

**MUSSEY TOWNSHIP, ST. CLAIR COUNTY, MICHIGAN**  
**ZONING ORDINANCE**

**AN ORDINANCE TO REVISE THE MUSSEY TOWNSHIP SIGN ORDINANCE**

**MUSSEY TOWNSHIP ORDAINS:**

**SECTION I. Ordinance Amendment.**

Pursuant to this Ordinance, the Zoning Ordinance of Mussey Township shall be amended to revise Section 1209, Signs, by **removing** all text from that section and **replacing** it with the following:

**A. Purpose**

*This section is intended to protect and promote the health, safety, and welfare of the residents of Mussey Township; to maintain and improve the appearance of the Township; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs in the community. These regulations are further intended to provide reasonable identification for businesses and other uses within the community, while protecting the First Amendment right to Freedom of Speech.*

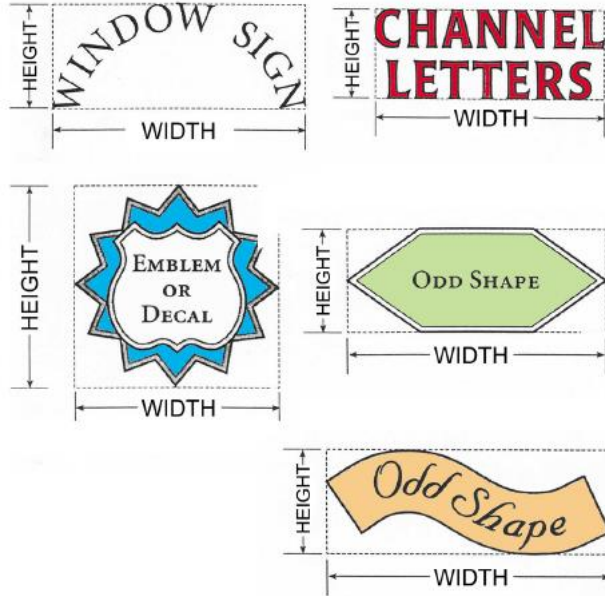
**B. Severability**

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

**C. Sign Definitions**

1. **Awning:** *A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.*
2. **Awning sign:** *A sign affixed flat against the surface of an awning.*
3. **Banner sign:** *A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.*
4. **Billboard:** *A sign regulated by the Highway Advertising Act, Public Act 106 of 1972.*
5. **Construction Sign:** *A sign located on a lot that is an active construction site.*
6. **Directional Sign:** *A sign located in a manner that directs the message of the sign specifically to persons who are navigating into or within the site itself.*
7. **Freestanding Sign:** *A sign supported on the ground and not attached to a building or wall.*

8. **Government Sign:** *A temporary or permanent sign erected by the Mussey Township, St. Clair County, or the State or federal government.*
9. **Marquee:** *A permanent structure constructed of rigid materials that projects from the exterior wall of a building.*
10. **Marquee Sign:** *A sign affixed flat against the surface of a marquee.*
11. **Mural:** *A design or representation painted or drawn on a wall which does not meet the definition of “sign” in this ordinance.*
12. **Portable sign:** *A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.*
13. **Premises.** *A lot as otherwise defined in this Ordinance.*
14. **Roof Line:** *The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.*
15. **Sandwich Board Sign:** *A temporary sign that is not designed to be permanently affixed to the ground or a building, consisting of two faces attached at the top and spreading out in an “A” frame triangular pattern towards the ground.*
16. **Seasonal Sign:** *A sign erected for a limited period of time during the year while a seasonal retail operation is open to the public.*
17. **Sign:** *A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of conveying an explicit message. Artistic or decorative features that do not contain a specific message shall not be considered signs under this Ordinance.*
18. **Sign Area:** *The allowable area for signs shall be measured by calculating the square footage of the sign face and any frame of other material or color forming an integral part of the display, or used to differentiate it from the background against which it is placed as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle. Back-to-back sign faces shall be counted as one sign face for the purposes of measurement.*



Computation of Sign Area

19. **Temporary sign.** A sign not constructed or intended for long-term use.
20. **Wall Sign:** A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of the wall to which it is attached.
21. **Window Sign:** A sign installed inside a window and intended to be viewed from the outside.

