

# **Charter Township of Orion**

## **Ordinance No. 153**

### **Sign Ordinance**

Adopted July 17, 2017

**AN ORDINANCE REGULATING THE SIZE, PLACEMENT, AND LOCATION OF SIGNS IN THE CHARTER TOWNSHIP OF ORION; PROVIDING THE PROCESS FOR APPLICATION, ISSUANCE OF AND FEES FOR SIGN PERMITS; PROVIDING FOR ENFORCEMENT OF THE PROVISIONS OF THIS ORDINANCE, INCLUDING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND PROVIDING FOR THE REPEAL OF ORDINANCE 138 AND ALL ORDINANCES OR PARTS OF ORDINANCES WHICH ARE INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE.**

### **Section 1 – Short Title**

This Ordinance shall be known and may be cited as the Charter Township of Orion “Sign Ordinance,” and it shall be deemed sufficient, in any action for enforcement of any of the provisions hereof, to refer to this Ordinance by this short title or by reference to the number hereof.

### **Section 2 – Intent and Purpose**

Pursuant to the authority granted to the Charter Township of Orion by law, including the Charter Township Act, PA359 of 1947, the Township Zoning Act, PA 184 of 1943, the Michigan Zoning Enabling Act, PA110 of 2006 and the Michigan Planning Enabling Act, PA33 of 2008, the Township hereby enacts the following regulations for the erection and maintenance of temporary and permanent signs in Orion Township.

The intent of this Ordinance is to regulate the location, size, construction, and manner of display of signs and outdoor advertising in order to minimize their harmful effects on the public health, safety and welfare. While this Ordinance recognizes that signs and outdoor advertising are necessary to promote commerce and public information, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the Township, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists.

Regulations are necessary to enhance visual quality of new and older business areas; to enhance and insure the compatibility between outdoor advertising signs and adjacent land uses; to limit the impact of the visual sign clutter and confusion, to ensure appropriate proportional scale with adjacent land uses and adjacent signs.

To achieve its intended purpose, this Ordinance has the following objectives:

- A. To prevent the placement of signs in a manner that will conceal or obscure other signs or adjacent businesses;
- B. To keep the number of signs and messages at the level reasonably necessary to identify a business and its products;
- C. To keep signs within a reasonable scale with respect to the buildings they identify;
- D. To reduce visual distraction and obstructions to motorists traveling along, entering or leaving streets;
- E. To promote a quality manner of display which enhances the character of the Township; and
- F. To prevent the proliferation of temporary signs which might promote visual blight.

### **Section 3 – Definitions**

The following definitions shall apply in the interpretation of this Ordinance:

**Ambient light** – refers to any source of light that is not explicitly supplied; a source of light already available naturally or artificial light already being used.

**Architectural Feature Sign** – A wall sign attached to a permanent architectural feature, including masonry or stone walls contained on a Planning Commission approved site plan, at the entrance of residential developments, commercial developments, or industrial parks.

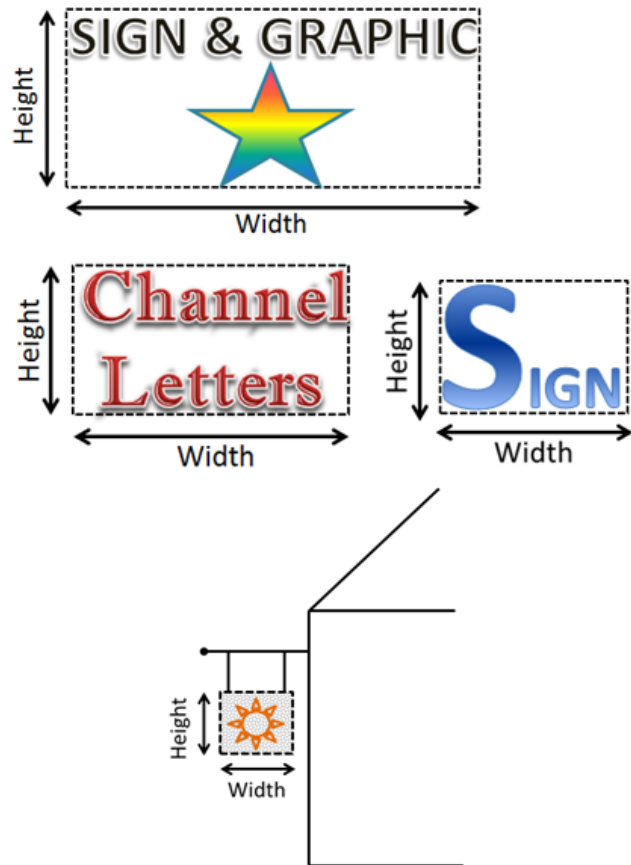
**Area of Sign** – The entire area within a circle, triangle, parallelogram, or other geometric configuration enclosing the extreme limits of writing, representation, emblem or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. However, where such a sign has more than one face, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back-to-back as a mirror image in size and shape and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or the area of the larger face if the two faces are of unequal area. For monument signs, the base of a monument sign shall be excluded from the calculation of sign area for a distance of thirty (30) inches above grade. The area of the sign is further calculated as shown:

**CALCULATING THE TOTAL AREA OF THE SIGN**

FOR A SIGN ON A DEFINED BACKGROUND, such as a board or painted area with a defined edge, the size of the sign shall be measured as the area of the defined background if it is a rectangle, oval or circle. For all other shapes or defined background area, the size of the sign shall be measured as the area of the smallest rectangle, oval or circle which encloses the defined background.



FOR A SIGN WITHOUT A DEFINED BACKGROUND, such as individual letters, decoration or symbols mounted directly on the building wall or incorporated as a projecting sign the size of the sign shall be measured as the area of the smallest rectangle, oval or circle which encloses the letters decoration or symbols.



**Awning** – A shelter projecting from, and supported entirely by, the exterior wall of a building, constructed of non-rigid materials on a supporting framework.

**Awning Sign** – A sign painted on, or attached flat against and parallel to the surface of an awning. An awning sign is considered a wall sign and subject to wall sign regulations.

**Banner** – Any temporary sign printed or displayed upon cloth or other flexible materials, with or without frames.

**Billboard** – A free-standing permanent sign which is supported by uprights, braces, columns, or other anchor, and which is not attached to any building and is twelve (12) feet or taller measured from grade to the tallest point. Billboards represent a unique competition for the visual attention of drivers and thus, for the health and safety of the Township residents, and to avoid adversely impacting the peace and enjoyment of residential areas, billboards shall be regulated based on traffic levels and patterns within the Township, zoning districts, frequency, distance and location.

**Blade Sign** – A temporary sign with a support pole securely anchored into the ground, made of fabric, over the support pole.

**Building-Attached Sign** – A sign attached to the front of a building and parallel to the front face of the building.

**Building Official** – The Charter Township of Orion Building Official or his or her designee (as approved by Township Supervisor).

**Canopy (Building)** – A rigid multi-sided structure covered with opaque fabric, metal or other opaque material and supported by a building at one or more points or extremities. The building canopy may be illuminated by external sources.

**Canopy (Free-Standing)** – A rigid multi-sided structure covered with opaque fabric, metal or other opaque material and supported by columns or posts embedded in the ground. The canopy may be illuminated by external sources.

**Canopy Sign** – A sign affixed or applied flat against and parallel to the exterior facing surfaces of a building or freestanding canopy. A canopy sign, whether or not supported by a building, is a wall sign and subject to wall sign regulations if the canopy is illuminated or if it contains any print.

**Center Identification Sign** – A ground sign at the entry to a non-residential center containing more than one (1) business establishment, whether or not under single ownership or management.

**Collector Streets** – Those streets designated on the Thoroughfare Plan of the adopted Orion Township Master Plan as Collector Streets.

**Change of Copy** – The replacement of the face of the sign with another on a Sign. Change of copy shall not include modifications to the sign structure or frame, nor shall it include alterations of sign size.

**Developer Identification Sign** – As required in Zoning Ordinance 78, a temporary sign twenty-four (24) square feet listing the name and contact phone number of the developer.

