

MEMORANDUM

Agenda Items IV and V

TO: Melrose Township Planning Commissioners

FROM: Randy Frykberg, Ph.D.

DATE: August 10, 2017

SUBJECT: Sign Ordinance Public Hearing & Discussion, Structures under 100 sq. ft., and other small issues

Because of the recent State Supreme Court ruling that sign ordinances that regulated based on sign message were illegal, we have prepared and discussed a revised sign section of the Zoning Ordinance. The Public Hearing and Commission discussion will be on the 28th, culminating with a recommendation to either adopt or not to adopt the suggested new language or the suggested new language with modifications (Agenda Items IV-4 and V-A).

Consider clarification of parts of Section 10, 11, 12, 13 & 14

Consideration to change Section 13.1 third paragraph "further exempted from the requirements of this ordinance are accessory building and structures having one hundred (100) square feet of floor area or less" should be considered. This should probably read "further exempted from the need to acquire a zoning permit are detached residential accessory buildings and structures having one hundred (100) square feet of floor area or less" (Agenda Item V-B).

For well over a year, we have discussed the difficulties of either 10 acre minimum lot size (AG) and $\frac{1}{2}$ acre (R-1) or $\frac{1}{3}$ acre (R-2) as required by our Zoning Ordinance. We worked on a Transitional District, but as discussed last month, the concept fell apart as we worked out the details. Any warm feelings about a requirement, in certain conditions (to be worked out), of less than 10 acres (Agenda Item V-C)?

Consider changing Section 13.4 paragraph D to specify districts as described in the Ordinance. C-1 and C-2 should be replaced by B-1 Commercial (Agenda Item V-D).

Consider Changing Section XII Zoning Board of Appeals Section 12.2 Rules of Procedure, part B (presently states ZBA will meet on the first Monday of the month at 7 PM. Probably should strike this sentence.) ZBA meets when the members are available, The Zoning Administrator/Planner is available and the applicant is also available.

Consider changes to Article XI Development Plan Review as follows:

1. Section 11.1 A 2 - Submit 12 (rather than 10) copies of the Development Plan, depending on final decision for Review Agencies. A copy needs to go to each Review Agency, each Planning commissioner and two for the Township (Agenda Item V-D)
2. Section 11.3 - Agency Review. The present Zoning Ordinance requires all development plan reviews to also go to the following:
 - a. Charlevoix County Soil and Water Conservation District (they have asked that we NOT send them the plan for comments, probably should read "Soil Erosion Officer for Charlevoix County").
 - b. District Health Department Number Three (Probably should read "NW Michigan Community Health Agency").
 - c. Department of Natural Resources (presently included, but have never answered this submittal and unclear where to send. If DNR reviews, it is separate).

Other changes needed, due to State law change, includes the notice requirements for a public hearing (notice to be sent to individuals and published a minimum of 15 days prior to the meeting)

1. (such as 10.1 B) 3) for Special Use Permits
2. Article XIII Section 13.3 C 4 (indicates 8 days prior)
3. Article X Special Use Permits Section 10.1, 3 and 4 (indicates 5 and 15 days prior)
4. Article XII Section 12.3 Appeals C (indicates 7 days prior)

Please come prepared to make other suggestions.

MELROSE TOWNSHIP

Zoning Ordinance Amendment

Article VII – SIGN REGULATIONS

Revised July, 2017 – REVIEW COPY

SECTION 7.0 – Purpose and Scope

Sign plans shall be reviewed for approval, conditional approval or rejection by the Township Planning Commission or by the Zoning Administrator, in consultation with any Advisory Sign Review Committee appointed by the Township. For disagreements with the rulings of the Zoning Administrator, the applicant may seek a review by the Planning Commission, who in such instances has final authority on the sign plan.

