

EVELINE TOWNSHIP
Ordinance No. 0313 of 2019

AN ORDINANCE TO AMEND THE EVELINE TOWNSHIP ZONING
ORDINANCE CONCERNING SIGNS

THE TOWNSHIP OF EVELINE ORDAINS:

Section 1. Amendment of Section 4.13.

Section 4.13 of the Eveline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

SECTION 4.13 SIGNS

The regulations set forth herein shall apply and govern signs in all Zoning Districts.

- A. Purpose. The purpose of this section is to preserve the desirable character of Eveline Township, as well as to recognize the rights of individuals to express their opinions and the need for and privilege of advertising, so that people unfamiliar with the area, such as tourists and transients, may avail themselves of the goods and services afforded by the local business places. At the same time, the Township recognizes the right of residents to be free of signs that are excessive in terms of the number and size of the signs that could affect property values and create an unpleasant or less than desirable atmosphere within the Township. As a result, these regulations permit signs that are needed for the purposes of identification, expressing opinions, and advertising, subject to the following objectives:
1. By reason of their size, location, spacing, construction or manner of display, signs shall not endanger life or limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public health or safety.
 2. Signs should enhance the aesthetic appeal of the Township. Thus, these regulations are intended to:
 - a. Regulate oversized signs that are out-of-scale with the surrounding buildings and structures,
 - b. Prevent an excessive accumulation of signs which cause visual clutter and distraction, and
 - c. Protect the dark night sky.

- B. Application of Regulations. No sign, except those authorized in subsection H below, shall be erected, altered, replaced, or relocated until approved and a Sign Permit issued by the Zoning Administrator. All signs, including those that require a Sign Permit and those that do not, are required to conform to regulations contained within this section.
- C. Approval Procedures.
1. Sign Permit. It shall be the duty of the Zoning Administrator, upon the filing of an application for a Sign Permit, to examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign, and, if it shall appear that the proposed sign is in compliance with all requirements of this Ordinance, the Sign Permit shall be issued.
 2. Sign Permit Fee. It shall be unlawful for any person to erect or alter any sign, except those signs specifically exempted herein, unless a Sign Permit shall first have been obtained from the Zoning Administrator for such erection or alteration, and a permit fee paid according to the schedule as shall be established from time to time by resolution of the Township Board.
 3. Expiration of Sign Permit. If substantial construction has not been completed as authorized by a Sign Permit issued under this section within twelve (12) months after date of issuance, then such Sign Permit shall expire and shall become null and void.
- D. Application Requirements. Applications for a Sign Permit shall be made upon forms provided by the Zoning Administrator and shall contain or have attached thereto the following information:
1. Name, address and telephone number of the applicant.
 2. Location of building, structure or lot to which the sign is to be attached or erected.
 3. Site plan showing the location of the sign and nearby structures.
 4. Two (2) blueprints or drawings of the plans and specifications and methods of construction and attachment to the building or in the ground.
 5. Name of person, firm, corporation or association erecting sign.

6. When the sign is to be erected on vacant land, the written consent of the owner of the lot where the sign will be located, if the applicant is not the owner.
7. In all cases where wiring is to be used in connection with the sign, it shall comply with the National Electrical Code and the necessary electrical permits shall be obtained.
8. Such other information as the Zoning Administrator shall require to show full compliance with this and all other Ordinances of the Township.
9. The fee as described in the currently adopted fee schedule.

E. Sign Permit Requirements.

1. Except as otherwise permitted in this section, no sign may be hereafter erected, moved or structurally altered unless it is in conformity with the regulations within this section and a Sign Permit is obtained for such use.
2. If any sign is removed and a new sign erected in its place, a Sign Permit shall be obtained.
3. If any sign is removed for maintenance or change of advertising copy and replaced on the same supports, a new Sign Permit shall not be necessary if the size or type of the sign is not changed.
4. If any sign is removed from one location and erected at a new location, a new Sign Permit shall be obtained.

F. General Sign Regulations.

1. Except for signs authorized to be located within a road right-of-way by the highway authority having jurisdiction over that road, all signs shall meet the following setback requirements:
 - a. Ten (10) feet from a public or private road right-of-way.
 - b. Five (5) feet from a side lot line.
 - c. Five (5) feet from a rear lot line.
 - d. Fifty (50) feet from a shoreline.

