

CASCADE CHARTER TOWNSHIP

Ordinance No. 14 of 1997

AN ORDINANCE TO REPEAL ORDINANCE NO. 12 OF 1988, AS AMENDED, TO REGULATE THE TYPE, NUMBER, PLACEMENT, MANNER AND PHYSICAL DIMENSIONS OF SIGNS IN CASCADE CHARTER TOWNSHIP.

The Cascade Charter Township Board Ordains:

CHAPTER 1. TITLE.

This Ordinance shall be known and may be cited as the "Cascade Charter Township Sign Ordinance."

CHAPTER 2. PURPOSE.

The intent of this Ordinance is to regulate the type, number, physical dimensions, erection, placement and maintenance of signs in Cascade Charter Township. The purpose of the limitations, regulations, and standards established herein is to:

1. Promote the public peace, health, and safety of residents and visitors;
2. Protect the natural beauty and distinctive character of Cascade Charter Township;
3. Protect commercial districts from visual chaos and clutter;
4. Provide an environment which fosters growth and development of business;
5. Protect property values;
6. Eliminate distractions which are hazardous to motorists and pedestrians;
7. Protect the public's ability to identify establishments and premises; and
8. Protect the public's interest in public buildings, public streets, roads and highways and open spaces.
9. Balancing the individual rights of property owners to communicate their message with the public's right to be free of unreasonable distractions and aesthetic intrusions.

CHAPTER 3. SCOPE.

Except as otherwise expressly provided herein, this Ordinance shall not relate building design. Nor shall the Ordinance regulate official traffic or government signs; the content of signs; signs not intended visible from public roads or off of the property where the sign is located; scoreboards at athletic fields; gravestones; barber poles under three (3) feet in height; religious symbols; commemorative plaques; the display of street numbers or names; or any display structure or construction not defined herein as a sign.

CHAPTER 4. DEFINITIONS.
As amended by Ord no 6 of 2011; 5/11/11

For the purpose of this Ordinance the following words or phrases are defined as follows:

Abandoned Sign - A sign which no longer identifies or advertises a currently operating business, lessee, service, owner, product, or activity, and/or for which no legal owner can be found.

Administrator - The Planning Director, or his assigns, for Cascade Charter Township.

Advertising Display Area - The advertising display surface area (copy area) encompassed within any regular geometric figure which would enclose all or part of the sign. The structural supports for a sign, whether they be columns, pylons, or a building, or a part thereof, shall not be included in the advertising area.

Air-filled or Gas-filled Balloon Sign - A sign which is made of a nonporous bag of tough light material filled with heated air or a gas lighter than air used to convey advertising copy or announce a special event on a temporary basis.

Airport Entry Sign - A sign identifying or recognizing an entry point into the airport, air cargo facility or airport viewing area.

Animated Sign - A sign which uses movement or change of lighting to depict action or to create a special effect or scene. (Compare with "Flashing Sign").

Awning - A shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework. (Compare with "Marquee").

Awning/Canopy Sign - Letters, numerals or other drawings painted on, printed on, or attached flat against the surface of an awning/canopy.

Banner Sign - A sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentation applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions, symbolic flags of any institution or business and seasonal decorations that do not contain any advertising copy placed on light or utility poles shall not be considered banners for the purpose of this Ordinance.

Beacon - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

Bench Sign - A sign located on any part of the surface of a bench or seat placed on or adjacent to a right-of-way.

Billboard - A sign which advertises an establishment, service, merchandise, use, entertainment, activity, produce or message which is not conducted, sold, produced, manufactured or furnished upon the parcel or lot where the sign is located.

Changeable Copy Sign - A sign upon which a display or message can be changed once a day by physical replacement of the display or message or electronic change of the message not more than once per 24 hours.

Clearance (of a Sign) - The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

Commercial Establishment - A separate business or commercial operation. Examples of a "commercial establishment" in various contexts would include, without limiting, the following:

A business operating independent of any other business located in a free-standing building, in a strip mall, a business completely separated from other businesses by walls from the ground up and with a door which may regularly be used by the public for exclusive ingress and egress to that business; and in an enclosed structure with a shared climate controlled area, a business completely separated from other businesses by walls from the ground up and with a door or entrance which may regularly be used by the public for exclusive ingress and egress to that business and which may be closed to the public even while the common area is open to the public; and, in an office building, a business holding itself out to the public as a single entity, independent of other businesses or persons.

Commercial Message - Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Construction Sign - A sign which displays the name or names of principal contractors, architects and lending institutions and/or others responsible for the construction on the site where the sign is placed.

Copy - The wording on a sign surface in either permanent or removable letter form.

Development/Building Identification Sign - A sign which identifies a development or building by its recognized name, not including a product or service.