INTENT

The sign standards contained in this Ordinance are declared to be necessary to protect the general health, safety, and welfare of the citizens of Melrose Township, and are based on the following objectives:

- To reflect the primary purpose of signage as being the identification of a particular user or use on a property, but not necessarily every activity or service performed thereon.
- To promote signs which are visible at eye level and can be readily seen from moving vehicles with the least amount of eye distraction.
- To encourage native plants and other landscaping materials around all freestanding signs so as to complement the site and integrate the sign with the buildings, parking areas and natural site features.
- To avoid excessive use of signs in order to give each use optimum visibility to passer-by traffic and if possible, to prevent one sign from blocking the view of another sign.
- To place and size signs in such a way that scenic views are protected and visual obstructions to the natural landscape are minimized.
- To protect the resource character and Northern Michigan image of Melrose Township by encouraging the design of signs that reflect the Township's favorable environment as a permanent and seasonal home community.
- To maintain and enhance economic stability by retaining aesthetic appeal and encourage sign planning that will complement the Township's natural environment and preserve its scenic and natural beauty by minimizing visual obstructions to the natural landscape.
- To encourage the use of aesthetically pleasing sign materials and colors and to encourage signs to be predominately natural in appearance, through the use of

- weather tolerant wood or material of equivalent character.
- To encourage the use of subdued colors, with bright colors used only for accent.
 - To avoid creation of obstacles or traffic hazards by distracting or confusing motorists, impairing motorists' ability to see pedestrians, read other traffic signs, or see other vehicles.
 - To enhance the effectiveness of necessary directional and warning signs.
 - To preserve property values from the negative impacts of unsafe, cluttered, and otherwise unregulated signs on abutting property or in the area.
 - To avoid bright lights and reflection and to protect views of the night sky against poorly shielded lights.
 - To encourage wall-mounted signs not to violate the architecture of the building to which it is attached.

The standards in this Article are determined to be the minimum necessary to achieve the above stated purposes.

Compliance with this Section does not relieve the applicant for sign approval from the responsibility for compliance with other local, state or federal sign regulations, nor does the issuance of a Sign Permit grant permission to the applicant to place signs on any property, including road rights-of-way, other than property owned or otherwise legally under the control of the applicant. The issuance of a Sign Permit only assures the applicant that the sign meets the requirements of the Township Zoning Ordinance.

It is also acknowledged that the Township's economic well-being is heavily dependent upon the resort and tourist industry. This dependence makes the preservation of the environment from unreasonable signage a matter of critical importance to this Township.

SECTION 7.1 DEFINITIONS

The following definitions apply only to words and phrases used in this Article.

1. **BANNER**: A flexible sign made of natural, synthetic or plastic material used to call attention to a land use or product, service or activity; however, not including pennants or flags.
2. **CHANGEABLE MESSAGE SIGN**: A sign on which the message can be changed by hand, mechanically, or electronically.
3. **FLAG**: Usually a rectangular piece of fabric made of natural, synthetic or plastic material having a distinctive size, color and design used as a symbol or emblem.

4. FREESTANDING SIGN: A sign supported by one (1) or more uprights, poles, braces, or some other structure, placed in or upon the ground surface and not attached to any building.
5. ILLUMINATED SIGN: A sign that provides artificial light by either emission (usually from inside) or reflection (usually either from light above or below the sign).
6. NON-CONFORMING SIGN: A sign lawfully existing on the effective date of this Ordinance which does not conform to one (1) or more of the regulations set forth in this Ordinance.
7. PENNANT: A small, often triangular, tapering flag used in multiples as a device to call attention to a land use or activity.
8. PORTABLE SIGN: A freestanding sign not permanently anchored or secured to either a building or the ground (such as a sandwich sign), and includes trailered or similarly mounted signs or signs on parked vehicles where the sign is the primary use of the vehicle or wheeled object while it is parked.
9. PROJECTING SIGN: A sign which is affixed to any building or structure other than a marquee and projects in such a way that the message is not parallel to the wall to which it is attached.
10. ROOF SIGN: A sign erected, constructed, or maintained upon, or which projects above, the roof line of a building.
11. SIGN: Any identification, description, illustration, display or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information. For the purpose of removal, signs shall also include all sign poles and similar supporting structures. Signs under one-square foot in size on or next to a door or on a mailbox or post are not regulated by this ordinance.
22. SIGN, ACCESSORY: A sign which is accessory to the principal use of the premises.
23. SIGN, NON-ACCESSORY: A sign which advertises a product, service, or business that is located on a property other than the property on which the sign is located.