**Directional Sign** – A sign indicating the safest route to facilities, services, or activities, which does not exceed two (2) square feet in area. Directional signs may be free-standing or Building-Attached Signs.

**Door Sign** – Any sign that is placed inside a door or upon the glass panes and is visible from the exterior of the door.

**Electronic Message Center (EMC)** – A sign that electronically displays and utilizes computer-generated messages or some other means of changing copy.

**Façade Area** – The wall space (of lease area) of a building measured from grade to the point where the wall and the roof meet. The façade area shall include all window and door areas contained within.

**Facing of Surface** – The areas of the sign upon, against, or through which the message is displaced or illuminated.

**Feather Sign** – See “blade sign.”

**Flashing, Animated or Moving Sign** – A sign that has intermittently reflecting lights, or signs which have movement of any illumination such as intermittent, flashing, scintillating or varying intensity, or a sign that has any visible portions in motion, either constantly or at intervals, whether caused by artificial or natural sources.

**Floodlight Illumination** – External lighting provided by a floodlight or spotlight.

**Foot-candle** – a common unit of illumination measurement (equal to 1 lumen per square foot) in the lighting industry used to calculate lighting levels.

**Frontage** – The length of the street right-of-way line on a zoning lot, which is the same as the front lot line or side street lot line as defined in the Zoning Ordinance No. 78.

**Ground Sign** – A free-standing, permanent sign or monument sign which is supported by uprights, braces, columns, or other ground anchor, and which is not attached to any building.

**Illuminance** – A measurement of the amount of light intercepting an object at a given distance from a light source and is measured in foot-candles or its metric equivalent, lux.

**Indirect Illumination** – A light source concealed or contained within the sign and which becomes visible in darkness through a translucent surface.

**Institutional Property** – A property occupied by an organization or foundation dedicated to public service (i.e. churches, schools, public buildings, etc.)

**Light Pole Signs** – Sign attached or affixed to a light pole.

**Major Thoroughfare** – Those streets designated on the Thoroughfare Plan of the adopted Orion Township Master Plan as Major Thoroughfares, Regional Thoroughfares, or State Trunklines.

**Marquee Sign** – A wall sign attached to or hung from a canopy or other covered structure projecting from, and supported by, a building.

**Memorial Sign** – A sign, not exceeding twenty-four (24) inches by twenty-four (24) inches in area, which is permanently affixed to the wall of a building and either carved into the masonry surface of the building wall or consisting of a plaque mounted flush with the wall and permanently affixed to the wall, identifying the date the building was erected, the name of the building, or the name of person in whose memory the building was named.

**Monument Sign** – A ground sign mounted on a base that is in contact with the ground.



**Monument Sign**

**Monument Sign Base** – The lower part of a monument (ground) sign, which may appear as a separate architectural feature, and serves as its ground support.

**Multi-Tenant Sign** – See Center Identification Sign

**Non-Residential Property** – Any property not listed as Residential (See Residential property) as identified in Zoning Ordinance #78

**Pixel Pitch** – The distance from the center of an LED cluster (or pixel) to the center of the next LED cluster/pixel, measured in millimeters.

**Planning Commission** – The Charter Township of Orion Planning Commission.

**Portable Sign** – A temporary sign; a free-standing sign not permanently anchored or secured to either a building or the ground.

**Projecting Sign** – A sign which extends beyond the building wall and is perpendicular or nearly perpendicular to the building surface. A projecting sign shall be considered a wall sign. Both sides of a projecting sign shall be counted towards total sign area.

**Pylon or Pole** – A type of support for a sign which has its base anchored in the ground and with a specified clear space between the bottom of the face of the sign and the established grade.

**Real Estate Sign** – A temporary sign placed on property advertising that particular property on which the sign is placed “for sale”, “for lease” or “for rent.”

**Residential Property** – Property zoned for single-family, multiple family use as identified in Zoning Ordinance No. 78.

**Roof Sign** – A sign which is erected constructed or maintained upon the roof or parapet of a building.

**Shopping Center Sign** – See “center identification sign.”

**Sign** – A structure which includes the name, identification, image, description, display or illustration which is affixed to, painted or represented directly upon a building, structure or parcel of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business, and which is visible from any street, right-of-way, sidewalk, alley, park or other public property. Customary displays or merchandise or objects and material without lettering placed behind a store window are not signs. This definition includes the base, frame and support members of a sign.

**Sign Setback** – Where it is specified that a sign must be located a minimum or other certain distance from property lines or public rights-of-way, such distance shall be measured from the portion of the sign structure nearest to such specified line. For the purpose of this measurement, the property lines and public rights-of-way extend vertically and perpendicularly from the ground to infinity.

**Temporary Sign** – Any sign, regardless of size and materials, which has not been approved by the Township as wall or ground sign, or billboard.

**Total Window and Door Area** – Includes the combined total window and door areas on the front façade of a building.

**Use** – The purpose for which land or buildings thereon are designed, arranged, or intended to be occupied or used, or for which they are occupied or maintained.

- (a) **Change of Use** – A discontinuance of an existing use and the substitution of a different kind of class of a use. This may include a change of use for commercial, office, industrial or residential categories or a change of commercial sub-groupings such as retail, office, or restaurant.

**Utility Pole** – Pole for purpose other than a light pole

**Wall Sign** – A sign attached to, or placed flush against, the exterior wall or surface of any building wherein no portion of which projects more than twelve (12) inches from the wall.

**Window Sign** – Any sign that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

**Zoning Board of Appeals** – The Zoning Board of Appeals of the Charter Township of Orion.

**Zoning Lot** – A single tract of land, located within a single block, which at the time of filing for a building or sign permit is designated by its owner or developer as a tract to be used, or built upon as a single unit, under single ownership or control. A zoning lot shall satisfy Zoning Ordinance requirements with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, need not coincide with a lot of record as filed with the County Register of Deeds, but may include one (1) or more lots of record.

## **Section 4 – Exempt Signs**

The following types of signs are exempt from the provisions of this Ordinance (unless otherwise specified):

- A. “No Hunting,” “No Trespassing,” and “No Soliciting” signs.
- B. Signs located in the interior of buildings, except as may otherwise be regulated by this Ordinance.
- C. Any residential identification or address sign affixed to a wall, mailbox, post, lamp post, or pillar in a Residential Area, which is not larger than two (2) square feet.
- D. Traffic control or other municipal signs, including, but not limited to, historic site designations, municipal facility directional signs, municipally owned or operated light pole signs, legal notices, railroad crossing signs, danger and other temporary emergency signs, developer identification signs.
- E. Non-Residential Street Address Signs (street numbers) not exceeding three (3) square feet in area.
- F. Memorial signs, as defined in this Ordinance.
- G. Flags bearing the official design of a nation, state or other municipality, educational institution, or philanthropic or other public or private corporation or entity; provided, however, that only one flag bearing the seal or trademark of a private organization may be displayed by an individual establishment. The height of a flagpole for a flag other than that bearing the official design of a nation, state or other municipality shall not exceed 1.5 times the allowed building height in the respective zoning district.
- H. For gasoline service stations, a sign which is deemed customary and necessary to their respective businesses: customary lettering or other insignia on a gasoline pump consisting of brand of gasoline sold, lead warning information, and any other data required by law and not exceeding a total of three (3) square feet on each pump.
- I. Real Estate signs no larger than three (3) square feet in residential zoned areas and no larger than sixteen (16) square feet in non-residential zoned areas.
- J. Directional signs, as defined in this Ordinance, two (2) square feet or less and up to thirty (30) inches in height, a maximum of four (4) per occupant in a single or multi-tenant building. Sites larger than ten (10) acres may request, in writing to the Building Official, additional directional signs. Directional signs may contain the logo or symbol of the business referenced therein.
- K. Customary holiday displays if displayed one month before the national holiday and removed within two (2) weeks after the holiday.
- L. Residential window and door signs.

