

ORDINANCE NO. 2019-02-04

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF ROBINSON TOWNSHIP, OTTAWA COUNTY, MICHIGAN, BY DEFINING SIGNS AND BILLBOARDS AND PROVIDING FOR THEIR REGULATION; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

THE TOWNSHIP OF ROBINSON, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

Section 1. Definition of “Sign and Billboard.” The Robinson Township Zoning Ordinance is amended by revising Section 3.98, concerning the definition of “Sign and Billboard,” in its entirety as follows.

- (A) **ABANDONED SIGNS.** A sign maintained by or for services, businesses, attractions, activities, lessors, or owners, which has not been operational for a period of at least ninety (90) consecutive days; or (b) a sign that contains structural components but no display for a period of at least ninety (90) consecutive days.
- (B) **BILLBOARD.** Any structure, including the wall of any building, displayed for advertising either: (1) a business, service, entertainment, activity, or event that is not conducted on the land upon which the structure is located; (2) a product that is not primarily sold, manufactured, processed, or fabricated on the land upon which the structure is located; (3) a second structure that is not located on the land upon which the first structure is located; (4) a geographical location or place that is not located on the land upon which the structure is located; or (5) a person. However, any structure that meets the definition of a directional sign shall not be considered to be a billboard.
- (C) **DIGITAL SIGN.** A sign that uses display technology such as liquid-crystal display (LCD), plasma, or light emitting diodes (LEDs) to communicate a message with a target audience.
- (D) **DIRECTIONAL SIGN.** Any structure erected adjacent to a street that identifies, points toward, and gives the distance to any location for purposes of directing pedestrian or vehicle traffic.
- (E) **ELECTRONIC MESSAGE BOARD.** A portion of a sign that displays copy using liquid crystal display (LCD), light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the display area.
- (F) **FREESTANDING SIGN.** A sign structurally separated from a building, supported by one (1) or more posts or braces or attached directly to the ground or a standard (applies to LSOD only).

- (G) GOVERNMENT SIGN. A sign erected or placed by the Township, Ottawa County, the State of Michigan, or another governmental unit having jurisdiction and authority to place the sign.
- (H) IDENTIFYING SIGN. Any structure, including a wall sign, on which lettered, figured, or pictorial matter is displayed for advertising: (1) a business, service, or entertainment conducted on the land where the structure is located; or (2) products primarily sold, manufactured, processed, or fabricated on such land. An identifying sign does not include any structure inside a building, even if the structure contains matter displayed for advertising that is visible from the outside through a window or door of the building.
- (I) MESSAGE BOARD. A portion of a sign on which copy is changed manually.
- (J) PROJECTING SIGN. A sign attached to and projecting perpendicularly from a building wall, excluding awning/canopy signs (applies to LSOD only).
- (K) REAL ESTATE SIGN. Any temporary structure used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.
- (L) SANDWICH BOARD SIGN. A temporary sign structure placed on the ground that consists of two (2) back-to-back sign faces that are hinged together at the top and separated at the base a sufficient distance to solidly support the structure in an upright position (applies to LSOD only).
- (M) SIGN AREA. The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which the sign is placed. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) or more faces are placed back-to-back and are at no point more than two (2) feet from each other, the area of the sign shall be taken as the area of one (1) face. In the case of a sphere, the total area of the sphere is divided by two (2) for purposes of determining the maximum permitted sign area.
- (N) SUSPENDED SIGN. A sign mounted to the underside of beams or ceilings of a porch, gallery, arcade, breezeway, or similar covered area (applies to LSOD only).
- (O) TIME/TEMPERATURE SIGN. A type of electronic message board that exclusively displays the time and temperature information.
- (P) WALL SIGN. A sign painted or attached directly to the exterior wall of a building extending no greater than eighteen (18) inches from the face of the wall to which it is attached.
- (Q) WINDOW SIGN. A sign attached to the inside or outside surface of a window on a building wall or door, or placed within six (6) inches of the

inside face of a window and intended to be viewed from outside the building (applies to LSOD only).

Section 2. Regulation of Signs. The Robinson Township Zoning Ordinance is amended by revising Section 4.44, concerning the regulation of signs, in its entirety as follows.

Section 4.44 SIGNS.

