

**CHARTER TOWNSHIP OF CHINA
ST. CLAIR COUNTY, MICHIGAN
ORDINANCE # _163__**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CHARTER TOWNSHIP OF CHINA, CHAPTER 30, ZONING, FOR THE PURPOSE OF REVISING THE DEFINITIONS AND REGULATIONS FOR SIGNS.

THE TOWNSHIP OF CHINA ORDAINS:

ARTICLE 1: Amend Section 30-3. Definitions and Rules of Construct, to repeal the following definitions:

Sign means a name, identification, description, display, or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure, parcel or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business. A sign shall include the following types:

- (1) **Accessory sign.** A sign which directs attention to a person, product, business or profession conducted upon the same premises.
- (2) **Non-accessory sign.** A sign which directs attention to a business, commodity, activity, service or entertainment conducted, sold, placed, or otherwise offered elsewhere than on the premises on which the sign is located.
- (3) **Ground sign.** A sign which is supported by one or more poles, uprights, or braces in or upon the ground, which are not a part of the building.
- (4) **Projecting sign.** A sign other than a wall sign suspended from or supported by a building or structure and projecting therefrom, including marquees.
- (5) **Roof sign.** A sign which is erected, constructed and maintained above the roof of a building.
- (6) **Wall sign.** A sign which is attached directly to the wall of a building and which extends not more than 12 inches from the wall, including window signs.

ARTICLE 2: Amend Section 30-3. Definitions and Rules of Construct, to have the following definitions added thereto:

- (1) **Accessory Sign.** Any sign that is accessory to the principal purpose of the site relating to business, service, or products including national brand products supplied at the site.
- (2) **Alteration (Sign).** A change in size or shape of an existing sign. Copy or color change of an existing sign in conformance with the regulations of this ordinance, is not an alteration. Changing or replacing a sign face or panel in conformance with the regulations of this ordinance, is not an alteration.

- (3) **Animated Sign.** A sign that uses movement or change of lighting, including a flashing sign, to depict action or create effect of scene.
- (4) **Area of Sign.** The area of the sign in square feet displaying lettering and imagery, including the background display. Structural components such as poles, supports, framing structure, or base shall not be included as sign area.
- (5) **Banner.** A sign that is produced on a non-rigid surface on which copy or graphics may be displayed.
- (6) **Beacon.** A light with one or more beams, capable of being directed in any direction.
- (7) **Billboard.** An off-site or non-accessory outdoor sign which advertises a business use or service not conducted on the premises upon which the sign is placed. Billboard structures are generally leased or rented and designed with changeable copy.
- (8) **Changeable Copy Sign.** A sign with a changeable message.
- (9) **Copy.** The words, letters, numerals, figures, designs, symbols, insignia, trademarks, and background on a sign surface in either permanent or changeable form.
- (10) **Directional or Informational Sign.** An on-premises sign giving directions or instructions.
- (11) **Double-Faced Sign.** A sign with two (2) faces.
- (12) **Electronic Message Sign.** A sign with a fixed or changeable display or message composed of a series of lights or message composed of a series of lights that may be changed through electronic means.
- (13) **Festoon Sign.** A sign that contains an intermittent or sequential flashing light source, but does not include signs which through reflection or other means, create an illusion of flashing or intermittent light.
- (14) **Height of Sign.** The vertical distance as measured from the bottom of the sign base to the highest point of the sign including its framing structure.
- (15) **Incidental Signs.** A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, and signs providing information on credit cards and business affiliations
- (16) **Illuminated Sign.** A sign with an artificial light source incorporated internally or externally.
- (17) **Inflatable Sign.** A temporary sign consisting of a bag or balloon inflated with gas or air.
- (18) **Monument Sign (Ground Sign).** A sign that is not attached to a building or structure with a base that sits on the ground and is solid in appearance from the base to the top of the sign, with no exposed structural supports.
- (19) **Moving sign.** A sign which has any visible portion in motion, either constantly or intermittently.