## **Section 5 – Prohibited Signs**

The following types of signs are prohibited (unless otherwise allowed):

- A. Any sign not expressly permitted may only be allowed by review and approval by the Zoning Board of Appeals as per Section 12 – Variances and Appeals.
- B. Flashing, animated or moving signs shall be permitted only in districts zoned SP-1, and only if the flashing, animated or moving portion of the sign moves at intervals of ten (10) seconds or greater.
- C. Any sign which, by reason of its size, location, content, coloring, or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any traffic control device on public streets and roads. Signs which make use of words such as “STOP”, “LOOK”, “DANGER” or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead, or confuse traffic.
- D. Any sign or sign structure which:
  - 1. Is structurally unsafe.
  - 2. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment.
  - 3. Is not kept in good repair.
  - 4. Is capable of causing electric shocks to persons likely to come in contact with it.
  - 5. Has peeling paint on any surface.
  - 6. Has any parts broken, missing letters, or non-operational lights.
- E. Roof signs, as defined in this Ordinance.
- F. Any sign which obstructs free ingress or egress from a required door, window, fire escape, or other required exit way.
- G. Any sign or other structure containing or conveying any obscene, indecent or pornographic material.
- H. Any sign, from the effective date of this Ordinance, which is unlawfully installed, erected or maintained.
- I. Search lights, string lights, twirling signs, balloons or other gas-filled figures.
- J. Signs affixed to utility poles, trees, rocks, shrubs or similar natural features, and or non-municipally owned or operated light poles; provided, signs denoting a site of historical significance may be allowed.
- K. Temporary signs mounted upon trucks, vans, trailers, or other wheeled devices are prohibited. This provision does not apply to signs permanently affixed to door panels of commercial vehicles.
- L. Vehicles utilized for the purpose of being signage as set forth in the sign definition herein are prohibited, where **any** of the following conditions apply: the vehicle is not parked on the property where the business or service is located; the vehicle is not regularly used in the course of such business or service or is non-operational; the vehicle is not parked in a regulation parking space; and the vehicle is kept in the same location for more than 72 hours.

### **Section 6 – Temporary Signs (see Definitions)**

Temporary signs, whether requiring a permit or not, shall conform to the following requirements:

- A. The requirements on permitting, location number, and size of signs are based on the zoning of the property (residential or non-residential) and are per zoning lot.
- B. Temporary signs must be approved by the property owner. It shall be the property owner’s responsibility to coordinate with tenants the sharing of allowed temporary signage as far as number and frequency.
- C. If permission is given by the property owner to allow temporary signs on their property by a tenant or someone who does not own the property, that sign counts against the allowed number of signs for the zoning lot.



- D. Except as otherwise provided in this Ordinance, a temporary sign shall only be allowed to be placed on publicly-owned property, including road rights-of-way, when placed there by and for the benefit of the respective public agency or with the written permission of the public agency.
- E. No temporary sign shall obstruct the vision of drivers.
- F. Temporary signs placed upon property in the Township in violation of this Ordinance may be removed only by Township Ordinance Enforcement Officers, the owner of the sign, or the owner of the property where a sign has been placed, or their designees. Any action taken by the Township under this Paragraph F shall be noticed to the property owner of record. A temporary sign that has been removed by the Township will be kept for one (1) week, at which time the sign may be destroyed or disposed of by the Township.
- G. On-site pennants, search lights, string lights, twirling signs, balloons or other gas-filled fixtures shall require a permit from the Township and shall only be permitted for the opening of a new business in a commercial or industrial district, in residential districts, in conjunction with a new development or model home demonstration conducted by the developer, or to advertise a special event, including a sale, in a commercial district, for a period not to exceed fourteen (14) days. No more than two (2) renewals shall be granted in a calendar year, for a maximum of forty-two (42) days within a calendar year. No more than two (2) permits for on-site pennants, etc., shall be issued on the same parcel for the same time period.

**Temporary Signs  
In Residential Zoned Areas  
(SF, SE, SR, R-1, R-2, R-3, RM-1, RM-2, MHP, and  
BIZ Residential/Institutional in Use Group A)**

<b>Temporary Signs</b> <b>Individual Residential &amp; Institutional Parcels</b>					
These requirements shall govern sign use, area, type, height, numbers, and setbacks, in addition to requirements elsewhere in this Ordinance.					
<b>T E M P O R A R Y  S I G N S</b>	Zoning District	<b>SF, SE, SR, R-1, R-2, R-3, RM-1, RM-2, MHP, BIZ - Residential in Use Group A</b>			
	Type of Sign	Portable	A-Frame	Banner	Blade
	Maximum Height	2' from grade	4' from grade	4' from grade	N/A
	Sign Area	3 sq. ft. per side; maximum 6 sq. ft.	8 sq. ft. per side; maximum 16 sq. ft.	32 sq. ft.	N/A
	Duration of Display	No longer than 30 days in a calendar year			N/A
	Permit Necessary to Display	No			N/A
	Location Setback	2' inside the property line, and not less than 10' from road surface and outside of the road right-of-way			N/A
	Number of Signs Displayed	1 portable or 1 A-Frame or 1 Banner per zoning lot			N/A
	Footnotes	1	N/A	N/A	N/A

<sup>1</sup> During an election period an unlimited number of additional portable signs are permitted on a zoning lot. Signs must comply with the chart above. An election period begins thirty (30) days before and ends ten (10) days after any election authorized under federal or state law.

**Temporary Signs**  
Approved Residential Developments

These requirements shall govern sign use, area, type, height, numbers, and setbacks, in addition to requirements elsewhere in this Ordinance.

<b>T E M P O R A R Y  S I G N S</b>	<b>Zoning District</b>	<b>SF, SE, SR, R-1, R-2, R-3, RM-1, RM-2, MHP BIZ - Residential &amp; Institutional in Use Group A</b>			
	<b>Type of Sign</b>	<b>Portable</b>	<b>A-Frame</b>	<b>Banner</b>	<b>Blade</b>
	Maximum Height	2' from grade	4' from grade	4' from grade	10' from grade including the full length of the support pole
	Sign Area	3 sq. ft. per side; maximum 6 sq. ft.	8 sq. ft. per side; maximum 16 sq. ft.	32 sq. ft.	3.5' in width at the widest point
	Duration of Display	No longer than 30 days in a calendar year			
	Permit Necessary to Display	No			
	Location Setback	2' inside the property line, and not less than 10' from road surface and outside of the road right-of-way			
	Number of Signs Displayed	1 portable or 1 A-Frame or 1 Banner or 1 Blade per development entrance			
	Footnotes	1			

<sup>1</sup> During an election period an unlimited number of additional portable signs are permitted on a zoning lot. Signs must comply with the chart above. An election period begins thirty (30) days before and ends ten (10) days after any election authorized under federal or state law.

**Temporary Signs  
In Non-Residential Zoned Areas  
(RB, GB, OP, LI, IP, IC, RFY, SP-1, SP-2, REC-1, REC-2  
BIZ Use Groups A (Non-Residential), B, C, and D)**

<b>Temporary Signs</b> <b>Non-Residential Zoned Areas</b>					
These requirements shall govern sign use, area, type, height, numbers, and setbacks, in addition to requirements elsewhere in this Ordinance.					
<b>T E M P O R A R Y  S I G N S</b>	Zoning District	<b>RB, GB, LI, IP, IC, RFY, SP-1, SP-2, REC-1, REC-2, BIZ - Use Groups A (Non-Residential), B, C, &amp; D</b>			
	Type of Sign	Portable	A-Frame	Banner	Blade
	Maximum Height	2' from grade	4' from grade	4' from grade	10' from grade & including the full length of the support pole.
	Sign Area	3 sq. ft. per side; maximum 6 sq. ft.	8 sq. ft. per side; maximum 16 sq. ft.	32 sq. ft.	3.5' in width at the widest point
	Duration of Display	No longer than 30 days in a calendar year	30 days plus two 30 day renewals		
	Permit Necessary to Display	Yes			
	Location Setback	2' inside the property line, and not less than 10' from road surface and outside of the road right-of-way			
	Number of Signs Displayed	2 Portable or 2 A-Frame or 2 Banner or 2 Blade (or a combination of) per zoning lot			
	Footnotes	1, 2	2	2	2

<sup>1</sup> During an election period an unlimited number of additional portable signs are permitted on a zoning lot. Signs must comply with the chart above. An election period begins thirty (30) days before and ends ten (10) days after any election authorized under federal or state law.