#### D. Sign Permits

1. **Permits.** It shall be unlawful for any person to erect, alter, or structurally change a sign or other advertising structure, unless the type of sign is specifically listed in Section 1209.E, without first obtaining a permit in accordance with the provisions set forth herein. A permit shall require payment of a fee, which shall be established by the Township Board.
2. **Applications.** Application for a sign permit shall be made upon forms provided by the Zoning Administrator. The following information shall be required:
  - a. Name, address, and telephone number of the applicant.
  - b. Location of the building, structure, or lot on which the sign is to be attached or erected.
  - c. Position of the sign in relation to nearby buildings, structures, and property lines.
  - d. Plans showing the dimension, lettering style, color, materials, method of construction, method of illumination, and method of attachment to the building or in the ground.

- e. *Written consent of the owner and/or lessee of the premises upon which the sign is to be erected.*
- f. *Other information required by the Zoning Administrator to make a determination that the sign is in compliance with applicable laws and regulations.*

### **3. Review of Application**

- a. **Planning Commission Review.** *Sign permit applications in conjunction with the proposed construction of a new building or addition to an existing building shall be reviewed by the Planning Commission as part of the required site plan review. Proposed signs must be shown on the site plan.*
  - b. **Zoning Administrator Review.** *The Zoning Administrator shall review the sign permit application for any sign proposed on a site or existing building where no other new construction is proposed.*
4. **Removal Agreement or Bond.** *The Planning Commission or Zoning Administrator may require a performance guarantee to guarantee the future removal of a sign.*
5. **Permit Issuance.** *Following a review of a sign application by the Planning Commission or the Zoning Administrator as appropriate, the Zoning Administrator shall have the authority to issue a sign permit*
6. **Exceptions.** *A new permit shall not be required for changing the message of a previously-approved sign without altering the size or shape of the sign and without adding electronic capability. Permits shall also not be required for the cleaning or maintenance of a sign, nor for the types of signs listed in Section 1209.E.*

### **E. Signs Not Requiring a Permit**

*The signs listed below may be erected without a permit, provided that the standards listed are met. In order to erect a sign listed below that does not comply with the listed standards, a property owner must obtain a waiver from the Planning Commission (see Section 1209.I) and a sign permit (see Section 1209.D).*

- 1. *Signs under two square feet, provided that:*
  - a. *Not more than two be located on any premises in an SF or R-1 district.*
  - b. *Not more than five be located on any premises in an AG, B-1, B-2, LI, RM, or RC district.*
- 2. *Construction signs, subject to the following requirements:*
  - a. *There shall be only one such sign per development project;*
  - b. *The maximum height shall be six feet.*
  - c. *The maximum area shall be 16 square feet.*



1. *Signs which obstruct free access or egress from any building.*
2. *Signs which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals.*
3. *Signs which obstruct or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area.*
4. *Signs having moving members, parts, spinners, or using high intensity or flashing lights.*
5. *Non-regulatory signs placed in any public right-of-way, including those attached to a utility pole or affixed to a tree in a public right-of-way, except awning and projecting signs that are attached to buildings and project over the sidewalk.*
6. *Signs that project above the roof line.*
7. *Any sign erected without the consent of the owner of the property.*
8. *Billboards, unless explicitly permitted by MDOT*
9. *Signs that make noises of any type.*
10. *Signs that block the view of other signs in the opinion of the Zoning Administrator.*

**G. Temporary and Portable Signs**

*The following types of temporary and portable signs shall be permitted in the Township. Property owners must receive a permit as described in 1209.D prior to the erection of any temporary sign, and must follow all applicable requirements as described below.*

1. **Sandwich Board Signs.** *Portable sandwich board signs shall be permitted in the B-1 and B-2 districts under the following circumstances:*
  - a. *There shall be only one sign at each customer entrance.*
  - b. *Each sign shall be placed outside only during the hours when the business is open to the general public and shall be stored indoors at all other times. Signs must also be kept indoors if more than two inches of snow are covering the sidewalk in front of the business.*
  - c. *Each sign shall be placed in a manner which provides five feet of free passage for pedestrians, and is safe for, and does not interfere with, normal pedestrian or automobile traffic.*
  - d. *Each sign shall not exceed an area of twelve square feet, an overall height of 48 inches, and an overall width of 36 inches.*

