

ORDINANCE NO. 10-579

AN ORDINANCE TO AMEND SECTIONS 94-171, 94-61, 94-5, 94-406, 94-407 , 94-409, 94-412, and 94-413 OF CHAPTER 94 OF THE CODE OF ORDINANCES, CITY OF WALKER REGARDING THE HOUSING OF HORSES, ZONING BOARD OF APPEALS PUBLIC NOTICING, SIGNAGE AND BILLBOARD REGULATIONS.

THE CITY OF WALKER ORDAINS:

Section 1. Amendment of Section 94-171 (b) (8) AGRICULTURAL DISTRICT PRINCIPAL USES. That the Code of Ordinances, City of Walker, Michigan, is hereby amended to read as follows:

(8) Horses (for personal, non-commercial use) may be permitted on lots of less than five acres, subject to the following restrictions:

- a. The minimum lot size shall be three acres for the first horse and one additional acre for each additional horse.*
- b. The zoning administrator may limit the number of horses and prescribe the manner of keeping the horses as necessary to prevent offensive odors, the pollution of water supplies, or the spread of infection or disease. In making such a decision, the zoning administrator shall consider recommendations from animal control agencies who regularly deal with similar issues.*
- c. The keeping of horses and other animals on parcels of five acres or more in this district shall be controlled by subsection (b)(1).*

Section 2. Amendment of Section 94-61 ZBA PROCEDURE. That the Code of Ordinances, City of Walker, Michigan, is hereby amended to read as follows:

The following procedure shall be required:

- (1) An appeal from a ruling of an officer administering any portion of this chapter may be taken by a person or governmental department affected or aggrieved. Any such appeal must be taken within 60 days from the date of the action appealed from.*
- (2) An application for a variance may be taken by a person having a legal interest in the property concerned.*
- (3) The board of zoning appeals shall not consider an application or appeal without payment by the applicant or appellant to the city treasurer of a fee, to be established by resolution of the city commission.*
- (4) When an application or appeal has been filed in proper form and with the required information, the secretary of the board of zoning appeals or his designee shall place the application or appeal upon a meeting agenda for a hearing.*
- (5) An application or appeal scheduled for a hearing shall be given public notice in the following manner:*
 - a. A public notice of the hearing shall be published in a newspaper of general circulation in the City of Walker. This public notice shall be published not less than 15 days before the date of the hearing.*

- b. *A written public notice of the hearing shall be given to:*
 - i. *The owners of the property that is the subject of the hearing.*
 - ii. *All persons to whom real property is assessed within 300 feet of the property that is the subject of the hearing. This notice shall be given regardless of whether the property is located in the city.*
 - iii. *The occupants of all structures within 300 feet of the property that is the subject of the hearing. This notice shall be given regardless of whether the structures are located in the city.*
 - 1. *Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, then one occupant of each unit or spatial area shall be given notice.*
 - 2. *If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the public notice at the primary entrance to the structure.*
 - c. *The public notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service.*
 - d. *The written public notice shall be given not less than 15 days before the date the request will be considered.*
 - e. *If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.*
 - f. *A public notice shall do all of the following:*
 - i) *Describe the nature of the request.*
 - ii) *Indicate the property that is the subject of the request. This shall include a listing of all existing street addresses for the property.*
 - iii) *State when and where the request will be considered.*
 - iv) *Indicate when and where written comments will be received concerning the request.*
- (6) *Upon the day for hearing an application or appeal, the board of zoning appeals may adjourn the hearing in order to permit the obtaining of additional information, or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in such application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of such hearing.*

Section 3. Amendment of Section 94-5 DEFINITIONS. That the Code of Ordinances, City of Walker, Michigan, is hereby amended as follows by adding the following definitions:

Community special event sign means a sign intended to be displayed for a limited time for the purpose of calling attention to special events of interest to the general public which are sponsored by governmental agencies, schools or other community organizations.

Political sign means a sign intended to be displayed for a limited time and communicates an upcoming election, ballot or non-commercial message.

