

Chapter 6 - Signs (as amended)

SECTION 6.1 PURPOSE AND INTENT

The intent of this Chapter is to regulate the type, number, physical dimensions, erection and placement of signs in Lee Township. The purpose of these regulations is to:

- Promote the public health, safety, and welfare of residents and visitors.
- Reduce hazardous distractions to motorists and pedestrians.
- Protect commercial and industrial districts from visual clutter and ugliness, but also encourages and supports the development of the Township's commercial and industrial districts.
- Protect property values.
- Protect the rural character and natural beauty of the Township.
- Ensure the constitutionally guaranteed right of free speech is protected.

SECTION 6.2 APPLICABILITY

Signs may only be erected or maintained in the Township as permitted by this ordinance and subject to all restrictions therein. The sign regulations of this ordinance are not intended to and do not apply to signs required by law or a government entity. If any portion of the sign regulations of this ordinance is determined to be a violation of law, that portion shall be severed from the remainder of the sign regulations and shall be revised to reflect the least possible change that avoids the violation of law, with the remainder of the sign regulations shall remain in effect. Regardless of any provision of this ordinance, noncommercial messages may be placed or substituted on any lawfully permitted sign.

SECTION 6.3 PERMIT PROCEDURE

1. **PERMIT REQUIRED:** Prior to construction or establishment of any sign, except as otherwise specifically noted in this ordinance, a permit shall be obtained from the Zoning Administrator or his/her designee. A sign permit shall become null and void if the work for which the permit was issued has not been completed with a period of 6 months after the date of the permit.
2. **CONSIDERATIONS.** In determining whether an application will be approved by the Zoning Administrator or his/her designee must consider whether the proposed sign meets the requirements of this ordinance and fits with the purposes of this ordinance and the compelling, substantial, and important government interests articulated herein. The Zoning Administrator or his/her designee may also consider any unique physical and/or geographical characteristics of the parcel for which the sign will be placed.
3. **REQUIREMENTS FOR ALL SIGNS:** All signs, regardless of whether a permit is required must comply with the following:

- a. All Signs must comply with applicable federal, state, and local laws, rules, regulations and ordinances. If there is an impermissible conflict between an applicable federal or state law with this ordinance, the federal or state law will control.
 - b. All signs shall be set back a minimum of ten (10) feet from any public or private street right-of-way pursuant to Section 3.6 of this Ordinance.
 - c. No sign may be placed in the public right-of-way.
 - d. No sign may be placed such that it would block or interfere with the view of oncoming vehicular or non-vehicular traffic at any driveway or intersection.
 - e. No sign may be placed such that it would block or interfere with the view of official traffic signs or traffic control devices.
 - f. In order to secure adequate sight distance for motorists, a minimum clear vision area shall be prohibited where they obstruct motorist vision of regulatory signs, traffic-control devices, or street signs.
 - g. No sign may display any Obscenity, Obscene Material, any depiction of Sexual Conduct, or any material which appeals to the prurient interest as those terms are defined in Public Act 343 of 1984 (MCL 752.361, et al).
4. EXEMPTIONS: The following exempt signs and actions are allowed in all zoning districts within the Township without a permit. All exempt signs shall comply with all other requirements under this ordinance:
- a. ACTIONS EXEMPT FROM PERMITTING. The following operations shall not be considered as creating a sign and therefore shall not require a sign permit.
 - 1) REPLACING COPY. The changing of a sign which is specifically designed for the use of replaceable copy or the replacing of a previously posted sign with an exact copy.
 - 2) MAINTENANCE. Painting, repainting, cleaning, light bulb replacement, and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.
 - b. SIGNS EXEMPT FROM PERMITTING. The following sign categories may be placed in a permissible location without a sign permit:
 - 1) Temporary signs, as defined in Chapter 2 of this Ordinance.
 - 2) Signs required by law.
 - 3) Signs displayed by governmental entities.
 - 4) Signs not visible from a public space.
 - 5) Indoor signs.
 - 6) Historical building markers.
 - 7) Flags and banners.

8) Window coverings, so long as they do not exceed the size of the window.

5. APPLICATIONS. A legible written application for a permit to construct or locate a permanent sign shall be submitted to the Zoning Administrator or his/her designee accompanied by a fee as established by the Township Board. The Zoning Administrator or his/her designee has a duty to review new sign applications within a prompt time period of 14 days or less from the date of submittal. At a minimum, the written application shall include the following information:

- (i) Name, address, telephone number, and signature of the Sign Owner.
- (ii) Name, address, telephone number, of the owner of the land on which the sign is to be erected if different than the individual identified in response to (i) above.
- (iii) The parcel identification number of the land where the proposed sign will be located.
- (iv) The type of sign being proposed, i.e. ground sign, pole sign, wall sign or roof sign.
- (v) In the case of proposed ground signs, pole signs, and roof signs, the dimensions of the sign along with the maximum height of the sign from the ground.
- (vi) In the case of wall signs, the dimensions of the sign along with an affirmative statement that the sign will not exceed the height of the wall for which it will be attached.
- (vii) The proposed dates of construction and completion of the sign.
- (viii) An affirmative statement that the applicant understands and agrees that the construction and installation of the sign will comply with all current and applicable building codes.

