

M. *Exemption of existing projects.* This section shall not apply to a site condominium project which is determined by the township board to have met the following conditions as of the effective date of this section (an "existing project"):

1. A condominium master deed was recorded for the project with the Muskegon County register of deeds in accordance with the requirements of the Condominium Act and other applicable laws and ordinances; and
2. The project fully complies with all other applicable requirements under township ordinances in effect on the date when the condominium master deed was recorded.

The exemption provided by this section shall apply only to an existing project precisely as described in the condominium master deed recorded for the project on the effective date of this section, and not to any subsequent expansion, conversion, or replatting of the project or subsequent modification or amendment to the master deed which shall be fully subject to the review and approval requirements as provided by this section.

Sec. 31. Signs.

This section of the zoning ordinance is enacted to regulate the size, lighting, spacing, location and manner of display of signs and sign structures as defined by this ordinance, in Egelston township.

A. *Purpose of the sign regulation.* The regulation of signs in the township is for the following purposes:

1. To protect the health, safety and welfare of township residents and to enhance the landscape of the township by regulating signs to prevent problems which arise from excessive size, height, number, lack of spacing, poor or invasive lighting, and, without limitation, other characteristics of signs which adversely affect the community.
2. To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision or are distracting or confusing.
3. To reflect the primary purpose of signing as being the identification of a particular user or use on a property, and to limit off-premises signs.
4. To retain property values by reducing visual blight caused by signs involving clutter, poor maintenance, glare, distraction of motorists, obstruction of scenic views, and regulating signs in ways to retain aesthetic appeal on properties and surrounding areas.

B. *Signs prohibited.* The following signs are expressly prohibited:

1. Any sign which has flashing, blinking, intermittent, on and off, or directional lighting, and any flashing sign, is prohibited, except for time and temperature signs, electronic message boards, and barber pole signs.

2. Any sign imitating or resembling traffic or governmental signs or signals.
 3. Any sign not expressly permitted by this ordinance.
 4. Motion signs are prohibited.
- C. *Signs exempted.* The following signs shall be exempt from provisions of this chapter. Even though exempt, all signs listed herein shall conform with the size limitations set forth in this ordinance. The said exempt signs are allowed in all districts provided they conform to the general regulations applicable to all signs found in this ordinance.
1. Governmental signs.
 2. Signs for essential services.
 3. Historical markers.
 4. Memorial signs or tablets.
 5. Address and identification signs, having no more than two square feet of area, attached to a mailbox, light fixture or exterior wall.
 6. Political signs, except they must be removed on or before ten days after the election to which they relate.
 7. Community special event signs, provided they are removed on or before ten days after the event is completed.
 8. Directional signs.
- D. *General regulations applicable to all signs.*
1. Maintenance. All signs shall be maintained in good condition and repair including, without limitation, maintenance of supports and fastenings to prevent deterioration and falling.
 2. Traffic hazards. No sign shall be constructed, erected, reconstructed or located in such a manner as to cause a hazard to vehicle or pedestrian traffic including without limitation visual hazard caused by flashing lights or glare which impairs vision or is unreasonably distracting, or blocking clear views at intersections.
 3. No sign of any sort shall be constructed, erected or reconstructed upon or over any sidewalk, street, alley or other public right-of-way except for government signs. A further exception may be allowed for such sign where the planning commission has authorized the encroaching sign as a special use. In considering such authorization the planning commission shall consider the following standards in addition to the special use criteria

of this ordinance.

- (1.) Whether or not placement of the sign over the public right-of-way is necessary for access or viewing
 - (2.) Whether the sign will obstruct or otherwise interfere with the potential use of the right-of-way.
4. Illumination. All illuminated signs shall be lit with electrical power and shall conform with all codes in effect in the township from time to time. No flashing, blinking, intermittent, on and off or directional illumination is allowed. No open neon lights are allowed. Any sign illumination shall be located so as to prevent any glare or light being directed at any street or at any adjoining property.
5. No sign shall interfere with, obscure the view of or be confused with an authorized traffic sign.
6. There shall be no moving component of the sign. Motion signs are prohibited.
7. No billboard or other freestanding sign shall exceed 30 feet in height measured from the crown of the nearest street, and there shall not be less than four feet measured from the crown of the nearest street to the bottom of any freestanding sign, except a monument sign.
8. Freestanding sign materials and construction. All freestanding signs, sign structures or poles shall be self-supporting, erected on, and permanently attached to, concrete foundations. Such structures shall be made only from painted steel or other materials approved by the codes in effect in the township. All materials, walls, supports, wind loads, and sign anchoring shall conform with all codes in effect from time to time.
9. No signs in the right-of-way or on public property. No sign shall be located in the public right-of-way or on public property, or attached to any tree, utility pole, street sign, traffic control device or any other similar object or affixed to any public building or structure, except as authorized by this ordinance or in writing by the township.
10. Roof mounting of signs. No sign shall be mounted on a roof, nor shall any sign extend more than four feet above the roof line of a building.
11. Billboards.
 - (a.) Billboards may be placed in I2 zoning only.
 - (b.) No billboard may be placed closer than 2,000 feet from another billboard on the same side of the street.
 - (c.) No billboard shall be closer than 1,000 feet from a billboard on the other side of