<sup>2</sup> The temporary sign permit application must be approved / signed by the site owner. If a site has more than one occupant who wishes to put up signs at the same time, the site owner must determine who may display the sign.

**Section 7 – Permitted Ground and Wall Signs by Use**

**Ground & Wall Signs  
In Residential Zoned Areas  
(SF, SE, SR, R-1, R-2, R-3, RM-1, RM-2, MHP, and  
BIZ Residential/Institutional in Use Group A)**

<b>Residential Zoned Areas</b> <b>Ground Signs</b>				
These requirements shall govern sign use, area, type, height, numbers, and setbacks, in addition to requirements elsewhere in this Ordinance.				
<b>G R O U N D  S I G N S</b>	<b>Zoning District</b>	<b>SF, SE, SR, R-1, R-2, R-3, RM-1, RM-2, MHP, BIZ - Residential &amp; Institutional in Use Group A</b>		
	Number of Signs	1 per vehicular entrance to a Subdivision/Site Condominium, multiple-family complex or Mobile Home Park	1 per Institutional establishment (i.e. churches, schools, public buildings, etc.)	
	Overall Height	6 ft.		
	Sign Area	35 sq. ft. per side; maximum 70 sq. ft.		
	Setback - shall be measured at existing ROW or as req'd by RCOC	20 ft. from ROW		
	Footnotes	3		

<sup>3</sup> The sign area may be increased by one (1) square foot per side for each two (2) feet by which the sign is set back beyond the minimum required setback, provided that the resulting sign area is not more than three (3) times the sign area permitted in the district and is not greater than one hundred and fifty (150) square feet.



**Residential Zoned Areas  
EMC Ground Signs**

To protect the health, safety, peace and enjoyment of Township residents, EMC ground signs are prohibited in residential zoned areas, except for institutional uses (i.e. churches, schools, public buildings etc.), and shall comply with all the requirements and regulations of a non-EMC ground sign in addition to any other requirements set forth in this Ordinance. Further, a residentially zoned EMC ground sign shall also comply with the regulations governing sign use, area, type, height, numbers, and setbacks.

An EMC must be integrated into a ground sign as allowed within the zoning district.

<b>G R O U N D  S I G N S</b>	<b>Zoning District</b>	<b>SF, SE, SR, R-1, R-2, R-3, RM-1, RM-2, MHP, BIZ - Residential &amp; Institutional in Use Group A</b>
	Number of Signs	1 sign
	Height	The maximum height of an electronic message center shall conform to the maximum height regulations of signs allowed in each zoning district.
	Sign Area	The maximum area of an electronic message center shall not exceed more than 30% of the total sign area.
	Color	Multiple colors on a black background
	Movement Restrictions	Flashing, animated or moving signs are prohibited. The content of a digital display must transition by changing instantly, with no transitional graphics. Messages may change at intervals of 10 seconds or greater.
	Brightness	See Section 15 - Construction Requirements
	Resolution	Monochrome EMC signs shall have a pixel pitch of 35 mm or less resolution and multi-color EMC signs shall be a pixel pitch of 25mm or less.
	Restrictions	All EMC signs are required to be shut off between the hours of 11 PM and 6 AM.  Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above listed light levels, and that the intensity level is protected from end-user manipulation by password protected software or other method satisfactory to the Township.  The sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.

<b>Residential Zoned Areas Wall Signs</b>		
These requirements shall govern sign use, area, type, and numbers, in addition to requirements elsewhere in this Ordinance. EMC signs are not permitted in wall signs.		
<b>W A L L  S I G N S</b>	<b>Zoning District</b>	<b>SF, SE, SR, R-1, R-2, R-3, RM-1, RM-2, MHP, BIZ - Residential &amp; Institutional in Use Group A</b>
	Number of signs	1 wall sign per institutional establishment (i.e. churches, schools, public buildings, etc.) or 1 per vehicular entrance to a Subdivision/Site Condominium, multiple-family complex or Mobile Home Park
	Sign Area	40 sq. ft.
	Footnotes	4

- <sup>4</sup> Wall Signs or Canopy Signs shall include all of the following and shall be further subject to the following regulations:
- a. The entire canopy shall be considered a wall sign when a translucent fabric canopy with signage is internally illuminated.
  - b. A projecting sign shall be considered a wall sign. The measurement of such signs shall include both sides.
  - c. Signage attached to a permanent architectural feature (as reflected on an approved site plan), including masonry or stone walls at the entrance of residential developments, commercial developments, or industrial parks, shall be measured as a wall sign and shall exclude the surface area of the background wall. See definition of “Sign Area” in Section 3.

**Ground & Wall Signs  
In Non-Residential Zoned Areas  
(RB, GB, OP, LI, IP, IC, RFY, BIZ Use Groups A (Non-Residential), B, C, & D, SP-1, SP-2, REC-1/REC-2)**

Non-Residential Zoned Areas												
Ground Signs												
These requirements shall govern sign use, area, type, height, numbers, and setbacks, in addition to requirements elsewhere in this Ordinance. Ground signs shall be subject to all the standards of either Alternate A or Alternate B.												
GROUND SIGNS	Zoning District	RB	GB	OP	LI	IP	IC	RFY	BIZ Use Groups A (Non-Residential), B, C, & D	SP-1 & SP-2	REC-1/ REC-2	
	Number of signs	1 per zoning lot, 1 multi-tenant sign or 1 shopping center sign	1 per zoning lot, 1 multi-tenant sign or 1 shopping center sign	1 per zoning lot or 1 multi-tenant sign	1 per zoning lot or 1 multi-tenant sign	1 per zoning lot or 1 multi-tenant sign	1 per zoning lot or 1 multi-tenant sign	1 per zoning lot or 1 multi-tenant sign	1 per zoning lot	1 per zoning lot, 1 multi-tenant sign or 1 shopping center sign	1 per zoning lot	1 per zoning lot
	Sign area <u>Alternate A</u> overall height up to 6 ft.	40 sq. ft. per side; maximum 80 sq. ft.	50 sq. ft. per side; maximum 100 sq. ft.	40 sq. ft. per side; maximum 80 sq. ft.	40 sq. ft. per side; maximum 80 sq. ft.	50 sq. ft. per side; maximum 100 sq. ft.	50 sq. ft. per side; maximum 100 sq. ft.	40 sq. ft. per side; maximum 80 sq. ft.	50 sq. ft. per side; maximum 100 sq. ft.	50 sq. ft. per side; maximum 100 sq. ft.	50 sq. ft. per side; maximum 100 sq. ft.	N/A
	Sign area <u>Alternate B</u> overall height over 6ft up to 8ft.	32 sq. ft. per side; maximum 64 sq. ft.	40 sq. ft. per side; maximum 80 sq. ft.	30 sq. ft. per side; maximum 60 sq. ft.	30 sq. ft. per side; maximum 60 sq. ft.	30 sq. ft. per side; maximum 60 sq. ft.	35 sq. ft. per side; maximum 70 sq. ft.	20 sq. ft. per side; maximum 40 sq. ft.	40 sq. ft. per side; maximum 80 sq. ft.	35 sq. ft. per side; maximum 70 sq. ft.	25 sq. ft. per side; maximum 50 sq. ft.	
	Setback - shall be measured at existing ROW or as req'd by RCOG	20 ft. from ROW	30 ft. from ROW	20 ft. from ROW	20 ft. from ROW	20 ft. from ROW	20 ft. from ROW	20 ft. from ROW	30 ft. from ROW	30 ft. from ROW	20 ft. from ROW	
Footnotes	3, 5	3, 5, 6	3, 5	3, 5	3, 5	3, 5	3, 5, 7	3	3, 5, 6	3, 5	3, 5	

<sup>3</sup> The sign area may be increased by one (1) square foot per side for each two (2) feet by which the sign is set back beyond the minimum required setback, provided that the resulting sign area is not more than three (3) times the sign area permitted in the district and is not greater than one hundred and fifty (150) square feet.