- (A) No person shall erect, alter, place, permit to be placed, or replace any sign or sign structure, except as provided herein.
- (B) Unless otherwise exempt in subsection (D) below, all signs must be approved by a zoning certificate of compliance prior to erection or placement.
 - (1) To obtain a zoning certificate of compliance, the applicant must submit an application to the Zoning Administrator, which shall include the following:
 - (a) An accurate site plan drawn to scale that shows the proposed location of each sign and the location of all buildings and driveways on the parcel;
 - (b) An accurate elevation view of each sign showing the location, dimensions, and height of each sign above grade level;
 - (c) A computation of the area of each sign on the parcel;
 - (d) An illustration depicting each proposed sign, its size and proportions, color scheme, construction material, and type of illumination;
 - (e) The duration or time period during which the sign will be utilized;
 - (f) The arrangements made for the removal of the sign after the termination of its usefulness; and
 - (g) Any other information the Zoning Administrator reasonably requests.
 - (2) Upon approval of a zoning certificate, no sign shall be erected, placed, painted, attached, or maintained, except as shown in the application. A violation of the approved application may be enforced in the same manner as any provision of this Ordinance.
- (C) General Provisions.
 - (1) All signs shall be maintained in a safe condition with proper bracing, anchorage, and foundation, and shall be subject to inspection by the Zoning Administrator or other designated representative.
 - (2) Upon receipt of notice from the Township stating that the sign is unsafe, not properly maintained, or otherwise in violation with the requirements of this Section, the owner shall remove the sign or correct the unsafe or improper condition within a specified time period. Otherwise the sign may be removed by the Township at the owner's expense.

- (3) In the I-1, I-2, B-1, or B-2 Zoning Districts, applicants seeking site plan approval for uses that comply with the use regulations for those Zoning Districts may request approval for the display of informational signs designating entrances, exits, parking and loading areas, shipping docks, etc. Each such informational sign may not exceed sixteen (16) square feet in area, or such lesser maximum size as is established by the Township through the site plan review process.
- (4) No sign may be located closer than ten (10) feet from any lot line adjoining a street, except for property address signs.
- (5) Digital signs shall be limited to electronic message boards, time/temperature signs, and gasoline price signs only.
- (6) Electronic message boards are permitted but not in the A-1, A-2, RR, R-1, and R-2 Zoning Districts. Electronic message boards are subject to the following restrictions.
 - (a) Such sign may not exceed twenty-five (25) square feet in area.
 - (b) Only one (1) shall be permitted on a lot.
 - (c) Messages displayed shall have a minimum duration of ten (10) seconds.
 - (d) All messages shall be static and the transition between messages shall be instantaneous with no more than three-tenths (0.3) of a second between messages. The use of special effects such as, but not limited to, scrolling, fading, wiping, flashing, changing colors, or exploding is prohibited.
 - (e) No electronic message board shall be located within fifty (50) feet of any other electronic message board or within one hundred (100) feet of the A-1, A-2, RR, R-1, or R-2 Zoning Districts.
 - (f) No electronic message board may be located within fifty (50) feet of a rear or side lot line.
 - (g) No electronic message board shall create glare or have characteristics that impair the vision of motorists or create a nuisance for surrounding properties.
 - (h) The electronic message board shall have automatic dimming capabilities that adjust the brightness of the sign to changes in the ambient light levels at all times of the day and night.
 - (i) The owner of the electronic message board shall allow the Township to use the electronic message board to communicate emergency public service information relating to disasters or emergencies.
 - (j) The use of audio speakers or any form of pyrotechnics are prohibited.
 - (k) Any property on which an electronic message board is located shall not be permitted to have a temporary sign.

- (l) Such signs may not be illuminated beyond the default settings of the manufacturer's brightness or dimming controls. It shall be fitted with an automatic sensor that adjusts its brightness and intensity during daylight and during night hours. The overall brightness and intensity shall only be enough to make a sign legible. The Township may periodically require re-inspection and recalibration to ensure that the specified brightness levels are maintained at all times. The recalibration shall be done at the Township's discretion and the owner's expense.
- (m) The brightness of an electronic message board shall be measured as follows.
 - (i) At least thirty (30) minutes following sunset, a foot-candle meter shall be used to obtain an ambient light reading for the location. This is done while the electronic message board is off or displaying black copy. The reading shall be made with the meter aimed directly at the center of the electronic message board area from a distance determined with the following formula: the square root of the product of the electronic message board area multiplied by one hundred (100). Example using a twelve (12) square foot electronic message board: measurement distance = $\sqrt{(12 \text{ square feet} \times 100)} = 34.6$ feet as the ambient light reading distance.
 - (ii) The electronic message board shall then be turned on to full white copy to take another reading with the meter at the same location.
 - (iii) If the difference between the readings is 0.3 foot candles or less, the brightness is properly adjusted and the electronic message board is in compliance.
- (7) One general sign (i.e., a sign not specifically defined, not otherwise specifically allowed, and not specifically prohibited by this section) is allowed per lot, provided that it does not exceed one hundred (100) square feet in area in the A-2, B-1, B-2, I-1, I-2, and M-1 Zoning Districts; twenty (20) square feet in the A-1 and RR Zoning Districts; or twelve (12) square feet in area in the R-1, R-2, and E-1 Zoning Districts. Two (2) general signs that combined do not exceed the area maximum are also permitted. If multiple businesses are legally located on the same lot, each business shall be entitled to a wall sign.
- (8) One temporary sign, in addition to anything specifically provided for in this provision, shall be permitted per lot, in accordance with the following standards.