- e. *All sign frames shall be constructed of a weatherproof material and shall be kept in good repair.*
- 2. **Temporary Signs.** *Temporary banners, temporary freestanding signs, and non-permanently affixed wall signs, shall be permitted in the B-1, B-2, RC, and LI districts under the following circumstances:*
  - a. *Signs may not be displayed for more than 30 consecutive days.*
  - b. *Each sign shall not exceed 16 square feet in area.*
- 3. **Temporary Window Signs.** *Temporary window signs must meet the same standards as window signs designed to be permanent (see Section 1209.H.2.e).*
- 4. **Seasonal Signs.** *Seasonal freestanding signs shall be permitted on the premises of an approved seasonal retail business in any zoning district except R-1, including but not limited to agricultural tourism businesses, under the following circumstances:*
  - a. *No more than two signs per premises.*
  - b. *Signs may not exceed 32 square feet in area.*
  - c. *Signs must meet all applicable regulations for freestanding signs in Section 1209.H.2.C.i-x.*
  - d. *Signs may be in place from 30 days before the beginning of operation of the seasonal business until the seasonal business closes for the year.*

#### **H. Permitted Signs by Zoning District**

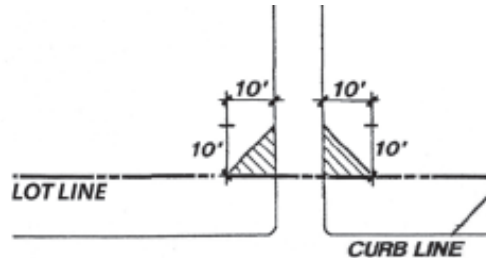
##### **1. Signs Permitted in AG, SF, R-1, and RM Districts.**

- a. **Non-Residential Uses.** *Non-Residential Uses in AG, SF, R-1, or RM districts, such as churches, schools, agricultural tourism businesses, and others shall be subject to the standards for the B-1, B-2, RC, and LI districts, in Section 12.09.H.2.*
- b. **Illumination and Electronic Messaging.**
  - i. *Electronic message signs are prohibited on premises that contain residential or agricultural uses.*
  - ii. *Interior and exterior illumination are permitted for non-residential uses in the AG, SF, R-1, and RM districts. Light levels from illuminated or electronic signs must reach 0.0 footcandles at all property lines.*
  - iii. *Signs on premises used for residential purposes may not be illuminated.*

- c. Wall Signs.** *Wall signs are only permitted in AG, SF, R-1, and RM districts under the following circumstances:*
- i. Signs under two square feet in area as listed in Section 1209.E.1. These signs shall not require a permit.*
  - ii. One sign per lot, not to exceed four square feet, on a lot containing an approved Home Occupation. A lot containing a Home Occupation may have a wall sign or a freestanding sign, but not both.*
  - iii. Signs on the exterior of buildings with more than two residential units, under the following circumstances:*
    - 1. Maximum of one wall sign per frontage on a public road.*
    - 2. Maximum one square foot of signage for every linear foot of building frontage, up to 50 square feet.*
    - 3. The width of any wall sign may not exceed 90% of the width of the façade it is attached to.*
    - 4. Internal illumination is prohibited. External illumination is permitted.*
- d. Freestanding Signs.** *Freestanding signs are only permitted in AG, SF, R-1, and RM districts under the following circumstances:*
- i. One sign per vehicle entrance of residential developments such as subdivisions, apartment complexes, condominium communities, senior housing complexes, mobile home parks and similar uses, subject to the following standards:*
    - 1. Has a maximum height of six feet, except if it is integrally designed as part of an ornamental wall and the wall meets all applicable standards of this ordinance.*
    - 2. Does not exceed 24 square feet in area*
    - 3. The sign may be illuminated, but light levels from the sign must reach 0.0 footcandles at all property lines abutting a lot used for residential purposes.*
    - 4. All signs must have at least two legs or a continuous base at least 75% of the width of the sign. Pole signs are prohibited.*
  - ii. One sign per lot, not to exceed 16 square feet, on a lot containing an approved Home Occupation. A lot containing a Home Occupation may have a wall sign or a freestanding sign, but not both.*