6. APPLICATION REVIEW AND ACTION. The Zoning Administrator or his/her designee shall review all completed applications for a sign permit. Reasons for any denial shall be set forth in writing and shall include any recommended changes which would make the proposal acceptable. The applicant may appeal any denial to the Zoning Board of Appeals in accordance with Section 10.4.

SECTION 6.4 STANDARDS FOR SIGNS WHICH REQUIRE A PERMIT

- 1. GENERAL. Signs that are required to obtain a permit described in this Chapter must comply with all requirements of this Chapter.
- 2. SIZE AND NUMBER. The permissible size of a sign is different depending upon the zoning for the area as each zoning area has a different use and different population density permitted. The following number and size of sign are permitted:
 - a. Ground Signs - Ground signs are any sign directly supported by the ground without the aid of any other building or structure, other than the sign structure itself. Ground signs are permitted in all zoning districts. The size and number of ground signs permitted is as follows:
 - i. Residential Farming/Agricultural and Residential Districts – in lieu of a pole sign on a lot, one ground sign is permitted per lot, not to exceed 32 square feet, with a maximum height of 6 feet.

- ii. Commercial and Industrial Districts – permitting up to one sign per business on each lot, not to exceed a total of 60 square feet, with a maximum height of 6 feet.
 - b. Pole Signs – Pole signs are any freestanding sign which is affixed to a permanent pole. Pole signs are permitted in all zoning districts. The size and number of ground signs permitted is as follows:
 - i. Residential Farming/Agricultural and Residential Districts – in lieu of a ground sign on a lot, one pole sign is permitted per lot, not to exceed 32 square feet, with a maximum height of 10 feet.
 - ii. Commercial and Industrial Districts – permitting up to one sign per business on each lot, not to exceed a total of 60 square feet, with a maximum height of 25 feet. If the lot has more than 300 feet of road frontage, one additional sign shall be permitted on the lot for each additional 300 feet of road frontage.
 - c. Wall Signs – Wall signs are any Sign which are mounted upon the face of a wall or painted upon a wall or window surface. Wall signs are permitted in all zoning districts. The size and number of wall signs permitted is as follows:
 - i. Residential Farming/Agricultural and Residential Districts – permitting up to one sign per lot, not to exceed 32 square feet, not to exceed the height of the wall.
 - ii. Commercial and Industrial Districts – permitting up to one sign per business on each lot, not to exceed a total of 60 square feet, not to exceed the height of the wall.
 - d. Roof Signs – Roof signs are any Sign that projects above the fascia of a building and is supported wholly or in part of the roof structure. This also includes signs painted or displayed directly upon the roof surface. Roof signs are permitted in Commercial and Industrial zoning districts. In both districts, up to one sign per lot not to exceed a total of 60 square feet with a maximum height of nor more than 25 feet.
3. In commercial and industrially zoned districts, business occupancy other than the ground floor shall be entitled to one (1) additional wall sign on the structure or incorporated within a permitted sign. This additional wall sign shall not be larger than two-thirds (66%) of the permitted wall sign for the first-floor business.
 4. In commercial and industrially zoned districts, one (1) additional sign not exceeding four (4) square feet may be permitted per additional building entrance, exit or service window.
 5. In commercial and industrially zoned districts. parcels with greater than four hundred (400) lineal feet of frontage may be granted additional signage by the Zoning Administrator or his/her designee.
 6. In the Agricultural and Residentially zoned districts, no signs may be illuminated in any way including, but not limited to digital or LED signs. Illuminated or digital Signs (including LED signs) are permitted in Commercial and Industrially zoned districts, so long as the Sign complies with the other requirements of this ordinance. See Section 6.6.
 7. If any zone is discontinued from the zoning ordinance or if a new zone is created after the enactment of this ordinance, no signs shall be permitted in such a zone until this Chapter is amended to include such zone and all permitted signs are specified therein.

SECTION 6.5 PROHIBITED SIGNS

The following signs are prohibited in all zones, except as otherwise provided for in this ordinance or by special use permit or site plan:

1. Signs not specifically permitted by this ordinance.
2. Signs which violate some other provision of this Zoning Ordinance including, but not limited to Section 6.2.
3. Signs that create public or private nuisance that causes invasion of another's interest in the use and enjoyment of their land, as that term is defined by Michigan law.
4. Signs that are of a size, location, movement, content, coloring, or manner of illumination that may be confused with or construed as a traffic control device or emergency vehicle.
5. Signs which purport to regulate, warn, or direct the movement of traffic.
6. Signs which imitate or resemble any official traffic sign, signal, or device.
7. Signs which are not in a good state of repair.
8. Signs which prevent drivers from having a clear, unobstructed view of approaching, intersecting, or merging traffic.
9. Signs which incorporate in any manner any strobing or moving lights, or otherwise give the appearance thereof.
10. Signs that are structurally, electrically, or otherwise unsafe.
11. Signs placed on a tree or utility pole or structure.
12. Signs that resemble or conflict with traffic control devices or emergency vehicle(s).
13. Signs erected on or projecting into a public right-of-way, except for Signs expressly permitted in a public right-of-way by this ordinance.