- (a) In the A-2, B-1, B-2, I-1, I-2, and M-1 Zoning Districts, the sign may not have a surface area that exceeds thirty-two (32) square feet nor may the height of the sign exceed ten (10) feet; in the A-1 and RR Zoning Districts, the sign may not have a surface area that exceeds twenty (20) square feet nor may the height of the sign exceed ten (10) feet.
 - (b) In any other Zoning District, the sign may not have a surface area that exceeds six (6) square feet in area.
 - (c) No lot may have a temporary sign erected upon it more than ninety (90) total full or partial days per calendar year.
- (D) The following signs are exempt from the certificate of compliance requirement.
- (1) Government signs.
 - (2) Up to two (2) directional signs erected in conjunction with a public building, off-street parking area, or recreation space, provided that any such sign does not exceed nine (9) square feet in area or five (5) feet in height above grade, and must be located within two (2) miles of the destination to which it gives direction.
 - (3) Essential service signs denoting utility lines, railroad lines, hazards, and precautions intended to protect the public.
 - (4) Identifying signs less than two (2) square feet in area.
 - (5) Property address signs up to two (2) square feet in area.
 - (6) Placards posted to control or prohibit hunting or trespassing within the Township, for public safety and protection of property, provided that any such sign does not exceed one (1) square foot in area and is not more than ten (10) feet in height.
 - (7) One (1) construction sign per project, denoting architects, engineers, or contractors in conjunction with the work under construction intended for public notification. Such a sign may not exceed thirty-two (32) square feet in area; however, for one-family dwellings under construction, the construction sign may not exceed nine (9) square feet in area. Any such construction sign shall be subject to the approval of the Zoning Administrator at the time it is erected, and it shall be removed within fourteen (14) days after completion of construction.
 - (8) Real estate signs are permitted to advertise the selling of property, provided that the total area of which shall not exceed twelve (12) square feet in area if advertising one (1) lot or shall not exceed thirty-two (32) square feet in area if advertising more than one (1) lot. Such signs shall be removed within fourteen (14) days after the lot or lots in question are no longer for sale, rent, or lease.
 - (9) Gasoline service stations and commercial garages may display the following signs.

- (a) Informational signs or lettering displayed over individual entrance doors or bays, consisting only of the words "washing," "lubrication," "repairs," "mechanic on duty," or other words closely similar in import. There shall not be more than one (1) such sign over each entrance or bay, the letters thereon shall not exceed fifteen (15) inches in height, and no such sign shall exceed six (6) square feet in area.
 - (b) Customary lettering on or other insignia that are a structural part of a gasoline pump, consisting only of the brand name of gasoline sold, lead warning sign, a price indicator, and any other sign required by law, not exceeding a total of three (3) square feet on each pump. If illuminated, such signs shall be non-flashing and shall not in any manner constitute a traffic hazard with respect to adjacent streets or intersections.
 - (c) A non-illuminated credit card sign not exceeding two (2) square feet in area, if it is placed on or near the gasoline pump.
 - (d) A message board, or a digital sign, which displays only the price of fuel and is limited to twenty-five (25) square feet in area.
- (E) The following signs are prohibited in any Zoning District.
- (1) Abandoned signs.
 - (2) Signs located on public land or in a public right-of-way unless exempt per subsection (D) above.
 - (3) Any sign that incorporates any manner of flashing, moving, rotating, or digital lights; or any sign that has light strings, blinking lights, visible moving or revolving parts, or other similar devices used to attract the attention of the public.
 - (a) This does not include illuminated signs if the source of light is not visible.
 - (b) This also does not include variable time/temperature signs, gasoline price signs, and electronic message boards that are permitted in accordance with this Section elsewhere.
 - (4) Any sign that is structurally unsafe, constitutes a hazard to safety or health, or that is not kept in good repair.
 - (5) Any sign that includes language or a message that falls within specified categories of speech that are not protected by the First Amendment (categories of such language or messages include but are not limited to defamation, obscenity, fighting words, and other categories as defined by the Supreme Court of the United States).
 - (6) Any sign that by reason of its size, location, content, coloring, manner of illumination, or any other reason may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal, or device.

- (7) Any sign that obstructs visibility at street intersections.
- (8) Any sign painted on or attached to any vehicle, trailer, farm or industrial machinery, airplane, or railroad locomotive or car that is permanently fixed to the ground, whether or not operable, if the sign is visible from the street (this provision shall not prohibit lettering or advertising on operable commercial vehicles that are not fixed to the ground).
- (9) Any sign painted on a rock or any other natural feature.
- (10) Any sign attached to a building or structure that extends further than eighteen (18) inches from the face of such building or structure.
- (11) Any sign that is unlawfully installed, erected, or maintained.