the street.

- (d.) No billboard shall be placed more than 1,000 feet from a major, arterial, or primary collector street, intersection, or from an expressway access or exit ramp.
- (e.) No billboard shall be placed closer than 35 feet to a street right-of-way. This setback requirement shall be modified to conform with any requirement under any state law concerning setbacks, in the event the setback under state law requires a greater distance.
- (f.) No billboard shall be located closer than 300 feet from the property line of a property upon which a residence is located.
- (g.) Billboards shall not be stacked or placed one above the other. No more than one billboard shall be permitted on a single location, except that a double faced billboard may be considered one billboard.
- (h.) No billboard shall have an area as defined in this ordinance in excess of 300 square feet per sign face.
- (i.) Billboards shall require a permit to be issued by the township. The said permit shall be expire[d] in five years after its issuance and renewal permits shall carry terms of five years. As a condition of renewal, the billboard shall be kept and maintained in good condition and repair, and utilized in full conformance with all the requirements of this ordinance. In the event of the failure of the billboard occupant or owner to perform the maintenance and repair requirement by this ordinance, the permit may be canceled and the billboard shall be removed. This section does not require amortization of a billboard or a nonconforming billboard. This section concerns the maintenance and repair requirement.

12. Wall signs. Wall signs shall not project more than 12 inches from the wall.

E. *Signs permitted in zoning districts; specific requirements.* In each of the zoning districts in the township only the signs set forth in this section are permitted. They shall conform to all general regulations in this ordinance as well as specific regulations herein.

1. *R-1 and R-2 residential districts.*

- (a.) One real estate sign not in excess of six square feet in area, not illuminated and placed entirely within the boundaries of the parcel or lot to which the sign refers.
- (b.) Construction signs advertising the development of property in a residential, subdivision or condominium project. The said signs shall be removed when 75 percent of the lots or units within the development have been improved with buildings. They shall not exceed 32 square feet in area.

- (c.) Subdivision identification signs for a residential subdivision or development, not exceeding 32 square feet in area, and limited to two per residential subdivision or development.
 - (d.) An identifying sign for a lot or condominium unit indicating the name of the occupant, the street address and not exceeding two square feet in size.
 - (e.) Churches, schools and other permitted nonresidential uses within a residential zoning district may erect signs as permitted by a special use permit.
2. *R-3 and R-4 residential districts.*
- (a.) All signs authorized in the R-1 and R-2 districts.
 - (b.) A building identifying sign provided it is not greater than 32 square feet in area and attached flat against the building it identifies.
3. *R-5 agricultural and residential districts.*
- (a.) Those signs allowed in districts R-1 through R-4.
 - (b.) Signs advertising the sale of agricultural products produced on the premises from a stand on the property. The signs shall not exceed 32 square feet in area, and there shall not be more than two signs per property.
4. *C-1 commercial districts.*
- (1.) All signs permitted in the R-1 and R-2 districts.
 - (2.) Signs located on buildings as wall signs, limited as follows:
 - (a.) Such signs limited to the elevation of the building fronting on the principal street providing access to the building.
 - (b.) Such sign shall not exceed an area of 20 percent of the area of the side of the building on which said sign appears.
 - (3.) One freestanding on-premises sign per public road, street or highway frontage advertising or referring to the activities on the premises which is located in the setback and does not exceed two square feet in area for each five feet of frontage measured at the building setback line for the business premises on which the sign is located, subject to a maximum of 300 feet each. All such signs shall be located out of the public right-of-way. Said sign may not be over or under public utilities. Additional setback may be required through site plan approval.
 - (4.) Portable signs are permitted for a period of 30 days advertising a new business.