- (20) **Non-accessory Sign.** Any sign advertising for a business, product, or activity at a different location, including billboards.
- (21) **Non-conforming sign.** A sign that was erected legally, but which does not comply with subsequently enacted ordinance changes.
- (22) **Off-premise sign.** A sign located off premise and provides either a commercial or non-commercial message, including, but not limited to, billboards.
- (23) **Parapet.** The extension of a building wall above the roofline.
- (24) **Pennant.** A small flag, either unadorned or with graphic or verbal material, displayed from a pole, rope or other support.
- (25) **Projecting Sign.** A sign, other than a flat wall sign, suspended from or supported, by a building or structure and projecting therefrom, including marquees.
- (26) **Pylon Sign (Pole Sign).** A sign with one or more poles as its support or base that is not attached to a building.
- (27) **Responsible Person.** The owner and/or lessee of real property upon which a sign is located or any person with an ownership, license or contractual interest in the sign itself.
- (28) **Roof Sign.** A sign erected over or on the roof of a building.
- (29) **Sandwich sign.** A double-faced sign made of wood, metal, or other durable materials, containing a hinged top and an opening at the bottom where the boards can lean against each other when placed on the ground.
- (30) **Sign.** A structure and material that displays letters, words, numerals, figures, designs, symbols, trademarks, or other illumination devices or insignia.
- (31) **Sign Base.** A structure that supports a sign and is constructed of solid material, such as brick, concrete, stone, or treated lumber, or a pole(s) that is enclosed in a structure covered with durable materials.
- (32) **Temporary Sign.** A sign not attached to a permanent supporting structure on the property on which it is located, which is displayed for a limited period of time as set forth by this ordinance.
- (33) **Vehicle Sign.** A sign which is painted, affixed or attached to a motor vehicle, whether licensed or not, parked or placed conspicuously upon a site primarily for advertising purposes. Signs on licensed commercial vehicles in daily off-site use, are excluded from this definition.
- (34) **Wall Sign.** A sign which is attached directly to the wall of a building, and which extends not more than twelve (12) inches from the wall, including window signs.
- (35) **Window Sign.** A sign installed on a window, either on the exterior or interior of the window, with the intent to display externally.

ARTICLE 3: Amend Section 30-430, Signs to repeal existing language and replace with the following:

SECTION 30.430 SIGNS:

- (a) **Purpose and Intent.** These regulations establish rules and standards for the construction, location, maintenance and removal of all signs except those exempted from regulation by this ordinance. Directional, emergency, or traffic-related signs owned by the township, county, state or federal government agencies are not regulated by this section. The execution of these regulations recognizes that the purpose of this chapter is to protect the interest of public health, safety and welfare and to ensure the maintenance of an attractive physical environment while satisfying the needs of sign users for adequate identification and communication. In order that such purposes can be achieved, the following objectives shall be applied for this chapter and any future additions, deletions and amendments:
- (1) **General.** Ensure that signs are located, designed, constructed, installed and maintained in a way that protects life, health, morals, property and the public welfare.
 - (2) **Public Safety.** Protect public safety by prohibiting signs that are structurally unsafe or poorly maintained; cause unsafe traffic conditions because they unreasonably distract motorists, have similarities to official traffic signs or hinder vision; and impede safe movement of pedestrians or safe ingress and egress from buildings or sites.
 - (3) **Protect Aesthetic Quality of Districts and Neighborhoods.** Prevent blight and protect aesthetic qualities by preventing visual clutter and protecting views. Prevent proliferation of signs in residential areas and eliminate abandoned signs and sign structures on unused properties. Also, avoid glare, light trespass, and sky glow through selection of proper fixture type(s) and location, lighting technology, and control of light levels.
 - (4) **Free Speech.** Ensure that the constitutionally guaranteed right of free speech is protected and allow signs as a means of communication.
 - (5) **Reduce Conflict.** Reduce conflict among signs and light and between public and private information systems.
 - (6) **Information Dissemination.** Allow for adequate signage for business identification and other commercial speech, non-commercial speech, and dissemination of public information, including but not limited to, public safety information and notification as may be required by law.
 - (7) **Foster Economic Development.** Ensure that signs are located in a manner that does not cause visual clutter, blight, and distraction, but rather promotes identification and communication necessary for sustaining and expanding economic development in the city.
 - (8) **Recognize Unique Areas.** Acknowledge the unique character of certain districts, and establish special time, place and manner regulations that reflect the unique aesthetic, historical, and/or cultural characteristics of these areas.

(b) General Requirements that apply to all signs

- (1) A permit shall be required for the erection, construction, or alteration of any sign, and all new signs shall require approval by the Building Inspector, except as provided herein.
- (2) There shall be no flashing, oscillating, or intermittent type of illuminated sign or display; nor shall there be any streamers, windblown devices, spinners, temporary or portable signs, pennants or flags other than those permitted by this ordinance.
- (3) No sign, except those established and maintained by the Township, County, State or Federal government, shall be located in, project into, or overhang a public right-of-way, or dedicated public easement.
- (4) All directional traffic signs required for the purpose of orientation, when established by China Township, the St. Clair County Road Commission, the Michigan Department of Transportation, or the Federal government, shall be permitted in all zoning districts.
- (5) Non-accessory and/or off-site signs (such as billboards) shall be prohibited except in I-1 Light Industrial and I-2 Heavy Industrial districts.
- (6) All illuminated signs shall be internally lit unless the lighting equipment is designed as an integral part of the display. This means that the lights themselves are part of the sign structure and will in no way interfere with driver visibility or project onto adjoining property.
- (7) No signs, unless provided otherwise in this chapter, shall be located closer than 25 feet from any side or rear property line.
- (8) No sign shall be constructed in a manner as to impair the vision of pedestrians and/or vehicles.
- (9) No sign otherwise permitted shall project above or beyond the maximum height limitation of the use district in which it is located, as referenced in Section 30-391.
- (10) Signs may be located in the required front yard except as otherwise provided in this chapter.