24. SIGN FACE: That part of a sign structure which is used to graphically communicate a message or announcement.
25. TEMPORARY SIGN: A display sign, or advertising device with or without a structural frame such as a portable or trailer sign, intended for a limited period of display.
26. WALL-MOUNTED SIGN: A sign attached directly to, or painted upon, a building wall. The exposed face of the sign must be in a plane parallel to the building wall or structure.

REST OF PAGE INTENTIONALLY LEFT BLANK

The figure below illustrates many of the different types of signs defined above.

TABLE 7.1- SIGNS AUTHORIZED REQUIRING A PERMIT

	R-1, R-2, R-3 AND R-4		AG		B-1 and Village Commercial	
	Number allowed	Maximum size allowed	Number allowed	Maximum Size allowed	Number allowed	Maximum Size allowed
Freestanding Sign – Permit Required for new signs	1	12 sq. ft. 8 ft. in height	1	32 sq. ft. ratio of one side to the other can't exceed a ratio of four (4) to one (1). 10 ft in height	1	32 sq. ft. in B-1 16 sq. ft. in Village Commercial (Signs located in the road ROW shall not exceed an area of 32 sq. ft.)* Shall not be longer than four (4) times its width 10 ft. in height
	AND/OR		OR		AND/OR	
Wall-Mounted Sign – Permit required for new signs	1	8 sq. ft. May project outward up to One (1) foot	1	32 sq. ft. ratio of one side to the other can't exceed a ratio of four (4) to one (1)	1 Or 2	10% of the surface area of the mounting wall (computed on the ground level story only-ground level story height may not exceed 12 feet) A second wall-mounted sign may be permitted on a buildings located on a corner lot. A banner may be permitted in lieu of a wall-mounted sign provided it is securely attached to the wall and it meets all other requirements of a wall-mounted sign.
	Wood crafted or is a sign of equivalent character. Shall not project beyond or overhang the wall face by more than one (1) foot. No sign shall project above the ridge line of a hip, gambrel, gable, or mansard roof, or above the parapet of a flat roof.					
Canopy or Marquee Signs	Integral canopy signs shall be allowed in place of permitted wall mounted signs with message information, i.e., letters, numerals, symbols etc., not to exceed fifteen (15) percent of the canopy surface. For the purposes of calculation, the subject canopy will be considered to fall within a measurable square or rectangular enclosure.					
*Signs cannot obstruct the view of permanent signs, drives, roads, and etc. Signs in a right-of-way are subject to any further rules, provisions, or prohibitions as determined by the governmental unit or agency having jurisdiction.						
It is intended that freestanding signs located at an approved driveway be included on the sign plan for approval as to location and number by the Zoning Administrator.						

TABLE 7.1 CONTINUED

	R-1, R-2, R-3 AND R-4		AG		B-1 and Village Commercial	
	Number Allowed	Maximum size allowed	Number Allowed	Maximum size allowed	Number Allowed	Maximum size allowed
Additional Signs – Permit required for new signs			Four accessory signs not to exceed four (4) square feet each on buildings; except that one sign may be located at each approved driveway not to exceed four (4) sq. ft. and six (6) feet in height			
Additional Signs – no permit required	1	Non-illuminated, Up to two (2) sq. ft.	(1) non-illuminated up to three (3) sq. ft.			
Additional Signs – permit required for new signs			1	Up to twenty-four (24) sq. ft. and eight (8) ft. in height		
Window Signs – no permit required		Up to 10% of the total window space		Up to 10% of the total window space		Up to 10% of the total window space

A) Accessory Signs in all Districts

In addition to the identification sign, a development may have one non-illuminated free standing directory sign, located within the project area, for each separate main building. Such sign shall not be readily visible from the frontage road. Also one (1) tenant identification sign mounted on and parallel with the wall may be permitted for each tenant provided the signs in total do not exceed the area standards for the wall mounted signs in the applicable Zoning District.