Directional Sign, Single Tenant - A sign providing directions for vehicular or pedestrian circulation into or out of a development having a single tenant within the building or upon the parcel. A directional sign shall not contain advertising display copy and shall be located on the property where the development is located.

Directional Sign, Multi-Tenant - A sign providing directions for vehicular or pedestrian circulation into or out of a development having more than one commercial or office tenants located in the same building or on the same parcel. A directional sign shall not contain advertising display copy and shall be located on the property where the development is located.

Directory Sign - A sign which displays the names and locations of occupants or the use of a building.

Facade - The entire building front including the parapet.

Face of Sign - The area of a sign on which the copy or display is placed.

Festoons - A string of ribbons, tinsel, flags, pennants or pinwheels.

Flag - Any fabric, banner, or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government or political subdivision.

Flashing Sign - A sign which contains an intermittent or sequential flashing light source used to attract attention. This does not include changeable copy signs, animated signs, as defined in this Ordinance, or signs which through reflection or other means, create an illusion of flashing of intermittent light. (Compare with "Animated Sign" and "Changeable Copy Sign").

Freestanding Sign - A sign structurally separated from a building.

Government Sign - A sign erected and maintained by Cascade Charter Township, the county, state, or federal government.

Height (of a Sign) - The vertical distance measured from the highest point of the sign, including any decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever ground elevation is less (Compare with "Clearance").

Illegal Sign - A sign which does not meet the requirements of this Ordinance and which has not received legal nonconforming status.

Illuminated Sign - A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Incidental Sign - A sign, emblem, or decal informing the public of the goods, facilities, or services available on the premises, whose purpose is secondary to the use of the zone lot. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Light Pole Sign – Seasonal and decorative in nature and theme that do not advertise a product, service or business and which pertain to holidays and/or community-wide or governmental events or districts. Light pole signs may be attached to light or utility poles only after approval of the appropriate utility and the Cascade Township Planning Director.

Lot - A plot or parcel of land having frontage and access upon a public street or approved private street whether or not the plot or parcel is part of a recorded plat.

Maintenance - The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Mansard - A sloped roof or roof-like facade architecturally comparable to a building wall.

Marquee - A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building. (Compare with "Awning").

Marquee Sign - A sign attached to or supported by a marquee structure.

Municipal Sign – A permanent sign erected and maintained by Cascade Charter Township identifying entrances into the community or a defined district. (Amended by Ord. No. 13 of 2000)

Nameplate - A nonelectric on-premise sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Nonconforming Sign - A sign which was legally erected prior to this Ordinance but which does not conform to this Ordinance.

Occupancy - The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

Off-Premise Sign - Another word for a billboard.

On-Premise Sign - A sign which pertains to the use of the premises on which it is located.

Painted Wall Sign - A sign which is applied with paint or similar substance on the face of a wall.

Parapet - The extension of a false front or wall above a roofline.

Pennant - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Permanent Sign - A sign which is permanently affixed into the ground or a building and meets the requirements of a structure under the BOCA Building Code or its successor code.

Person - An individual, corporation, association, firm, partnership, company or organization, singular or plural, of any kind.

Point-of-Sale Sign - A sign which carries only the name of the firm, major enterprise, or products offered for sale on the premises.

Pole Cover - A material which encloses or decorates a pole or other structural support of a sign.

Portable Sign - A reusable and movable sign not permanently affixed in the ground, a structure or building.

Projecting Sign - A sign which is attached to and projects from a wall or other structure not specifically designed to support the sign.

Real Estate Sign - A sign advertising the real estate upon which the sign is located for the purpose of offering the property for sale, lease or rent.

Roofline - The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

Roof Sign - A sign erected or constructed wholly upon or over the roof of a building and supported on the roof structure.

Rotating Sign - A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

Sandwich Board Sign - An advertising or business ground sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top and not permanently secured or attached to the ground or surface which it is located.

Setback - The distance from the property line or right-of-way line, whichever is more restrictive, to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line or right-of-way line.

Sexually Graphic Sign - Any sign containing any photograph, silhouette, drawing, or pictorial representation or description of any specified anatomical area or specified sexual activities as those terms are defined in the Township Zoning Ordinance.
(This definition added by Ord. #4 of 2001)

Sign - A device, structure, painting, fixture, or placard using color, graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any event, establishment, product, good, service or displaying or depicting other information.

Sign Area - The area shall be measured within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message, together with any frame or other material or color forming an integral part of the display, message, drawing or similar device, or used to differentiate same from the background against which it is placed, excluding the necessary supports, braces or uprights of the sign.

Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of a sign, except that where two (2) faces are placed back-to-back and are at no point more than two (2) feet from one another, the area of the sign shall be deemed to be only the area of one face, or if faces are of different sizes, the area of the larger face.

Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy or colors, patterns, logos that are a trademark or reasonably recognizable identification for the commercial establishment and/or sign owner.