(c) Prohibited Signs. All signs not expressly permitted under this Section are prohibited by the Township. Such prohibited signs include, but are not limited to, the following:

- (1) Beacons
- (2) Pennants – including tear drop or blade style
- (3) Vehicle signs, when the vehicle upon which the sign is painted or attached, is parked or placed upon the premises for advertising purposes.
- (4) Roof signs
- (5) Inflatable signs and tethered balloons
- (6) Animated signs, except those giving date, time, and temperature
- (7) Signs affixed to trees, rocks, shrubs or natural features, except authorized by the Township which denote a site of historic significance.
- (8) Signs which imitate traffic signals, traffic direction signs, or similar traffic control devices

- (9) Permanent signs (other than those erected by a public agency) which are located or overhang the public right-of-way or other public property.
- (10) Any strobe, flashing, or oscillating lights, either from the interior or exterior of the building
- (11) Moving signs
- (12) Abandoned signs
- (13) Signs which emit audible sound, odor, or visible matter
- (14) Any sign erected on a tree, utility pole or other pole used for another purpose
- (15) Any sign that displays obscenities (including words, pictures, figures, or other depictions).

(d) Signs Exempt from Permit Requirements. The following signs shall be exempt from the permit requirement of this section and shall conform to the following regulations:

- (1) Incidental signs, which shall not exceed two (2) square feet in area per side and three feet (3) in height. The maximum number of incidental signs on a property shall be two (2).
- (2) Signs erected for traffic safety purposes by public road agencies.
- (3) Federal, State, County or Local required signs on private property.
- (4) Flags bearing the official design of a nation, state, municipality, educational institution, church or fraternal organization. Flags bearing the official seal or emblem of a company or corporation including related slogans, messages or graphics. Each zone lot shall be limited to not more than four (4) of the above flags.
- (5) Changing of a message on a theater marquee or similar approved signs which are specifically designed for the use of replaceable copy.
- (6) Painting, repainting, cleaning, and other normal maintenance and repair of a sign or any sign structure unless a structural change is made.
- (7) Temporary signs not exceeding a total of nine (9) square feet in area per side and three (3) feet in height in residential districts, and thirty-six (36) square feet in area per side and four (4) feet in height in non-residential districts. Each temporary sign shall be limited in duration to (60) days, at which time the sign(s) shall be removed for a period of no less than 30 days. Electrical permits are required if illuminated. The maximum area for all temporary signs shall be limited to eighteen (18) square feet in residential areas, and seventy-two (72) square feet in area in a non-residential district.

(e) Additional Signage Regulations Allowed by Zoning District. In addition to subsections (a) through (c) of this section, the following requirements apply to signs located in various zoning districts:

Use District	Requirements
AG, CR, RE, and RS Districts	<p>One (1) monument sign is allowed for each approved non-residential building site.</p> <p>All other signs shall not exceed a total area of twenty-four (24) square feet or and a height of eight (8) feet.</p>
RM District	<p>One (1) monument sign is allowed for each residential development exceeding six (6) dwelling units.</p> <p>All signs shall not exceed a total area of twenty-four (24) square feet or and a height of eight (8) feet.</p>
B-1 and B-2 Districts	<p>One freestanding monument type ground sign shall be permitted per street frontage. The area per sign face shall not exceed twenty-four (24) square feet. The height for monument signs shall not exceed eight (8) feet.</p> <p>For a development which contains more than one office or business, the combined area for all sign faces shall not exceed forty (40) square feet and the height of the sign shall not exceed ten (10) feet.</p> <p>No wall sign shall project beyond or overhang the wall, or any permanent architectural feature, by more than twelve (12) inches, and signs shall not project above or beyond the highest point of the roof or parapet.</p>
O-1 District	<p>One monument type ground sign shall be permitted per street frontage. The area per sign face shall not exceed twenty-four (24) square feet. The height for monument signs shall not exceed eight (8) feet.</p> <p>For a development which contains more than one office or business, the combined area for all sign faces shall not exceed forty (40) square feet and the height of the sign shall not exceed ten (10) feet.</p> <p>One (1) wall or canopy sign per development not to exceed ninety (90) square feet, except that, in the case of multiple occupants, one wall sign shall be permitted per occupant provided that each wall sign does not exceed twenty (20) square feet each and the total area of all wall signs does not exceed ten (10) percent of the area of the facade including door openings and fenestration.</p> <p>Where a building is oriented such that it is not parallel to the roadway and more than one side of the building can be seen from the roadway, one (1) additional wall or canopy sign no greater than sixty (60) percent of the maximum allowed sign area may be permitted at the discretion of the planning commission.</p>
I-1 and I-2 districts	<p>One (1) pylon or monument sign, not to exceed one-hundred (100) square feet in is allowed on each development parcel in the I-1 District. Monument signs shall not exceed a height of 12 feet.</p> <p>One (1) pylon or monument sign, not exceeding three-hundred fifty (350) square feet in area is allowed on each development parcel in the I-2 District. Monument signs shall not exceed a height of 12 feet.</p> <p>For buildings in either the I-1 or I-2 Districts, one (1) wall or canopy sign per</p>