Reader Board means a component of any approved sign which displays either manually-placed letters or electronic letter messages, including any background text or images.

Realtor sign means a sign intended to be displayed for a limited period of time which offers real property or building for sale, rent or lease.

Commercial special event sign shall mean a sign intended to be displayed for a limited period of time, meant for advertising an onsite business, service or items for sale, and which is not permanently attached to a building wall or to the ground. Commercial special event signs include the following types of signs:

- 1. Pedestrian sign means a sign held or worn by a person standing, walking or otherwise located outdoors on either public or private property, for the purpose of displaying the sign to passing motorists or pedestrians on a nearby public road or sidewalk, and calling attention to a business, product, service or event.*
- 2. Portable manual reader board sign means a sign that is intended to be moved from place to place and used to display a manually-assembled letter message, which is often enhanced with internal or external light bulbs.*
- 3. Inflatable sign means a sign that is portable and is filled or captures compressed air or another gas.*
- 4. Flag and streamer sign means a sign that is portable and intended to be blown in the wind.*
- 5. Banner sign means a sign that is flexible, portable and affixed to the ground, a building or other structure via wire, posts, string or similar material.*
- 6. Yard sign means a sign that is rigid, portable and affixed to the ground via wire, posts or other similar material. Sometimes called a "corrugated plastic sign."*

Section 4. Amendment of Section 94-406 (a) SIGNS– Purpose. That the Code of Ordinances, City of Walker, Michigan, is hereby amended to read as follows:

- (a) Purpose. The purpose of these regulations is to promote the use of signs in the city that are safe, aesthetically pleasing, compatible with their surroundings and legible in the circumstances in which they are seen. These regulations recognize the need for a well maintained and attractive physical appearance of the community balanced with the need for adequate business identification for the conduct of competitive commerce. These regulations are also intended to reduce sign and advertising distractions for drivers, which might otherwise create public health and safety*

hazards. Finally, these regulations seek to reduce the visual clutter that may arise due to excessive signage or temporary signage that is improperly located or unreasonably distracting.

Section 5. Amendment of Sections 94-406 (c) (1), (2) SIGN MEASUREMENT. That the Code of Ordinances, City of Walker, Michigan, is hereby amended as follows:

NOTE: Existing #3 paragraph text remains unchanged.

(c) *Sign measurement. Except as otherwise expressly provided for in this article, all signs shall comply with the following requirements:*

(1) *The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight-line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame, architectural feature or other material or color forming part of the display or used to differentiate the sign from the background against which it is placed.*

(2) *The area of a freestanding sign that has two or more faces shall be measured by including the area of all sign faces. However, if two such faces are placed back to back and are no more than two feet apart at any point, the area of the two back-to-back faces shall be counted as one face with the larger of the two sign faces to be counted as the relevant sign face for sign area measurement purposes.*

Section 6. Amendment of Section 94-407 (a) PERMITTED SIGNS AND SIGNBOARDS.

That the Code of Ordinances, City of Walker, Michigan, is hereby amended to read as follows:

NOTE: (a) as noted below is all that will be in Sec. 94-407

(a) *Only those signs expressly authorized in a district, as provided for in this article, may be constructed, located or used in any district.*

Section 7. Amendment of Section 94-409 SIGNS IN RESIDENTIAL DISTRICTS. That the Code of Ordinances, City of Walker, Michigan, is hereby amended as follows:

NOTE: DELETE current subsection (a) and re-letter the other current subsections as follows:

(a) *A single community entrance sign may be permitted in an AA, A, A-2, SA, S, ARM, ARM District One, RMT Residential, RPUD-1, RPUD-2 district or the residential portion of a MPUD district. The community entrance sign shall: be in compliance with section 94-406, be limited to a ground-mounted sign, not exceed 24 square feet in area, be located a minimum of five feet from the street right-of-way line, not exceed four feet in height, not exceed two feet in width as measured from face to face, and be constructed primarily from carved wood, brick, stone, wrought iron, terra cotta, glazed tile or similar decorative material in order to reflect and enhance the residential character of the area.*