Sign Owner - A person who owns a sign is the sign owner. The owner of the premises upon which a sign is located is presumed to be the owner of the sign, unless facts showing that someone else is the owner are submitted to the Administrator.

Snipe Sign - A sign that is attached to a utility pole, tree, fence, or any object located or situated on public or private property.

Street Banner Sign - A sign which is stretched across and hung over a right-of-way.

Street Frontage - The distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distance lot line intersecting the same street.

Subdivision Identification Sign - A sign identifying or recognizing a platted subdivision, condominium complex, industrial or residential development.

Temporary Sign - Any sign that is used only temporarily and is not permanently mounted which is to be in place for a period of time not to exceed one year.

Under-Canopy Sign - A sign suspended beneath a canopy, ceiling, roof, or marquee.

Use - Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

Vehicle Sign - A sign painted on, incorporated in, or attached directly to any mode of transportation, including but not limited to automobiles, trucks, boats or airplanes.

Wall Sign - A sign including painted, individual letter, and cabinet signs, and signs on a mansard which are attached parallel to and extending not more than fifteen (15) inches from the wall of a building.

Window Sign - A sign placed inside or upon a window facing the outside which is intended to be seen from the right-of- way or the outdoors.

Zone lot - A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations of the Cascade Charter Township Zoning Ordinance, as amended.

CHAPTER 5. GENERAL PROVISIONS

It shall be unlawful for any person to erect, place, or maintain a sign in Cascade Charter Township except in accordance with the provisions of this Ordinance.

Section 5.01 - Signs Prohibited.

(amended by Ord No 6 of 2011)

The following types of signs are prohibited in all zoning districts:

1. Abandoned signs.
2. Air-filled or gas-filled balloon signs.
3. Animated signs.
4. Banner signs.
5. Bench signs.
6. Festoons
7. Pennants
8. Portable signs.
9. Rotating signs.
10. Signs imitating or resembling official traffic or government signs or signals.
11. Snipe signs.
12. Vehicles signs not used during the normal course of business which are parked or located for the primary purpose of displaying the advertising copy.
13. Roof Signs
14. Temporary signs
15. Sexually Graphic signs
(Amended by Ord. #4 of 2001)

Section 5.02 - Permits Required

Unless otherwise provided by this Ordinance, all signs shall require permits and payment of fees as described in Chapter 9 of this Ordinance. No sign shall be installed or utilized until and unless a permit has been issued by the Township. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.

Section 5.03 - Signs Not Requiring Permits (Amended by Ord. No. 13 of 2000)(Ord No 6 of 2011)

The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this Ordinance:

1. Construction signs of five (5) square feet or less.
2. On-premise directional signs of two (2) square feet or less.
3. Holiday decorations.
4. Non-commercial signs
5. Public signs or notices, or any sign relating to an emergency.
6. Temporary real estate signs of five (5) square feet or less.
7. Incidental signs, provided such signs do not occupy more than eight (8) square feet of advertising display area.
8. Product dispensers and point of sale displays provided they are not readable at a distance greater than three (3) feet.
9. Municipal Signs.
10. Light pole signs.

11. Sandwich board signs provided the following standards are met:
 - a. The sign area shall not exceed twelve (12) square feet per side.
 - b. Only one (1) sandwich board sign shall be permitted per business establishment.
 - c. The sign shall be located not more than ten (10) feet from the front entrance of the business it is advertising.
 - d. The sign shall be placed to allow a minimum 4' of clearance along the sidewalk .
 - e. The sign shall be removed at the close of the business day.

Section 5.04 - Maintenance

All signs shall be properly maintained. Exposed surfaces shall be clean and painted, if paint is required. Defective or damaged parts shall be replaced. The Building Inspector shall have the right under Section 9.09, as amended, to order the repair or removal of any sign which is unsafe, as defined by the BOCA Building Code or its successor code.

Section 5.05 - Lighting(amended by Ord No 6 of 2011)

Unless otherwise specified by this Ordinance, all signs may be illuminated. Unless a different light source is permitted by the Township Planning Director, low pressure sodium lighting may be used as a light source to minimize light emission. No sign regulated by this Ordinance may utilize:

1. An exposed incandescent lamp * with an external reflector and without a sunscreen or comparable diffusion device.
2. Any exposed incandescent lamp * in excess of 160 watts unless a screen or shield is installed so that no light rays are emitted by the installed fixture at angles above the signs highest horizontal plane.
3. Any revolving beacon light.

(* For the purpose of this Ordinance, quartz lamps shall not be considered an incandescent light source.)

Metal halide lighting, fluorescent lighting and quartz lighting may be used for outdoor advertising signs but shall be installed in enclosed luminaries.