SECTION 6.6 ILLUMINATION

1. LED, LCD, and all other changeable forms of lighted signs fall under this regulation.
2. There shall be no flashing, oscillating, or intermittent illumination of any sign located in the line of vision of a traffic control device or interfering with safe vision along any roadway, especially at intersections. All illuminated signs shall be designed and located to prevent the light from being cast upon adjoining residences and shall be located at least one hundred fifty (150') feet from any residential use. The illumination of any sign shall not be detrimental or annoying to surrounding property nor constitute a safety hazard, as determined by the Zoning Administrator or his/her designee.

SECTION 6.7 CONSTRUCTION AND MAINTENANCE

The construction of any sign shall be such that it will withstand all wind and vibration forces that can be normally expected to occur in the vicinity. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements. No sign permit shall be issued until the Zoning Administrator or his/her designee is satisfied the sign to be constructed complies with the provisions of this Ordinance and will be constructed in a safe sturdy and durable manner with proper bracing, anchorage and foundation. A sign shall not be erected or installed until a permit is first obtained from the Zoning Administrator or his/her designee, unless an exception applies as stated in Section 6.3.

SECTION 6.8 NONCONFORMING SIGNS

Any existing Sign on the effective date of this Chapter or any amendment thereto, which does not at that time comply with all the provisions thereof must comply with the following:

1. The nonconforming Sign may not be expanded, enlarged, or extended.
2. The nonconforming Sign may not be changed to another type of sign which is not in compliance with this Chapter.
3. The nonconforming Sign may not be restored, rebuilt, or re-established after the activity, business or usage to which it relates has been discontinued for a period of 90 days or longer.
4. The nonconforming Sign may not be restored, rebuilt, or re-established after damage or destruction.
5. The nonconforming Sign may not be placed, maintained, or displayed by someone other than the person or entity who owned the premises on the date of the adoption of this Chapter.

SECTION 6.9 ENFORCEMENT

Generally, the regulations of this Chapter shall be administered and enforced by the Zoning Administrator or his/her designee, and can also be enforced by the Ordinance Enforcement Officer as designated in this Ordinance, in addition to the following:

1. **INSPECTIONS.** The Zoning Administrator or his/her designee or the Ordinance Enforcement Officer have the power to make lawful inspections of buildings and premises necessary to carry out official duties in the enforcement of *this Chapter in accordance with this Ordinance.*
2. **ENFORCEMENT.** If any provisions of this Chapter are being violated, the Zoning Administrator or his/her designee or the Ordinance Enforcement Officer shall notify in writing the person responsible for such violation indicating the nature and location of the violation and ordering the action necessary to correct it. The Zoning Administrator or his/her designee or the Ordinance Enforcement Officer shall order discontinuance of any illegal work being done; or shall take any other action authorized by Chapter 9 to ensure compliance with or to prevent violation of the provisions of this Chapter.
3. **SIGN APPEALS.** If any sign owner wishes to appeal decisions by the Zoning Administrator or his/her designee or the Ordinance Enforcement Officer, the procedure for any appeals is described further in Section 10.5 of this Ordinance.
4. **VARIANCES.** If any person wishes to request a sign variance, the sign owner must complete specified steps listed in Section 10.7 of this Ordinance to approval from the Zoning Appeals Board. The Zoning Administrator or his/her designee may provide a recommendation with regards to the variance request which may be considered by the Zoning Appeals Board.

SECTION 6.10 SEVERABILITY

If any portion of this Chapter is judicially declared void or unconstitutional, the remainder of the Chapter shall remain in force and will still be applied to the maximum extent legally possible.

SECTION 6.11 EFFECTIVE DATE

This Chapter shall take effect 30 days after publication of a Notice of Adoption in a newspaper of general circulation in the Township and all prior versions of this Chapter are hereby superseded and are hereby repealed to the extent in which the prior versions of this Chapter conflict with this version of the Chapter. All ordinances of the Township heretofore or hereafter adopted shall hereafter be supplemented by the terms of this Chapter.

Approved by the Planning Commission on October 5, 2022

ORDINANCE DECLARED ADOPTED BY THE TOWNSHIP BOARD OF TRUSTEES.

Dated: 11-10-2022

Doug Kruger
Doug Kruger, Supervisor

Laura Dawson
Laura Dawson, Clerk

CERTIFICATION

The above Ordinance No. Chapter 6 was adopted at a meeting of the Lee Township Board of Trustees on the 10th day of October, 2022; and published in the Midland Daily Press a newspaper of general circulation in Lee Township, Midland County, Michigan on the 17th day of October, 2022

Laura Dawson
Laura Dawson, Lee Township Clerk