B) Signs as a Main Use

Signs on vacant property shall be restricted to the B-1 District. The area of the sign cannot exceed fifty-six (56) square feet, the height of the sign cannot exceed ten (10) feet. Also, there must be at least two thousand (2,000) feet of separation between any two such signs on both sides of the road and two hundred (200) feet of separation between a sign as a main use and an accessory sign, and two hundred (200) feet of separation between a sign as a main use and any other existing building over two hundred (200) square feet.

A sign as a main use may not include a changeable message sign or changeable message component.

All required permits from the Michigan Department of Transportation shall also be

obtained before erecting the sign as a main use.

C) Changeable Message Signs

Changeable message signs, including, but not limited to, electronic changeable message signs, shall be permanently affixed to, and be parallel with, the wall of the main building or designed into the freestanding sign as an integral part of the freestanding sign structure. Changeable message signs may not exceed 40% of the allowable sign area. Such changeable message signs shall have no moving parts. The background shall be unlit and the letters shall be of all one color. Electronic changeable message signs must meet all other standards of this article and may be permitted to change the message up to one time per quarter hour.

D) Accessory Signs in PUD Districts

In PUD Zoning Districts, sign standards shall be determined by site plan, PUD development plan and the proposed uses. Residential PUD projects may be allowed signs as regulated in Residential Zoning Districts. Business and/or Industrial uses may be permitted to have signs as regulated in Business and/or Industrial Zoning Districts.

SECTION 7.3 NON-CONFORMING SIGNS

INTENT:

It is the intent of this Section to permit the continuance of all permanent signs or outdoor advertising structures existing at the effective date of this *Article*, although such sign or outdoor advertising structure may not conform with the provisions of this *Article*. It is also the intent that nonconforming signs shall not be enlarged upon, expanded or extended. Further, it is the intent that nonconforming signs shall be gradually eliminated and terminated upon their natural deterioration, destruction, removal or replacement. The continuance of all nonconforming signs and outdoor advertising structures within the Township shall be subject to the conditions and requirements set forth below.

- A) Structural Changes: Signs may be repaired, or renovated, and kept in good repair, provided that, the faces, supports, or other parts of any nonconforming sign or outdoor advertising structure shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign or outdoor advertising structure conforms to the provision of this Section for the use it is intended.
- B) Placement: No nonconforming sign shall be relocated on a property, unless located in conformance with this Ordinance and sized to conform to this Ordinance.
- C) Illumination: Illumination may not be added to any nonconforming sign.

- D) Destruction: Should any nonconforming sign or any portion thereof be destroyed by any means, it shall be reconstructed only in conformity with the provisions of this ordinance.
- E) Change on Sign Face: The message of a nonconforming sign may be changed so long as this does not create any new nonconformities (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed.)