- iii. *One sign per lot used for agriculture, not to exceed 1 square foot for each 10 feet of road frontage, up to 32 square feet.*
- iv. *All freestanding signs must be set back at least four feet from all lot lines.*
- v. *All freestanding signs shall have a maximum height of 8 feet.*
- vi. *All freestanding signs must allow clear corner vision for all street intersections and driveway entrances. Freestanding signs may not be located within a triangle formed by two points, each 10 feet away from the intersection, and the line connecting them, as displayed below:*



- e. *All signs not specifically listed in this Ordinance are prohibited in AG, SF, R-1, and RM districts*

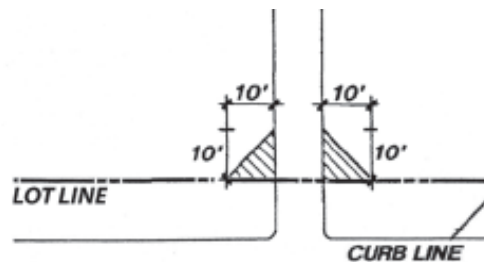
**2. Signs Permitted in the B-1, B-2, RC, and LI districts.**

- a. **Wall Signs.** *Wall signs in the B-1, B-2, RC, and LI districts are subject to the following standards:*

- i. *Each business with a storefront is permitted 1 square foot of wall signage for every linear foot of building frontage, up to 100 square feet.*
  - 1. *Where multiple businesses share one building or lot, the building frontage of each business shall be calculated separately based on the width of the individual storefronts.*
  - 2. *Where a business has storefronts on multiple frontages, the permitted wall signage shall be calculated separately for each frontage.*
- ii. *Commercial or industrial buildings with no storefronts shall be permitted 1 square foot of signage for each linear foot of building frontage, up to 100 square feet. This signage may include the name of the building or the names of tenants. Signage must be divided equitably among the tenants. Sign permits for buildings of this type must be requested by the owner of the building, not individual tenants. All tenants must approve the design of the signage, and this approval must be submitted to the Township prior to the issuance of a sign permit.*
- iii. *The width of any wall sign may not exceed 90% of the width of the façade it is attached to.*

- iv. *Wall Signs may be located on any building façade that faces a public road or alley, or a public or private parking lot.*
  - v. *There shall be no limit on the number of wall signs permitted on a premise, provided that the relevant square footage standards are met.*
  - vi. **illumination.** *Wall signs in the B-1, B-2, RC, and LI districts may be internally or externally illuminated.*
- b. Awning/Marquee Signs.** *An awning or marquee sign may be used in place of a wall sign for any ground-floor business, provided that the following standards are met.*
- i. *The awning shall not extend more than six feet over the public right-of-way.*
  - ii. *The awning shall have a minimum ground clearance of eight feet.*
  - iii. *Signage may not exceed 70% of the face area of the awning, or 90% of the face of a marquee.*
  - iv. *Awnings may be externally illuminated, but back-lit or internally illuminated awnings are prohibited. Awnings may not contain electronic messaging.*
- c. Freestanding Signs.** *Freestanding signs in the B-1, B-2, RC, and LI Districts are subject to the following standards:*
- i. *Only one freestanding sign is permitted per premises, regardless of the number of businesses on the premises.*
  - ii. *Maximum height of eight feet.*
  - iii. *Maximum area 40 square feet.*
  - iv. *All signs must have at least two legs or a continuous base at least 75% of the width of the sign. Pole signs are prohibited.*
  - v. **illumination.** *Freestanding signs in the B-1, B-2, RC, and LI districts may be internally or externally illuminated.*
  - vi. **Electronic Messaging.** *Freestanding signs in the B-1, B-2, RC, and LI districts may include electronic messaging, provided that the following standards are met.*
    - 1. *Electronic Messaging is only permitted on freestanding signage.*
    - 2. *The maximum area of electronic messaging shall be half the total area of the sign in which the electronic message board is placed.*