- <sup>5</sup> Additional ground signs may be permitted for each zoning lot if the following conditions apply:
- a. Two (2) ground signs may be permitted on a corner lot that has at least two hundred (200) feet of frontage on each of two (2) thoroughfares or collector streets, provided that only one (1) sign is oriented toward each thoroughfare or street.
  - b. Two (2) ground signs may be permitted where the zoning lot, not a corner lot, has frontage on two (2) thoroughfares or collector streets and has vehicular access via both such thoroughfares or streets, provided that only one (1) sign is oriented toward each thoroughfare or street.
  - c. Two (2) ground signs may be permitted on a zoning lot that has over six hundred and fifty (650) feet of frontage on a thoroughfare or collector street.
  - d. On a zoning lot with over three hundred (300) and less than six hundred and fifty (650) feet of frontage on a thoroughfare or collector street, a second ground sign equal in area to not more than seventy-five percent (75%) of the ground sign area allowed shall be permitted.

- <sup>6</sup> The following additional ground signs may be permitted:
- a. Drive-in or drive-through restaurants may be permitted two ground signs in addition to the ground signs permitted, provided that the signs are located within twenty (20) feet from the first drive-through window.
  - b. Gasoline service stations may be permitted one (1) additional ground sign indicating only the price of fuel. Such sign shall not exceed twenty-four (24) square feet per side; maximum forty-eight (48) square feet.

<sup>7</sup> For IC Alternate A only, one (1) additional ground sign is allowed per entrance from a major thoroughfare. The additional sign(s) may have an overall height of six (6) feet, twenty-five (25) square feet per side; maximum fifty (50) square feet and must be setback twenty (20) feet from the road right-of-way.

<b>EMC Ground Signs</b> <b>Non-Residential Zoned Areas</b>		
<p>To protect the health, safety, peace, and enjoyment of Township residents, EMC ground signs shall comply with all of the requirements and regulations of a non-EMC ground sign in addition to any other requirements set forth in this Ordinance.</p> <p>Further an EMC ground sign shall also comply with the regulations governing sign use, are, type, height, numbers, and setbacks.</p> <p style="text-align: center;">An EMC must be integrated into a ground sign as allowed within the zoning district.</p>		
<b>G R O U N D  S I G N S</b>	Zoning District	<b>RB, GB, OP, LI, IP, IC, RFY, SP-1, SP-2, REC-1, REC-2, BIZ - Use Groups A (Non-Residential), B, C, &amp; D</b>
	Number of Signs	Only 1 unless located on a corner lot, see footnote 5a & 5b only.
	Height	The maximum height of an electronic message center shall conform to the height regulations for signs allowed in each zoning district.
	Sign Area	The maximum area of an electronic message center shall not exceed more than 30% of the total sign area.
	Color	Multiple colors on a black background
	Movement Restrictions	Flashing, animated or moving signs are prohibited. The content of a digital display must transition by changing instantly, with no transitional graphics. Messages may change at intervals of 10 seconds or greater.
	Brightness	See Section 15 - Construction Requirements
	Resolution	Monochrome EMC signs shall have a pixel pitch of 35 mm or less resolution and multi-color EMC signs shall be a pixel pitch of 25mm or less.
	Restrictions	<p>Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above listed light levels, and that the intensity level is protected from end-user manipulation by password protected software or other method satisfactory to the Township.</p> <p>The sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.</p>

- <sup>5</sup> Additional ground signs may be permitted for each zoning lot if the following conditions apply:
- a. Two (2) ground signs may be permitted on a corner lot that has at least two hundred (200) feet of frontage on each of two (2) thoroughfares or collector streets, provided that only one (1) sign is oriented toward each thoroughfare or street.
  - b. Two (2) ground signs may be permitted where the zoning lot, not a corner lot, has frontage on two (2) thoroughfares or collector streets and has vehicular access via both such thoroughfares or streets, provided that only one (1) sign is oriented toward each thoroughfare or street.

Non-Residential Zoned Areas Wall Signs											
These requirements shall govern sign use, area, type, and numbers, in addition to requirements elsewhere in this Ordinance. EMC signs are not permitted in wall signs.											
WALL SIGNS	Zoning District	RB	GB	OP	LI	IP	IC	BIZ Use Groups A (Non-Residential), B, C, & D	SP-1/ SP-2	REC-1/ REC-2	
	Number of signs	1 wall sign per establishment									
	Sign Area	10% of the façade area on which the sign is to be placed, or 200 sq. ft. per establishment whichever is less.								40 sq. ft.	
	Footnotes	4, 8	4, 8	4, 8	4	4	4	4, 8	4	4	

**\* Note Wall signs are not permitted in RFY**

- <sup>4</sup> Wall Signs or Canopy Signs shall include all of the following and shall be further subject to the following regulations:
- a. The entire canopy shall be considered a wall sign when a translucent fabric canopy with signage is internally illuminated.
  - b. A projecting sign shall be considered a wall sign. The measurement of such signs shall include both sides.
  - c. Signage attached to a permanent architectural feature (as reflected on an approved site plan), including masonry or stone walls at the entrance of residential developments, commercial developments, or industrial parks, shall be measured as a wall sign and shall exclude the surface area of the background wall. See definition of “Sign Area” in Section 3.

<sup>8</sup> Buildings and shopping centers shall be permitted a wall sign on the front and rear façade when the architecture is mirrored on both facades and parking is only available at the rear of the building. The wall sign on the rear façade shall be 10% smaller than that which is allowed on the front façade. When abutting a residential zoned or used parcel, rear façade signs shall be turned off at 11:00 pm or close of business whichever is earlier.

**Section 8 – Billboard Signs**

<b>Billboard Signs</b>		
<p>Billboards represent a unique competition for visual attention of drivers and thus, for health and safety of the Township residents, and to avoid adversely impacting the peace and enjoyment of residential areas, billboards shall be regulated based on traffic levels and patterns within the Township, zoning districts, frequency, distance and location.</p> <p>These requirements shall govern sign use, area, type, height, numbers, and setbacks, in addition to requirements elsewhere in this Ordinance.</p>		
<b>B I L L B O A R D  S I G N S</b>	<b>Billboards</b>	<b>All billboards shall adhere to the following:</b>
	Sign Area	600 sq. ft. per side; maximum 1,200 sq. ft.
	Height	A sign no less than 12 ft. and not to exceed 25 ft. in height, measured from grade to the highest point of the billboard.
	General Location	Billboards are prohibited in residential or recreationally zoned or used areas and shall not be located closer than 1,500 ft. to any property zoned or used for residential or recreation. The 1,500 ft. shall be measured from the closest part of the billboard to the nearest property line of the residential/recreational property.
	Distance between billboards	No billboard shall be closer than 2,640 ft. to any other billboard on either side of the right-of-way. Billboards shall be measured using the closest point of the other billboard.
	Distance from Intersection	A billboard must be located at least 1,000 ft. from a traffic controlled intersection.
	Setbacks from property lines	Billboards shall be setback at least 25 ft. from the front, side and rear property lines. For the purpose of determining the distance for setbacks, the distance shall be measured at ground level directly below the farthest protruding portion of the billboard to the subject property line.
	Setback from ROW	20 ft., shall be measured at the existing road right-of-way or as required by Road Commission of Oakland County
	Projections	No portion of the sign display shall project more than 18 inches from any point of the sign.
	Footnotes	9, 10

<sup>9</sup> The name, address identity, home and business telephone numbers, pager number and email addresses, if any and mobile phone number, if any, of the person to contact for maintenance and other notice purposes must be provided at the time of application. This information shall be kept current by immediate written notice of the Township of any changes.

<sup>10</sup> A maintenance bond shall be required to remove an abandoned and/or vacated billboard. A bond in the amount of \$2,500 shall be held by the Township to secure proper maintenance and removal if required.