Section 3. Schedule of Signs. The Robinson Township Zoning Ordinance is amended by adding Section 4.44A, concerning a schedule of signs, in its entirety as follows.

SECTION 4.44A SCHEDULE OF SIGNS				
ZONING DISTRICTS	Informational Signs	Electronic Message Boards	General Signs	Temporary Signs
A-1	No	No	20ft ²	20ft ²
A-2	No	No	100ft ²	32ft ²
RR	No	No	20ft ²	20ft ²
E-1	No	25ft ²	12ft ²	6ft ²
R-1	No	No	12ft ²	6ft ²
R-2	No	No	12ft ²	6ft ²
B-1	16ft ²	25ft ²	100ft ²	32ft ²
B-2	16ft ²	25ft ²	100ft ²	32ft ²
I-1	16ft ²	25ft ²	100ft ²	32ft ²
I-2	16ft ²	25ft ²	100ft ²	32ft ²
M-1	No	25ft ²	100ft ²	32ft ²

Section 4. Regulation of Billboards. The Robinson Township Zoning Ordinance is amended by revising Section 4.45, concerning the regulation of billboards, in its entirety as follows.

Section 4.45 BILLBOARDS.

Billboards may be erected adjacent to M-45 in the B-2, I-1, and I-2 Zoning Districts, if they meet all of the following conditions. For purposes of these conditions, double-faced billboards (i.e., structures with back-to-back faces containing or able to contain advertising) and V-shaped billboards having only one face visible to traffic proceeding from any given direction on a street shall be considered as one (1) billboard. Otherwise, billboards having more than one (1) face, including billboards with tandem (side-by-side) or stacked (one-above-the-other) faces, shall be considered as multiple billboards, and shall be prohibited in accordance with the minimum spacing requirement set forth below. A billboard's surface display area containing or able to contain advertising shall be considered to be the billboard's face(s).

- (A) Not more than three (3) billboards may be located per any given linear mile of street, regardless of the fact that such billboards may be located on different sides of the street. The linear mile measurement shall not be limited to the Township's boundaries if the particular street extends beyond such boundaries.
- (B) No billboard may be located within one thousand three hundred twenty (1,320) feet of another billboard, regardless of the fact that any two (2) such billboards may be located on opposite sides of the street from each other. The one thousand three hundred twenty (1,320) feet measurement shall not be limited to the Township's boundaries.
- (C) No billboard may be located within two hundred fifty (250) feet of the RR, R-1, or R-2 Zoning Districts, of a pre-existing dwelling, of a pre-existing church, or of a pre-existing school.
- (D) No billboard may be located closer to a street than seventy-five (75) feet from the front lot line adjoining the street. No billboard may be located closer than the height of the billboard from any other property line of the lot on which the billboard is located.
- (E) A billboard's face may not exceed three hundred (300) square feet. Double-faced billboards and V-shaped billboards may have two (2) faces, but neither one may exceed three hundred (300) square feet.
- (F) The bottom of the billboard's face must be at least twenty (20) feet above the grade of the ground upon which the billboard sits, or above the grade of the abutting street, whichever is higher. The top of the billboard's face may not be more than thirty five (35) feet above the grade of the ground upon which the billboard sits, or above the grade of the abutting street, whichever is higher.
- (G) No portion of the face or structure of the billboard may be illuminated. Neither digital nor electronic billboards are permitted.

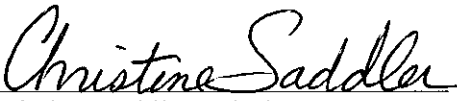
Section 5. Effective Date. The foregoing amendments to the Robinson Township Zoning Ordinance were approved and adopted by the Township Board of Robinson Township, Ottawa County, Michigan on February 13, 2019, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended. This Ordinance shall be effective on March 3, 2019, which date is the eighth day after publication of the Ordinance as is required by Section 401 of Act 110, as amended, provided that this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.


Kathryn L. Kuck, Township Supervisor


Christine Saddler, Township Clerk

CERTIFICATE

I, Christine Saddler, the Clerk for the Township of Robinson, Ottawa County, Michigan, certify that the foregoing Robinson Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on February 13, 2019. The following members of the Township Board were present at that meeting: Kathryn Kuck, Bonnie Hayward, Christine Saddler and Bernice Berens. The following members of the Township Board were absent: Travis Vugteveen. The Ordinance was adopted by the Township Board with members of the Board: Kathryn Kuck, Bonnie Hayward, Christine Saddler and Bernice Berens voting in favor, and No members of the Board present voting in opposition. Travis Vugteveen absent. The Ordinance was published in the *Grand Haven Tribune* February 23, 2019.


Christine Saddler, Clerk
Robinson Township