3. Copy change shall be no more frequent than once per 15 seconds.
  4. Glare shall be reduced and/or minimized in such a manner as to maintain an appropriate level of contrast during the day. To reduce driver distraction at night and light trespass into residential areas, an automatic dimmer shall be installed to control brightness. The maximum brightness of the sign shall not exceed 10,000 NITs. At night, the sign shall be set to no more than 10% of its maximum brightness.
  5. Motion, Animation and Video: Video display, animation, scrolling text, flashing, whirling, fading, dissolving transitions, or any other type of motion are prohibited.
  6. When text is displayed, the background behind the text must be a solid color, for the purpose of ensuring that the text is readable. Images are permitted, provided that no text is displayed in front of them.
- vii. All freestanding signs must be set back at least four feet from all lot lines.
- viii. All freestanding signs must allow clear corner vision for all street intersections and driveway entrances. Freestanding signs may not be located within a triangle formed by two points, each 10 feet away from the intersection, and the line connecting them, as displayed below:



- ix. Freestanding signs for premises with multiple tenants must be proposed by the owner of the premises, not individual tenants. All tenants on the premises must approve the design of the sign, and that approval must be presented to the Township prior to the issuance of a sign permit.
  - x. **Directional Signs.** No more than one directional sign shall be permitted per approved driveway, with a maximum sign area of four square feet per sign, and a maximum height of four feet. Directional signs may be internally or externally illuminated, but may not contain electronic messaging.
- d. **Projecting Signs.** Projecting signs are permitted in the B-1, B-2, RC, and LI Districts under the following circumstances:
- i. Maximum sign area of 16 square feet.

- ii. *The faces of the sign must be parallel to each other.*
  - iii. *The bottom of the sign must be at least six feet from grade.*
- e. Window Signs.** *Window signs are permitted in the B-1, B-2, RC, and LI Districts, subject to the following standards.*
- i. *Signage may not cover more than 25% of any window.*
  - ii. *Window signs may be internally illuminated, but may not contain any electronic messaging, flashing, or appearance of movement.*

**I. Modifications/Waivers**

*The Planning Commission, after a Public Hearing that meets the requirements of the State of Michigan and this Zoning Ordinance, shall have the ability to waive or modify any of the above standards, provided that the following criteria are met. A waiver granted under this section shall apply for the lifespan of the sign in question, but shall not be transferable to any other sign or premises.*

1. *The applicant provides all requested information and pays all applicable application and review fees, to be determined by the Township Board.*
2. *The proposed sign does not endanger the public health, safety, and welfare by virtue of being distracting to drivers, obscuring vision, being unnecessarily bright, being designed or constructed poorly, or in any other way.*
3. *The design of the sign is consistent with character of the surrounding area.*
4. *The sign does not block the view of other nearby signs to the extent that it would harm the ability of neighboring businesses to operate.*
5. *The sign will not be a nuisance to any residential uses.*
6. *A sign designed to meet the standards of the Ordinance would not adequately serve the purpose desired by the applicant.*

**J. Nonconformities**

*A non-conforming sign may be continued and shall be maintained in good condition as described elsewhere in this section, except that a non-conforming sign shall not be structurally altered or repaired so as to prolong its life or as to change its shape, size, type or design unless such change shall make the sign conforming; nor shall a non-conforming sign be replaced by another non-conforming sign.*

*ADOPTION: Made and passed by the Township Board of the Trustees of the Township of Mussey, St. Clair County, Michigan on this 9th day of December, 2015 A.D.*

1. *Date of Public Hearing:* *December 08, 2015*
2. *Date of Adoption by Township Board:* *December 09, 2015*

3. *Date of Publication:* *December 16, 2015*
4. *Date and time Ordinance shall take effect:* *December 31, 2015*

*Certification:*

*I, Sheila McDonald, Clerk of the Township of Mussey, do hereby certify that the Zoning Ordinance, Section 1209 - Signs was amended by the Township Board at a regular meeting of the Township Board held at the Mussey Township Fire Hall on the 9th day of December, 2015.*

*Vote on this Ordinance, 5 members being present, was as follows:*

*AYES: Lauwers, McDonald, Standel, Libkie & Downey*

*NAYS: None*

*ABSENT: None*

*I further certify that said Ordinance was adopted by the Township Board on the 9th. day of December, 2015 and was published once in the Tri-City Times, a paper published and circulated in the Township of Mussey, County of St. Clair on the 16th. day of December, 2015 this being the first and final day of publication of this Ordinance.*