	<p>development not to exceed ninety (90) square feet, except that, in the case of multiple occupants, one wall sign shall be permitted per occupant provided that each wall sign does not exceed twenty (20) square feet each and the total area of all wall signs does not exceed ten (10) percent of the area of the facade including door openings and fenestration. Where a building is oriented such that it is not parallel to the roadway and more than one side of the building can be seen from the roadway, one (1) additional wall or canopy sign no greater than sixty (60) percent of the maximum allowed sign area may be permitted.</p> <p>Non-accessory signs shall be spaced no closer than 1,000 feet between non-accessory signs on the same side of the right-of-way.</p>
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- (f) **Maintenance.** The owner of any property on which any sign is placed, and the person maintaining said sign are declared to be equally responsible for the condition of the sign and area in the vicinity thereof. Both parties shall be clearly identified on the sign by name, address, and telephone number.
- (g) **Obsolete Signs.** All signs that are obsolete, due to discontinuance of the business, activity, or message depicted thereon, shall be removed within thirty (30) days of the close of said business or activity.
- (h) **Granting and Issuance of Sign Permit.** All new signs, which are not exempt, shall be reviewed by the Building Inspector. Upon receipt of the necessary application and supporting documentation, the Building Inspector shall review such application for conformance with this ordinance, and either approve or disapprove the application. If the application is denied, the reasons for such denial shall be clearly delineated to the applicant.
- (i) **Substitution Clause.** The owner of any sign allowed by this Section may substitute non-commercial speech in lieu of any other commercial speech, or vice versa. This substitution may be made without any additional approval or permitting.

ARTICLE 4: SEVERABILITY. Sections of this Ordinance shall be deemed to be severable. Should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE 5: REPEAL. All ordinances in conflict herewith are hereby repealed.

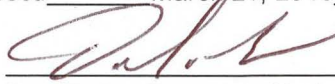
ARTICLE 6: EFFECTIVE DATE. Public hearing having been held hereon, pursuant to Section 401 of Public Act 110 of 2006, as amended, the provisions of this Ordinance shall become effective upon expiration of seven (7) days after publication.

ARTICLE 7: ADOPTION. Made and passed by the Township Board of the Charter Township of China, St. Clair County, Michigan, on this ___19___ day of _February_____, 2018, A.D.

1. Date of Public Hearing: ___November 16, 2017_____.
2. Date of Adoption by Township Board: ___February 19, 2018_____.

3. Date of Publication: March 14, 2018

4. Date and Time Ordinance Shall Take Effect: March 21, 2018



Dan Turke, Township Clerk

Certification

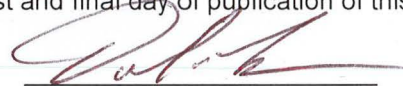
I, Dan Turke, Clerk of the Charter Township of China, do hereby certify that Ordinance No. 163 was adopted by the Township Board at a regular meeting of the Township Board held at the Township Hall on the 19th day of February, 2018.

Vote on this Ordinance, 7 members being present, was as follows:

AYES: V. Schweihofer, D. Turke, J. Golan, J. Rust, A. Cook, E. Neiman, L. Schweihofer.

NAYS: None

I further certify that said Ordinance No. 163 adopted by the Township Board on the 19th day of February, 2018 was published once in The Voice,, a paper published and circulated in the Charter Township of China, County of St. Clair, on the 14th day of March, 2018 this being the first and final day of publication of this ordinance.



Dan Turke, Clerk
Charter Township of China