2. Signs not exceeding four (4) square feet in area may be utilized for traffic regulation/direction.
3. No sign shall be erected upon the inside of a curve of a street, which may cause any interference to sight distance.
4. No sign shall be placed as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
5. No sign shall contain, include, or be illuminated by a flashing light.
6. Signs may be illuminated, provided the lighting is directed, shaded or designed so as not to interfere with vision of persons on adjacent highways, streets or properties and is not directed skyward so as to unnecessarily illuminate the night sky.
7. For internally lighted signs, the sign background or field shall be opaque. Letters, numerals, logos and similar message elements may be of a transparent material to permit the internal lighting to reveal the message or information on the sign surface.
8. No sign shall be mounted on the roof of any building.
9. No sign shall contain statements, words, or pictures of an obscene nature which would appeal predominantly to a prurient interest in sexual conduct, depict or describe sexual conduct in a patently offensive way, and be offensive, rude, lewd or disgusting according to accepted moral standards.

G. Signs Authorized with a Sign Permit. Except as otherwise provided in this section, the following signs shall be permitted in the zoning districts specified:

1. In the R, MF, MH, and RR Zoning Districts:
 - a. One (1) non-illuminated ground sign per lot that does not exceed four (4) square feet in sign area and does not exceed five (5) feet in height.
 - b. One (1) ground sign located at the entrance to or on common space within a recorded plat or other residential development that does not exceed sixteen (16) square feet in sign area and is no more than ten (10) feet in height.

2. In the FF, FF-2, VC, LI, CR, and G Zoning Districts:
 - a. One (1) ground sign per road frontage per lot that does not exceed ten (10) feet in height and twenty-four (24) square feet in sign area.
 - b. One (1) wall sign or overhanging sign per business not to exceed twenty-four (24) square feet in sign area.
 - c. One (1) or more window signs, provided that no single window sign exceeds five (5) square feet in sign area and provided that the total window area covered by window signs does not exceed 20% of the window area.
 - d. Any commercial development with several tenants shall be permitted one (1) ground sign located at the entrance to or on common space within the commercial development in exchange for a permitted ground sign on the lot, provided that the ground sign located at the entrance to or on common space does not exceed twenty-four (24) square feet in sign area and is no more than ten (10) feet in height.

3. In the VC and LI Zoning Districts billboards are permitted, provided that each billboard complies with all of the following requirements:
 - a. The proposed billboard will be located along M-66.
 - b. The proposed billboard will not be located within 2,000 feet of another billboard abutting either side of the highway. As used in this subsection, the 2,000 feet is measured along the center of the highway from the point on the center line nearest the proposed billboard to the point on the center line nearest the existing billboard. This spacing requirement shall not be limited to the township's boundaries where the highway extends beyond such boundaries. Double-faced billboards and V-type billboards shall be considered one billboard.
 - c. The proposed billboard will be located no closer than 400 feet from any property within the R, MF, MH, and RR Zoning Districts and/or any existing residence.
 - d. The proposed billboard will be located no closer than thirty (30) feet from any highway right-of-way and no closer than twenty (20) feet from any property line of the property on which the billboard is located.

- e. Any message display area of the proposed billboard will not exceed thirty-two (32) square feet.
- f. The height of the proposed billboard will not exceed ten (10) feet above the natural grade upon which the billboard will be placed.
- g. The proposed billboard will not be placed on top of, cantilevered, or otherwise suspended above the roof of any building.
- h. The proposed billboard will not be stacked on top of another billboard.
- i. The proposed billboard will not be illuminated.
- j. The proposed billboard will have no flashing, rotating, oscillating or intermittent light, animation, or moving messages.
- k. The proposed billboard will be constructed and/or maintained in accordance with the BOCA National Building Code, as amended and so as to withstand sustained wind velocities of 75 miles per hour.

H. Signs Exempt from Sign Permit. The following signs shall be permitted without obtaining a Sign Permit in any zoning district; provided, however, this exemption shall not relieve the owner or occupant of a lot from complying with the applicable provisions and regulations set forth in this section.

1. Wall signs not exceeding two (2) square feet in sign area.
2. Plaques not exceeding two (2) square feet in sign area when cut into any masonry surface or when constructed of non-ferrous metal and attached to a building.
3. Signs erected by an official governmental body, public utility, or historic agency.
4. Flags.
5. Signs less than one (1) square feet in sign area that are located on the perimeter (along a parcel boundary) and spaced so that a person cannot observe more than one (1) sign at any point of entry upon the property.
6. Identification signs that do not exceed two (2) square feet in sign area.
7. Permanent signs on accessory structures such as gas pumps or storage that do not exceed two (2) square feet in sign area.

8. Banners across public rights-of-way subject to any terms or conditions the Township Board or its designee deems appropriate.
9. Type 1 and Type 2 Temporary signs that do not exceed four (4) square feet in sign area.
10. Bulletin boards erected by public, charitable or religious institutions when they are located on the premises of such institutions.
11. No more than one (1) sandwich board sign per lot that does not exceed six (6) square feet in sign area and does not exceed four (4) feet in height and that is located outside of the street right-of-way.