<b>EMC Billboards</b>	
<p>To protect the health, safety, peace and enjoyment of Township residents, EMC billboards shall comply with all of the requirements and regulations of a non-EMC billboard in addition to any other requirements set forth in this Ordinance. Further, an EMC billboard shall also comply with the regulations governing signs, use, area, type, height, numbers, and setbacks.</p>	
<b>EMC Billboards</b>	<b>EMC Billboards shall adhere to all Billboard Sign regulations in addition to the following:</b>
Color	Multiple colors on a black background
Movement Restrictions	Flashing, animated or moving signs are prohibited. The content of a digital display must transition by changing instantly, with no transitional graphics. Messages may change at intervals of 10 seconds or greater.
Brightness	See Section 15 - Construction Requirements
Resolution	Monochrome EMC signs shall have a pixel pitch of 35 mm or less resolution and multi-color EMC signs shall be a pixel pitch of 25mm or less.
Restrictions	<p>Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above listed light levels, and that the intensity level is protected from end-user manipulation by password protected software or other method satisfactory to the Township.</p> <p>The sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.</p>



**Section 9 – Permitted Interior Window and Door Signs**

Window and door signs shall be permitted in non-residential areas. Window and door signs shall not exceed twenty-five (25%) percent of the total window and door area on the front façade of the building. Regulations for window and door signs shall extend back twenty-four (24) inches from the inside of the window surface. A permit from the Building Department shall not be required for interior window and door signs.

**Section 10 – Procedure for Obtaining Sign Permits**

**Permit Application.** Permits are required, as provided for in this ordinance except where specifically exempted herein. Application shall be made on forms provided by the Building Department.

**A. Planning and Zoning Approval.****1. Permanent Signs.**

- a. Applications for planning and zoning approval for permanent signs shall be made to the Planning and Zoning Coordinator, and shall include the following information:
  - i. Name, address, and telephone number of the applicant and property owner, if different from the applicant. If the applicant is not the property owner, a signed statement from the property owner granting permission to pursue a sign on the latter's property must be included. In all cases, proof of ownership must be provided.
  - ii. A check for planning and zoning review fees per the Fee Schedule adopted by the Township Board.
  - iii. If the proposed permanent sign is a ground sign, the application shall be accompanied by a site plan drawn in accordance with the following requirements:
    - (a) The site plan shall be drawn to a scale no less than fifty (50) feet to the inch.
    - (b) The site plan shall show the location of existing and proposed structures or signs within two hundred (200) feet of the sign.
    - (c) The site plan shall also show the location of existing road rights-of-way, parking areas, entrances, and exits within two hundred (200) feet of the proposed sign.
  - iv. Two (2) color drawings of the proposed sign. If a variance is sought under Section 12(F), fourteen (14) color drawings will be required.
  - v. Drawings of the proposed sign to be erected on the site shall include all of the following detailed information:
    - (a) If a ground sign, the height of the sign above the ground.
    - (b) Surface of the sign (material, color, dimension, etc.).
    - (c) Total area of the sign surface, and total area of the base or support structure, along with the specific dimensions for each.
    - (d) Lettering of sign as it will appear on the erected sign. It need not be in the style of the finished sign, but must be neatly printed in the size and weight of the sign, approximating that of the final constructed sign.
    - (e) Method and color of illumination, if any.
    - (f) Logos, emblems, or additional features.

- (g) Specifications and method of construction and attachment to the building or in the ground.
  - (h) If the proposed sign is a wall sign, measurements of the height and width of the building façade to which the sign will be attached.
  - vi. The name of the person, firm, corporation or association erecting the sign.
  - vii. Such other information as the Building Official or his or her designee shall require to demonstrate full compliance with this Ordinance.
  - b. Following planning and zoning approval, and upon receipt of a completed application for a permanent sign and payment of all required fees, the Building Official or his or her designee shall review the Permit Application and all relevant information within thirty (30) business days for compliance with this Ordinance and the laws of the State of Michigan. If the Building Official or his or her designee finds the Application to meet the requirements of the law, he shall approve the Permit Application.
    - i. The application shall include the following information:
      - (a) Stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this or any other Ordinance of the Charter Township of Orion and all laws of the State of Michigan shall be submitted whenever the Building Official or his or her designee deems it necessary.
      - (b) In all cases where wiring is to be used in connection with the sign, evidence that it will comply with the electrical code adopted by the Charter Township of Orion.
    - ii. Upon approval of the Permit Application, the Building Official or his or her designee shall issue a permit for the erection, alteration or relocation of a permanent sign within the Township.
    - iii. No permanent sign shall be erected, altered or relocated except in compliance with an approved Permit Application.
  - c. Exception – Planned Unit Development Signage.
    - i. From the date of adoption of this Ordinance, the permit and review provisions of this section, along with Section 11, shall not apply to signs proposed as part of a Planned Unit Development (“PUD”) under Section 30.03 of Ordinance No. 78. The Planning Commission shall review all PUD signage in accordance with the requirements of this Ordinance and Section 30.03 of Ordinance No. 78. However, the Zoning Board of Appeals shall retain jurisdiction to hear requests for variances from the strict application of this Ordinance, and shall have the authority to hear appeals from determinations of the Planning Commission with respect to determinations under this Ordinance.
2. Temporary Signs.
- a. Applications for temporary sign permits, if required, shall be made to the Building Department and shall indicate the following:
    - i. The number of temporary signs to be erected and approximate locations.
    - ii. The name, address, and telephone number of the person or group responsible for the sign or signs.
  - b. A permit for a temporary sign shall be issued within five (5) business days following the submission of a complete temporary sign permit application and payment of the required fees. The permit shall be effective for the period of time provided under this Ordinance as stated on the permit. The permit shall be applicable only to the number of temporary signs identified in the application.

- c. Approved temporary signs shall contain the permit number somewhere on the face or rear of the sign.
- d. A record of all current sign permits shall be kept in the Building Department.
- e. Any violations of this Ordinance shall be deemed sufficient cause to administratively revoke a temporary sign permit, to deny renewal, or deny approval of a subsequent temporary sign permit application submitted by the violating applicant, upon written notice to the applicant stating the reasons for such denial or revocation.

### **Section 11 – Fees**

- A. Fees for all signs shall be adopted by resolution of the Township Board and shall be sufficient to cover the cost of administration and the reasonable expenses incurred by and for inspection and review by the Township and its consultants.
- B. The fee schedule shall be posted in the Building Department.
- C. If an applicant does not have adequate funds to pay the fees required under this section, an affidavit of indigency may be filed with the application stating, under oath, that such person does not have and will not have adequate or available funds to pay the required fee.
- D. Whenever a sign is erected prior to obtaining a permit, the fee shall be twice the amount set forth in the fee schedule for the respective sign.

### **Section 12 – Variances and Appeals**

**Variances and Appeals.** Variances to the requirements of this Ordinance and appeals from decisions of the Building Official or his or her designee may be heard upon application to the Township Zoning Board of Appeals.

- A. The Township Zoning Board of Appeals shall be charged with the responsibility of interpreting and carrying out the provisions of this Ordinance.
- B. Hearings.
  - 1. Any person or entity aggrieved by a notice or order of the Building Official or his or her designee issued in connection with the approval or denial of a sign permit, an alleged violation of this Ordinance or any applicable rules and regulations pursuant to this Ordinance may file with the Zoning Board of Appeals an application setting forth reasons for contesting the approval, denial, notice or order.
  - 2. The application referenced in Subsection (1) shall be filed within thirty (30) days after the denial, notice or order is served on the petitioner, and shall be accompanied by the required fees for a Zoning Board of Appeals application.
  - 3. Within thirty (30) days, or at the first available meeting after receipt of a valid application, the Zoning Board of Appeals shall conduct a public hearing. The Building Official or his or her designee shall set the time and place of the hearing and, at least fifteen (15) days prior to the hearing date, shall serve the applicant and owners of property within three hundred (300) feet of the location of the sign with notice, pursuant to Subsection (G) below.
- C. Action of Zoning Board of Appeals.
  - 1. The Zoning Board of Appeals shall have the power to modify or reverse, wholly or partly, the denial, notice or order given under this Ordinance and may grant an extension of time for the performance of any act required of not more than three (3) additional months, where the Zoning Board of Appeals finds that there is a practical difficulty or undue hardship connected with the performance of this Ordinance and that such extension is in harmony with the general purpose of this Ordinance to secure the public health, safety and welfare.
  - 2. The concurring vote of a majority of the Zoning Board of Appeals shall be necessary to reverse, wholly or partly, or modify any order, requirement, decision, or determination of the Building Official, or Planning Commission in the

case of PUD signs, or to decide in favor of the applicant any matter upon which it is determined to pass or to effect any variation in this Ordinance.

