sign shall be kept clean, sanitary and free from obnoxious and offensive substances, weeds, debris, rubbish, and flammable material. All plant materials and other landscaping surrounding a freestanding sign shall be maintained on a regular basis, including pruning, mowing, watering, fertilizing and replacement of dead and diseased materials.
5. Maintenance: All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair. Peeling or missing paint, holes, broken, cracked, bent, warped, rotted, discolored, sagging, out of plumb, worn, rusted or missing material parts shall be repaired within fifteen (15) days of written notification of the Township Zoning Administrator.

M. Nonconforming Signs:

1. Intent: It is the intent of this Chapter to encourage eventual elimination of signs that as a result of the adoption of this Chapter become nonconforming, to administer this Chapter to realize the removal of illegal nonconforming signs, and to avoid any unreasonable invasion of established private property rights.
2. Lawful Existing Signs: Any sign lawfully existing at the time of the adoption of this Chapter which does not fully comply with all provisions shall be considered a legal nonconforming sign and may be permitted to remain as long as the sign is properly maintained and not detrimental to the health, safety and welfare of the community except as hereafter provided.
3. Continuance: A nonconforming sign shall not:
 - a. Be expanded or changed to another nonconforming sign;
 - b. Be relocated.
 - c. Be structurally reconstructed so as to prolong the life of the sign; or so as to change the shape, size, type, placement, or design of the sign's structural parts; or so as to add illumination;
 - d. Be repaired or re-erected after being damaged if the repair or re-erection of the sign, within any 12-month period, would cost more than fifty (50%) percent of the cost of an identical new sign. If deemed necessary by the Zoning Administrator, the cost of an identical new sign shall be determined as the average of no less than three (3) cost estimates obtained from three (3) contractors.
 - e. Be altered unless the alteration or reconstruction is in compliance with the provisions of this Chapter. For the purpose of this Chapter only, the term "altered" or "reconstructed" shall not include normal maintenance; changing of surface sign

space to a lesser or equal area; landscaping below the base line; or changing electrical wiring or devices, backgrounds, letters, figures, or characters.

4. Termination of Business: Nonconforming signs and sign structures shall be removed or made to conform within 60 days of the termination of the business or use to which they are accessory.
5. Change of Property: If the owner of a sign or the premises on which a sign is located, changes the location of a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this Chapter.
6. Administration: The Zoning Administrator shall keep complete records of all communications and other actions taken with respect to such nonconforming signs.