SECTION 7.4. SIGNS PROHIBITED

- A) Signs containing flashing, intermittent, or moving: lights, images, motion pictures, messages, graphics, or similar mechanisms.
- B) Signs with moving or revolving parts and/or messages.
- C) Signs affixed to trees, rocks, shrubs, fences, utility poles, or other similar features.
- D) Signs which are insecurely fixed, in need of repair, or signs which imitate official traffic signals or traffic directional signs or devices.
- E) Portable signs utilizing vehicles, trucks, vans, or other wheeled devices; or tripod, sandwich boards, or changeable message signs, except that licensed vehicles painted or affixed with signs shall not be prohibited from properly parking in a designated parking space.
- F) Signs which overhang or extend closer than five feet from a dedicated public right-of-way.
- G) Signs that have concrete foundations or other solid anchoring devices that project above the surface of the ground and located so as to constitute a safety hazard to vehicle traffic.
- H) Signs, and sign structures, which advertise a business or service use that no longer occupies the premises, and has not occupied the premises for 60 consecutive days.
- I) Signs using luminous or phosphorescent paints or, tapes, glass beads, and/or reflectors of any kind shall be prohibited as main background treatment of the sign, but may be used in minor proportions for lettering or incidental artistic details, provided there are no visual conflicts with official traffic signs.
- J) Signs shall not be placed closer than five (5) feet from the road right-of-way. Otherwise, signs shall respect all yard and setback provisions. Directional signs, street name signs, traffic control signs and signs established by or approved by Federal, state, county, or township units of government when necessary for giving proper direction or otherwise safeguarding the public are exempt from this five-foot setback requirement.

SECTION 7.5. SIGNS NOT REQUIRING A ZONING PERMIT

The following signs are allowed without a permit, provided such signs are established in a lawful manner, placed so as not to cause a nuisance or create a safety hazard, and are at least 5' from the road right-of-way:

- A) Signs that have been approved in conjunction with a valid Zoning Permit or Building Permit for any principal use or accessory use in connection with a Plot Plan or Site Plan.
- B) Signs required by Federal or State agencies in connection with federal or state grant projects and programs.
- C) Street name signs, route markers and other traffic control signs, signs established by or approved by state, county or township units of government when necessary for giving proper directions or otherwise safeguarding the public, in any district.
- D) Banners, balloons, advertising flags, pennants, and pinwheels, or other devices with similar characteristics may be used temporarily for periods not to exceed fifteen (15) days to announce the opening of a new type of business or use by a new owner.

Other temporary signs, not listed in Section 7.5, shall be regarded and treated in all respects as permanent signs which require a permit.

SECTION 7.6 PLACEMENT OF SIGNS AND SETBACKS

- A) Accessory signs shall be no closer than five (5) feet from the road right-of-way and shall meet the required side yard setback.
- B) Accessory signs shall be sited to prevent one sign from blocking the view of another sign.
- C) Signs as a main use shall be setback the required distance in the zone (front and side).

SECTION 7.7 FLAGS

Flag pole heights shall not exceed thirty (30) feet. The total number of flagpoles shall be limited to three (3) per site.

Flag Poles must be located a minimum of five (5) feet from the road right-of-way.

SECTION 7.8 APPLICATION PROCEDURE

Applications for sign permits shall be made upon forms provided by the Zoning Administrator and shall contain or have attached thereto the following information:

- A) Name, address, telephone number and e-mail address of the applicant and property owner (it other than the applicant).
- B) Location of building, structure or lot to which the sign or other advertising structure is to be attached or erected.
- C) Site or plot plan showing the location of the sign including dimensions identifying compliance with setbacks from lot lines and road right-of-ways.
- D) One (1) graphic of the proposed sign(s), including dimensions, height, and lighting details (as applicable).
- E) Written authorization of the property owner where the sign is to be erected.

The site plan may be separately submitted or be an integral feature of the Site Plan, however, a separate application process and fee applies.

SECTION 7.9 SEVERABILITY

If any section, clause, or provision of this ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of this ordinance. The Township Board declares that it would have passed this ordinance and each part, section, subsection, phrase, sentence and clause, irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses are declared invalid.

SECTION 7.10 SIGN REMOVAL FROM PUBLIC RIGHT-OF-WAY

Any unauthorized sign that is placed on public property or within the road right-of-way is subject to removal by the Zoning Administrator or designee. If the owner or party responsible for such sign is known, the Township shall provide the owner or responsible party with an opportunity to retrieve the removed sign. Any such sign that has not been retrieved within thirty (30) days following removal is subject to disposal. The Township shall not be responsible for any loss or damage incurred in connection with the removal or temporary storage of any unauthorized sign.