3. No order or variance of the Zoning Board of Appeals permitting the erection or alteration of a sign, except for an interpretation made by the Zoning Board of Appeals, shall be valid for a period longer than six (6) months from the date of approval, unless a permit for such erection or alteration is obtained within such period and such erection and alteration is started and proceeds to completion in accordance with the terms of such permit.
4. A variance granted shall be valid only under a site plan or layout of the property which was considered by the Zoning Board of Appeals.
5. After a variance has been denied in whole or in part by the Zoning Board of Appeals, such application shall not be resubmitted for a period of one (1) year from the date of the last denial. However, a denied variance may be reconsidered by the Zoning Board of Appeals when, in the opinion of the Building Official or the Zoning Board of Appeals, newly discovered evidence or changed conditions warrant such reconsideration.

D. Scope of Hearing.

At the hearing held pursuant to this section, the applicant shall be given an opportunity to show cause why the denial, notice or order should be modified or withdrawn or why the period for compliance should be extended.

E. Stay.

An appeal made under this section shall stay all proceedings in furtherance of the action appealed from unless the Building Official certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with him, that because of the facts stated in the certificate an emergency exists, in which case the proceedings shall not be stayed, except by a restraining order or by the Circuit Court, following timely notice of application therefore, to the Building Official.

F. Variances.

1. A variance to the requirements of this Ordinance may be allowed by the Zoning Board of Appeals only in cases involving practical difficulties or unnecessary hardships, as the terms are understood under State of Michigan law, are not created by the applicant, tenant or owner, or their predecessor, and when the evidence in the official records of the appeal supports the following affirmative findings:
  - a. The alleged hardships or practical difficulties or both are exceptional and peculiar to the property of the applicant for the variance and result from conditions which do not exist generally in the Township.
  - b. The alleged hardships and practical difficulties, or both, which will result from a failure to grant the variance, include substantially more than mere inconvenience or mere inability to attain a higher financial return.
  - c. Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Ordinance, the individual hardships that will be suffered by a failure of the Zoning Board of Appeals to grant a variance, and the rights of others whose property would be affected by the allowance of the variance, and will not be contrary to the purpose and intent of this Ordinance.
2. The findings of fact in Subsection (1) of this section shall be made by the Zoning Board of Appeals, which is not empowered to grant a variance without an affirmative finding of fact in each of the categories listed in Subsection (1) of this section. Each finding of fact shall be supported in the record of the proceedings of the Zoning Board of Appeals.
3. Nothing contained in this section shall be construed to empower the Zoning Board of Appeals to substantially change the terms of this Ordinance or to significantly add to the types of signs permitted on any premises.

G. Appeals.

1. The Zoning Board of Appeals shall give written notice of all hearings on appeals under this Ordinance. The notice shall be given not less than fifteen (15) days before the hearing to all owners of record of real property within three hundred (300) feet of the premises in question. Such notice shall be delivered personally or by mail addressed to the respective owners at the addresses given in the last assessment roll.
2. Appeals shall proceed as set forth in Section 29.03 of Ordinance No. 78 and as required by the Township Zoning Act, PA 184 of 1943. The review by the Zoning Board of Appeals shall be a de novo review where the decision shall be made without reference to the previously determined legal conclusions or assumptions.

### **Section 13 – Inspections**

Any person erecting, altering, or relocating a permanent sign shall notify the Building Department upon completion of the work for which permits are required. All ground and billboard signs shall be subject to a footing inspection. All wall signs shall be subject to a building inspection. Signs in which electricity is used shall have a final inspection by the electrical inspector.

### **Section 14 – Requirements**

- A. **Registration.** A person shall not perform any work or service for any person or corporation on or in connection with the erection, alteration, or relocation of any sign in the Township, unless such person shall first have registered with the Building Department and paid the registration fees provided by the Township.
- B. **Contractor's Insurance.** Every sign contractor shall, before being registered, file with the Township a satisfactory certificate of insurance, with the Township listed as an "additional insured", to indemnify the Township against any form of liability to a minimum of Five Hundred Thousand Dollars (\$500,000) or shall be responsible through any agent or subcontractor. The insurance shall be maintained in full force and effect during the term of the business license and said insurance policy or certificate shall provide that the Township be notified of any cancellation of the insurance not less than thirty (30) days prior to the date of cancellation.
- C. **Installation without Owner's Consent.** A sign shall not be erected, constructed or maintained under this Ordinance without the written consent of the owner or their authorized representatives.

### **Section 15 – Construction Requirements**

- A. **General Construction and Notice Requirements.** All signs shall be designed, constructed and erected in accordance with the adopted Building Code and this Ordinance.
- B. **Obstruction to Ventilation.** A sign shall not be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that a sign may be erected in front of and may cover transom windows when not in violation of the provisions of the building and fire prevention codes.
- C. **Electric Signs.**
  1. All electric signs shall be approved and labeled as conforming to the standards of the Underwriters Laboratories, Inc., or other similar institutions of recognized standing. The full number of illuminating elements thereof shall be kept in satisfactory working condition or immediately repaired or replaced. Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated. All electric signs shall comply with the electrical code adopted by the Township.
  2. In no case shall any sign be illuminated by open spark or flame. Reflectors, lights, and other forms of illumination shall be permitted, but no sign or any part thereof shall move nor shall the illumination thereof be by anything other than a steady, continuously burning bulb or light. The flashing or turning on and off of the sign illumination or any bulb or component part thereof is prohibited.
- D. **Supports and Braces.** All supports and bracing systems shall be designed and constructed to transfer lateral forces to the foundation. For signs on buildings, all loads shall be transmitted throughout the structural frame of the building to the

ground in such a manner as to not overstress any of the elements thereof. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or the structural frame of the building.

- E. **Wind Loads.** All signs, except those enumerated in Section 4, and those signs which are attached flat against the wall of a building, shall be constructed to withstand wind loads of one hundred (100) miles per hour.
- F. **Protrusions.** No nails, tacks, or wire shall be permitted to protrude from the front of any sign. This shall exclude the use of lock letter electrical reflectors or other devices which may protrude from the front of the sign structure.
- G. **Setbacks from Utilities.** No sign, except for wall signs, may be erected so that any part of it, including cables, guy wires, etc., will be within four (4) feet of any electric light pole, street lamp, or other public utility or standard. The minimum clearance of a sign from public utility conductors shall be not less than four (4) feet from conductors carrying six hundred (600) volts or more. In all cases where a sign is proposed to be installed within ten (10) feet of an electrical conductor carrying a higher voltage than six hundred (600) volts, erection of the sign shall not commence until a representative of the public utility company shall have examined and approved the plans and site plan.
- H. **Clear Vision.** A temporary or permanent sign shall not be located or positioned at the intersection of any street in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape, color, lighting, or message, it may interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal or device.
- I. **Sight Distance.** A sign shall not be located or positioned in such a manner as to interfere with the necessary free and unobstructed view of vehicular or pedestrian traffic.
- J. **Movement.** A sign shall not be erected in such a manner as to permit swinging of the entire sign or any portion or part thereof.
- K. **Maintenance.** A sign shall not be allowed to corrode, rust, peel, break up, or otherwise reach a state of disrepair that creates an unsightly or dangerous condition. Any such sign shall be repaired or removed within ten (10) days after written notice thereof. If the sign is not removed, legal action may be initiated by the Township to compel removal or to obtain such other relief as the Township deems necessary to protect the public health, safety, and welfare.
- L. **Unsafe Signs.** When any sign becomes insecure, in danger of falling, or otherwise unsafe in the opinion of the Building Official or his or her designee, or if any sign shall be unlawfully installed, erected, or maintained in violation of any provision of this Ordinance, the owner thereof or the person or firm responsible for maintaining same, shall immediately repair the sign, make such sign conform to the provisions of this Ordinance, or shall remove it.
- M. **Sign Lighting.**
  - 1. Maximum sign illuminance shall not exceed three-tenths (0.3) foot-candle above the ambient light measurement (day or night) at the nearest residential property line and one (1.0) foot-candle at the nearest non-residential property line; including any internal and/or external sign lighting.