(b) *Signs for churches and public or private schools in AA, A, A-2, SAS, S, ARM, ARM District One, RMT Residential, RPUD-1, RPUD-2 district, or the residential portion of an MPUD district,*

shall be limited to a single ground-mounted sign not to exceed 24 square feet in area; shall be located a minimum of five feet from the street right-of-way line; shall not exceed four feet in height, shall not exceed two (2) feet in width as measured from face-to-face; shall be constructed primarily from carved wood, brick, stone, wrought iron, terra cotta, glazed tile, in order to reflect and enhance the residential character of the area. In addition, and where not in conflict, such signs shall be subject to the standards and limitations contained in subsection (a) for community entrance signs.

(c) Reader boards are not permitted in residential districts, except for churches and schools; provided that those signs with reader boards are subject to the standards found in subsection (b).

Section 8. Amendment of Section 94-412 NONSTRUCTURAL SIGNS. That the Code of Ordinances, City of Walker, Michigan, is hereby amended to read as follows:

Sec. 94-412. Commercial Special Event Signs, Community Special Event Signs, Realtor Signs and Political Signs.

Commercial Special Event Signs, Community Special Event Signs Realtor Signs and Political Signs shall only be permitted consistent with the standards noted in this Section.

- 1) **Commercial Special Event Signs:** *Commercial Special Event Signs shall be classified according to the definitions noted in Section 94-5.*
 - a. *Pedestrian signs, Portable manual reader board signs, Inflatable signs and Flag and Streamer signs are not allowed.*
 - b. *Banner signs and Yard signs are permitted only in non-residential zoning districts.*
 - c. *Banner signs and Yard signs shall not be placed on any lot, parcel or premises unless a sign permit has been issued by the Zoning Administrator.*
 - d. *Applications for Banner signs and Yard signs shall include the following:*
 - i. *The name, mailing address, email, fax number and telephone number of the property owner, business owner and applicant for the permit.*
 - ii. *Identification of the street address and parcel number of the parcel on which the sign is to be placed.*
 - iii. *A site plan, drawn to scale, accurately identifying the location of the proposed sign on the subject property.*
 - iv. *A scaled drawing which accurately depicts the dimensions and display area of the proposed sign.*
 - v. *Identification of the specific calendar dates on which the sign will be displayed.*

- vi. *A non-refundable application fee, in an amount established by resolution of the City Commission.*
- e. *Commercial Special Event Signs shall be located in compliance with Section 94-406.*
- f. *Commercial Special Event Sign permits may authorize the display of the approved signs for up to seven (7) consecutive days.*
- g. *A maximum of two (2) Commercial Special Event Signs shall be authorized by a permit.*
- h. *In a non-multi-tenant building, up to three (3) permits authorizing the valid display of approved Commercial Special Event Signs may be issued in a calendar year for any individual business. Such permits may not be issued concurrently.*
- i. *In the case of a multi-tenant building, up to three (3) permits authorizing the valid display of approved Commercial Special Event Signs may be issued in a calendar year for any individual business. No more than two (2) individual businesses shall have active permits at the same time.*
- j. *Yard signs shall not exceed twelve (12) square feet in area or four (4) feet in height and shall not be mounted higher than six (6) feet above the surrounding ground level.*
- k. *Banner signs shall not exceed thirty (30) square feet in area and shall not be mounted higher than the building roofline.*
- l. *All Commercial Special Event Signs shall be removed by the applicant or property owner when the approved permit expires.*
- m. *Holiday Periods: A single Banner sign, not to exceed thirty (30) square feet in area, shall be allowed for each tenant without a sign permit in advance of the following holidays:*
 - i. *Martin Luther King Jr. Day – Seven days prior*
 - ii. *Valentine’s Day – Seven days prior*
 - iii. *President’s Day – Seven days prior*
 - iv. *Easter – Seven days prior*
 - v. *Memorial Day – Seven days prior*
 - vi. *July 4th – Seven days prior*
 - vii. *Labor Day – Seven days prior*
 - viii. *Halloween – Seven days prior*
 - ix. *Veteran’s Day – Seven days prior*
 - x. *Thanksgiving – Seven days prior and through January 2nd.*

The single Banner sign shall be located in compliance with Section 94-406, shall not be mounted higher than the building roofline and must be removed by the end of the first working day after the holiday period ends.