5. *C-2 commercial districts.*

- (1.) All signs permitted in the C-1 district subject to the same conditions, restrictions and requirements as provided in that district.

6. *I-1 and I-2 industrial districts.*

- (1.) All signs permitted in the R-1 and R-2 zoning district subject to the same conditions set forth therein except real estate signs located in industrial districts may have up to 32 square feet in area.
- (2.) Wall signs attached to buildings provided the area of the sign does not exceed two percent of the total area of the wall to which it is attached or 100 feet whichever is lesser.
- (3.) A freestanding on-premises sign in a front yard setback provided the sign does not exceed 48 square feet in area or two percent of the area of the front wall of the building, whichever is greater, however the height of the sign shall not exceed four feet. Such freestanding sign shall be appropriately landscaped.
- (4.) An identifying sign erected at the entrance to a industrial park or cluster of industrial properties, naming the park or cluster and the industries located therein. Such sign may be freestanding or attached to a wall or fence and shall be appropriately landscaped. The sign may have an area not exceeding 48 square feet.
- (5.) Billboards when authorized by the planning commission as a special use, must be placed in I2 only. All such billboards shall comply with the general regulations of the township ordinances concerning billboards.

F. *Nonconforming signs.* Every permanent sign which lawfully exists at the time of the adoption of this ordinance or amendments thereto but which does not conform to the requirements of this ordinance, (except for a sign the physical condition of which threatens life or safety), is deemed nonconforming. Such nonconforming signs may not be expanded, enlarged or extended, but may be maintained and repaired. A nonconforming size may be diminished in size or dimension without adversely affecting its nonconforming status, however after any reduction in size or dimension, any later increase shall be considered an expansion and is prohibited.

G. *Permits.* Except for signs declared exempt under this ordinance, no sign shall be erected, enlarged or placed without a permit issued by the township. Permits will be issued by the zoning administrator, but any application for a permit may be referred to the planning commission if their determination is required by this ordinance or in the event the zoning administrator deems it advisable to seek a recommendation of the planning commission. The planning commission shall not have variance powers; any such appeal from a decision of the zoning administrator shall be made to the zoning board of appeals.

1. *Application.* Application for a permit shall include a site plan indicating the location and an illustration of the sign, (not necessarily its content except to show the type of sign), including all dimensions necessary for any determination. The said site plan shall include information showing the relationship or distance from buildings and other structures, setbacks, etc. In addition to scale drawings of the plans and specifications for the sign shall be provided. Electrical and other code compliance permits or applications therefor shall be submitted.
2. *[Issuance.]* The zoning administrator shall issue a sign permit if all the provisions of this article and all other ordinances of the township are satisfied. The permit shall expire after six months if construction not begun. Fees shall be required for every permit, the amount to be determined by the township board by resolution.
3. *[Exempt signs.]* Permits are not required for signs set forth as exempt in this article.

(Ord. of 6-16-2003)

Sec. 32. Open space preservation projects.

A. *Purpose and applicability.* The purpose of this section is to adopt open space preservation provisions consistent with the requirements of the Michigan Zoning Enabling Act. Section 506 of the Zoning Enabling Act requires that zoned townships having a population of 1,800 or more and having undeveloped land zoned for residential purposes must adopt zoning regulations to permit "open space preservation" developments.

Under these regulations, a landowner has the option to retain at least 50 percent of the property as open space and placing dwelling lots on the remaining portion. The number of dwelling structures and lots cannot be more than the number which would be permitted on the land without the open space preservation regulations, nor may the township require less than the number of dwelling lots which would be permitted on the land without the open space preservation regulations.

This section shall only apply to open space preservation projects supporting single family detached residential dwellings in qualifying residential zoning districts and where no open space option has been previously exercised.

B. *Qualifying conditions.*

1. The option to develop land under the provisions of this section may be exercised only if each of the following conditions is satisfied:
 - (1) If the land is not served by a public sewer system, the zoning district in which the land is located permits development at a density equivalent to two or fewer single family dwelling units per gross acre; or if the land is served by a public sanitary sewer system, the zoning only permits development at a density equivalent to three or fewer single family dwelling units per gross acre. Under these terms, as of the effective date of these provisions, these provisions shall only apply to the R-1, R-2, R-3 and R-5 Zoning Districts;