## **Section 16 – Limitations by Zoning District**

Signs shall be permitted only in accordance with the schedules contained in this Ordinance which provide for limitations for height, display area, number of signs.

## **Section 17 – Nonconforming Signs**

- A. Any sign existing on the date of adoption of this Ordinance, or any amendment thereto, which does not comply with all of the sections of this Ordinance, including any amendment, shall be considered nonconforming. Nonconforming signs shall be subject to the following:
  - 1. Any existing nonconforming sign shall not be structurally altered so as to change the shape, size, type or design of the sign.

2. A panel or wording on a sign within the same space on the sign may be changed periodically, except as provided in Subsection (4) below.
  3. An existing nonconforming sign shall not be reestablished and/or must be brought into compliance with the provisions of this Ordinance after damage or destruction, whether by forces of nature or any other cause including an accident.
  4. Nonconforming signs or sign structure shall be removed or brought into conformity with the provisions of this Ordinance when:
    - a. The responsible parties voluntarily change or relocate the nonconforming sign.
    - b. If a sign has been abandoned or vacated.
    - c. The nonconforming sign structure (including support and frame, but excluding panel) is determined by the Building Department to be dilapidated, unsafe or in violation of the Building Code.
- B. Nothing in this section shall relieve the owner or user of a nonconforming sign, or the owner of the property on which the nonconforming sign is located, from maintaining a sign in a safe condition.

### **Section 18 – Unlawful Signs**

A person shall not erect or maintain, or permit the erection or maintenance on any premises owned or controlled by them, any sign which does not comply with the provisions of this Ordinance.

### **Section 19 – Violations and Penalties**

- A. **Municipal Civil Infraction/Payment of Fine.** Any person, firm, or corporation violating a provision of this Ordinance, upon an admission or finding of responsibility for such violation, shall be deemed responsible for a municipal civil infraction, and shall pay a fine.
- B. **Costs.** The person, firm, or corporation ordered to pay a fine under Subsection (A) shall be ordered by the District Court Judge or Magistrate to pay costs of not less than Nine Dollars (\$9) or more than Five Hundred Dollars (\$500), which costs may include all expenses, direct and indirect, to which the Township has been put in connection with the violation of this Ordinance up to the entry of the Court's judgment or order to pay fines and costs.
- C. **Additional Writs and Orders.** A person who admits or is found responsible for violation of this Ordinance shall comply with any order, writ or judgment issued by the District Court to enforce this Ordinance.
- D. **Default on Payment of Fines and Costs.** A default in payment of a civil fine, costs, or damages or expenses ordered under Subsection (A) or (B) or an installment of the fine, costs, or damages as allowed by the Court, may be collected by the Township by a means authorized for the enforcement of a judgment.
- E. **Failure to Comply with Judgment or Order.** If a defendant fails to comply with an order or judgment pursuant to this section within the time prescribed by the Court, the Court may proceed under Subsection (G).
- F. **Failure to Appear in Court.** A defendant who fails to answer a citation or notice to appear in Court for a violation of this Ordinance is guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500) plus costs and/or imprisonment not to exceed ninety (90) days.
- G. **Civil Contempt.**
  1. If a defendant defaults in the payment of a civil fine, or other damages or expenses, or an installment as ordered by the District Court, upon motion of the Township or upon its own motion, the Court may require the defendant to show cause why the defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.

2. If a corporation or an association is ordered to pay a civil fine, costs, or damages or expenses, the individuals authorized to make disbursements shall pay the fine, costs, damages or expenses, and their failure to do so shall be civil contempt unless they make the showing required in this subsection.
3. Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the Court or to a failure on their part to make a good faith effort to obtain the funds required for payment, the Court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.
4. If it appears that the default in the payment of a fine, costs, or damages or expenses does not constitute civil contempt, the Court may enter an order allowing the defendant additional time for payment, reducing the amount of each installment, or revoking the fine, costs, damages or expenses.
5. The term of imprisonment on civil contempt for nonpayment of a civil fine, costs, or damages or expenses shall be specified in the order of commitment and shall not exceed one day for each Thirty Dollars (\$30) due. A person committed for nonpayment of a civil fine, costs, or damages or expenses shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of Thirty Dollars (\$30) per day.
6. A defendant committed to imprisonment for civil contempt for nonpayment of a fine, costs, damages or expenses shall not be discharged until one of the following occurs:
  - a. Defendant is credited with an amount due pursuant to Subsection (G)(5) above.
  - b. The amount due is collected through execution of process or otherwise.
  - c. The amount due is satisfied pursuant to a combination of subdivisions G(6)(a) and (b) above.
7. The civil contempt shall be purged upon discharge of the defendant pursuant to Section G(6).

#### **H. Lien Against Land, Building, or Structure.**

If a defendant does not pay a civil fine or costs or installment ordered under Subsection (A) or (B) within thirty (30) days after the date upon which the payment is due for a violation of this Ordinance involving the use or occupation of land or a building or other structure, the Township may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order requiring payment of the fine and costs with the Oakland County Register of Deeds. The court order shall not be recorded unless a legal description of the property is incorporated in or attached to the court order.

1. The lien is effective immediately upon recording of the court order with the Register of Deeds.
2. The court order recorded with the Register of Deeds shall constitute the pendency of the lien. In addition, a written notice of the lien shall be sent by Orion Township by first class mail to the owner of record of the land, building, or structure at the owner's last known address.
3. The lien may be enforced and discharged by Orion Township in the manner prescribed by its Charter, by the General Property Tax Act, Act No. 206 of the Public Acts of 1893, being Section 211.1 *et seq.*, of the Michigan Compiled Laws, or by an ordinance duly passed by the Township. However, property is not subject to sale under Section 60 of Act No. 206 of the Public Acts of 1893, being Section 211.60 of the Michigan Compiled Laws, for non-payment of a civil fine or costs or an installment ordered under Subsection (A) or (B) unless the property is also subject to sale under Act No. 206 of the Public Acts of 1893 for delinquent property taxes.
4. A lien created under this section has priority over any other lien unless one or more of the following apply:
  - a. The other lien is a lien for taxes or special assessments.
  - b. The other lien is created before the effective date of the amended ordinance that added this section.
  - c. Federal law provides the other lien has priority.
  - d. The other lien is recorded before the lien under this section is recorded.



5. The Township may institute an action in a court of competent jurisdiction for the collection of the fines and costs imposed by a court order for a violation of this Ordinance. However, an attempt by the Township to collect the fines or costs does not invalidate or waived the lien upon the land, building, or structure.
6. A lien provided for by this subsection shall not continue for a period longer than five (5) years after a copy of the court order imposing a fine or cost is recorded unless within that time an action to enforce the lien is commenced.

**Section 20 – Repeal**

Ordinance No. 138 of the Charter Township of Orion, and all other ordinances or parts of ordinances which are inconsistent or in conflict herewith, are hereby repealed to the extent of such inconsistency or conflict.

**Section 21 – Severability**

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

**Section 22 – Effective Date**

This Ordinance shall be published in full in a newspaper of general circulation in the Charter Township of Orion, qualified under State law to publish legal notices, and shall become effective upon publication, as provided by law.

**Section 23 – Adoption**

This Ordinance is hereby declared to have been adopted by the Board of Trustees of the Charter Township of Orion at a meeting thereof duly called and held on the 17<sup>th</sup> day of July, 2017, and ordered to be given publication in the manner prescribed by the Charter of the Township of Orion.

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