2) Community Special Event Signs:

- a. *Community Special Event Signs are permitted in any zoning district without a sign permit.*
- b. *A Community Special Event Sign may be located either on or off the lot on which the special event is to be held.*
- c. *The maximum number, size and height of Community Special Event Signs shall be as follows:*
 - i. *A maximum of two (2) Community Special Event Signs shall be permitted for a special event.*
 - ii. *The display of Community Special Event Signs shall be limited to the fourteen (14) days immediately preceding and including the date of the special event.*
 - iii. *Each Community Special Event Sign shall have a maximum size of twenty-four (24) square feet in area, and a maximum height above ground level of 6 feet.*
 - iv. *Each Community Special Event Sign shall be located in compliance with Section 94-406.*
 - v. *All Community Special Event Signs shall be removed within 24 hours of the conclusion of the special event which is being advertised.*

3) Realtor Signs:

- a. *Realtor Signs are permitted in any zoning district without a sign permit.*
- b. *A Realtor Sign may only be located on a lot offered for sale, lease or rent.*
- c. *The maximum number, size and height of Realtor Signs shall be as follows:*
 - i. *A maximum of two (2) Realtor Signs shall be permitted for a specific lot.*
 - ii. *Each Realtor Sign may have a maximum size of sixteen (16) square feet in area.*
 - iii. *Ground-mounted Realtor Signs may not exceed a maximum height above ground level of four (4) feet.*
 - iv. *Each Realtor Sign shall be located in compliance with Section 94-406.*
 - v. *All Realtor Signs shall be removed within 48 hours of the conclusion of the sale, lease or rental which is being advertised.*

4) Political Signs:

- a. *Political Signs are permitted in any zoning district without a sign permit.*

- b. *Each Political Sign shall be located in compliance with Section 94-406.*
- c. *No more than one political sign is allowed on a lot and a sign may not exceed six (6) square feet in area.*

Section 9. Amendment of Section 94-413 (1 – 6) BILLBOARDS. That the Code of Ordinances, City of Walker, Michigan, is hereby amended as follows:

NOTE: Also renumber current paragraphs 6 – 15 to 7 – 16.

Notwithstanding any other provision of this article to the contrary, billboards are only permitted within 100 feet of a freeway on property in IPUD, ML, MH, or MP zoning districts, subject to the following regulations:

- (1) Each billboard may not exceed a height of 35 feet above the pre-existing grade at the base of the billboard support pole(s).*
- (2) Each billboard shall be located not less than 1,000 feet from residential zoning districts and not less than 1,500 feet from any existing residential uses.*
- (3) Each billboard shall be located not less than 2,000 feet from any other billboard. For purposes of this subsection, the distance between billboards on opposite sides of the freeway shall be measured as the distance between the points at which lines drawn perpendicular to the freeway from the location of each billboard intersect with a line along the center of the freeway.*
- (4) Each billboard shall be located not less than 500 feet from any other freestanding sign which is located on the same side of the freeway within the city and which is visible from the traveled portion of the freeway; provided, however, that the minimum distance between billboards shall be governed by subsection (3).*
- (5) Each billboard shall have a minimum setback of twenty (20) feet from the freeway right of way, as measured from the closest point or edge of the billboard.*
- (6) All measurements provided for in this section shall be measured radially and without respect to political or jurisdictional boundaries.*

Section 10. Severability. The various parts, sections, and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section, or clause is determined invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be thereby affected.

Section 11. Effective Date. This Ordinance will become effective upon the expiration of seven days after publication of a notice of ordinance adoption in a newspaper of general circulation within the City of Walker.

First reading: February 22, 2010

Second reading: March 8, 2010

Effective date: March 23, 2010