I. Sign Construction Requirements.

1. All ground signs shall be securely built, constructed and erected upon posts and standards sunk at least forty-two (42) inches below the material surface of the ground embedded in concrete. Wood or wood products shall be of wolmanized or equal treatment. A lightning grounding device shall be provided.
2. The base upon which a ground sign is erected shall not count toward the allowable sign area but shall count toward the allowable sign height.
3. All letters, figures, characters or representations in cutout or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.
4. The distance measured between the principal sign areas of any ground sign shall not exceed eighteen (18) inches.
5. In the case of a sign with more than two (2) sign area sides, the applicable sign area regulations shall apply to each side of the sign.
6. Non-rigid material which is used to cover the sign area of an existing sign may be placed on the sign area on a temporary basis not to exceed six (6) months. Such material shall not be considered a temporary sign and shall not be affixed permanently to the sign area.

J. Sign Maintenance Requirements.

1. The owner or occupant of a lot may maintain or improve an existing conforming sign without a Sign Permit, provided the type, size, shape, height and classification of the use of the sign as residential or nonresidential remains the same.
2. The owner or occupant of a lot shall maintain every sign on that lot in a clean, sanitary and healthful condition.
3. All signs, together with their supports, braces, guys and anchors, shall be maintained in good working order, and when not galvanized or constructed of approved corrosion-resistant, noncombustible materials, shall be painted when necessary to prevent corrosion. The exterior of all signs, supporting members, painted surfaces, advertising materials and lettering shall be kept painted and in good repair, so as to present a neat and orderly appearance. All bulbs or component parts of the sign, including the electrical switches, boxes and wiring used in the illumination of the sign shall be well maintained and kept in good repair.
4. If the owner or occupant of a lot on which a sign is located fails to maintain the sign as required by this section, or if the sign becomes unsafe for any reason, then such condition shall be deemed a violation of this Ordinance and shall subject to the owner or occupant of the lot to the penalties provided in Section 5.5 of this Ordinance.

K. Nonconforming Signs. Any sign lawfully in existence prior to the enactment of this section which does not meet the requirements of this section may continue in use as a nonconforming sign. The maintenance, reconstruction, alteration, discontinuation or change in the classification of the use of the sign as residential or non-residential shall be governed by Article 9 of this Ordinance.

L. Variances. The Zoning Board of Appeals shall have the power to authorize, upon an appeal, specific variances from the requirements of this section. The request for a variance from the requirements of this section shall be governed by the rules and procedures relating to variances contained in Article 6 of this Ordinance.

Section 2. Amendment of 10.1.

The definition of "Ground Sign" in Section 10.1 of the Eveline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

GROUND SIGN. Any free-standing, pole-mounted, pylon-mounted, or monument style sign permanently installed in the ground.

Section 3. Amendment of 10.1.

Section 10.1 of the Eveline Township Zoning Ordinance is hereby amended to add the following definitions in their appropriate alphabetical locations, which new definitions shall read in their entirety as follows:

IDENTIFICATION SIGN. A sign whose copy is limited to the name and address of a building, institution, person and/or the activity or occupation being identified.

OVERHANGING SIGN. A sign that extends beyond any structure wall and is affixed to the structure so that its sign surface is perpendicular to the structure wall.

SANDWICH BOARD SIGN. A portable sign consisting of two (2) sign areas hinged at the top and separated at the bottom to make it self-standing.

TYPE 1 TEMPORARY SIGN. A sign, other than a Type 2 Temporary Sign, that is authorized pursuant to a written contract between the owner of the lot on which the sign will be located and any third party and placed on the lot for a specified period of time.

TYPE 2 TEMPORARY SIGN. A sign, other than a Type 1 Temporary Sign, constructed using a wire, metal, wood or other support structure capable of being placed in the ground and removed from the ground by a single individual with relative ease.

WALL SIGN. Any sign attached parallel to or painted on the exterior surface of a building or structure wall in such a manner that the sign does not extend beyond the surface of the wall to which it is attached.

WINDOW SIGN. Any sign, picture, symbol, or combination thereof, designed to communicate information about any activity, business, commodity, event, sale, or service that is placed on a window pane or glass so that it is visible from the out-of-doors.

Section 4. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

Ordinance No. 0313 of 2019 was adopted on the 12th day of 2019, by the Eveline Township Board as follows:

Motion by: Mr. Beishlag

Seconded by: Mr. Chapman

Yeas: Mr. Vron dran, Ms. Blossom, Mrs. Whiteford, Mr. Chapman, Mr. Beishlag

Nays: None

Absent: None

Sandi Whiteford, Clerk

John Vron dran, Supervisor

I certify that this is a true copy of Ordinance No. 0312 of 2019 that was adopted at a regular meeting of the Eveline Township Board on March 12, 2019 and published in the Petoskey News Review on March 18, 2019.

Dated: March 18, 2019

Sandi Whiteford, Clerk

Effective Date: March 26, 2019