Glass tubes filled with Neon, Argon or Krypton may be used provided they do not flash intermittently or create a visual effect of movement.

Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure whenever practical or mounted so that no light rays are emitted by the installed fixture at angles above the sign's highest horizontal plane.

The operating of lighting fixtures on or in signs from midnight to sunrise is prohibited unless the premises is open for business.

No sign may be illuminated by flashing, oscillating or intermittent lighting.

Signs with an electronically changeable display shall not scroll, flash or change message more than once in a 24 hour period with an exception for time and temperature.

Section 5.06. Required Sign Setbacks for all Zoning Districts(amended by Ord No 6 of 2011)

1. Setbacks

- a. No sign shall be placed in a location where it causes a hazard to vehicular or pedestrian traffic by depriving the driver or pedestrian of a clear and unobstructed view of approaching, intersecting or merging traffic.
- b. Municipal Signs may be allowed in the public right-of-way with the approval from the appropriate governmental agency or on private property with the approval from the property owner. (Amended by Ord. No. 13 of 2000)
- c. Development/Building Identification signs and Subdivision Identification signs may be placed in boulevard median strips if approved by the Kent County Road Commission and Cascade Charter Township as part of a Planned Unit Development.
- d. All permanent signs shall be setback a minimum of twenty-five (25) feet from any lot line, with the following exceptions:
 - 1) Single-tenant directional signs may be located adjacent to a lot line. Multi-tenant directional signs shall be set back at least five (5) feet from the property line.
 - 2) Subdivision Identification signs may be located a minimum of 25 feet from the pavement of the adjacent roadway(s) and in any event, no closer than five (5) feet to any lot line(s).
 - 3) Ground mounted signs in the B1 zoning district shall be setback in accordance with Section 6.03 and Table 6.03(a) of this ordinance.
- d. Subdivision Identification signs, Development/ Building Identification signs and Municipal signs shall be ground mounted and shall not exceed five (5) feet in height. (Amended by Ord. No. 13 of 2000)

Section 5.07 Sign height and overhang

1. A wall sign shall not project beyond the ends of the wall to which it is attached;
2. A wall sign shall not extend beyond the window sills of the floor above, the top of the wall to which it is attached, or twenty (20) feet above the finished grade at the building wall, whichever is lowest;
3. A sign shall not project into the public right-of-way of any adjacent street.
4. A freestanding sign, shall not exceed the sign height restriction allowed in the applicable zoning district, as found in this Ordinance. No sign shall create an obstructed view of approaching traffic;

Section 5.08 - Landscaping

The base treatment for a freestanding sign shall be landscaped with low maintenance plants. Such landscaping may be placed in stone, masonry or treated wood bases or containers to achieve a pleasant aesthetic arrangement.

Section 5.09. Sign Contractor's Registration

No person may engage in the business of erecting, altering, relocating, constructing, or maintaining signs without being a registered contractor with Cascade Charter Township.

CHAPTER 6. REGULATION OF SIGNS BY ZONING DISTRICT

Section 6.01. Signs Permitted in All Zoning Districts

The following signs are allowed in all zones:

1. All signs not requiring permits (Section 5.03) except incidental signs, product dispersive and point-of-sale displays shall not be located in any residentially zoned district.
2. One (1) construction sign for each street frontage of a construction project, not to exceed 64 square feet in sign area. Such signs may be erected thirty (30) days prior to beginning of construction and shall be removed thirty (30) days following completion of construction.
3. One (1) non-illuminated real estate sign per lot or premises, not to exceed five (5) square feet in sign area; provided, however that on parcels which are two (2) acres in size or larger, a real estate sign may not exceed a sign area of sixty-four (64) square feet.
4. Non-commercial signs not to exceed twenty (20) square feet in sign area. Such signs shall be removed ten (10) days following such election or referendum. Non-commercial signs may be placed only on private property and only with the permission of the property owner. (No more than one (1) non-commercial sign shall be permitted per lot).
5. One (1) property address sign per premises which only identifies the address number and street. Such sign shall not exceed five (5) square feet.
6. One (1) nameplate or under-canopy sign per premises, provided such sign does not exceed eight (8) square feet.
7. Municipal signs up to 64 square feet. (Amended by Ord. No. 13 of 2000)

Section 6.02. Signs Permitted In The "ARC", "FP" "R-1" and "R-2" Zoning Districts.

(amended by Ord No 6 of 2011) (amended by Ord No 4 of 2012)

The following signs are allowed in the ARC, FP, R-1 and R-2 zoning districts.

1. All signs permitted in Section 6.01 of this Ordinance.
2. One (1) subdivision identification sign per entrance road for each subdivision development not to exceed sixty-four (64) square feet in sign area.
3. For permitted non-residential uses, including churches and synagogues, one (1) freestanding sign not to exceed sixty-four (64) square feet in sign area and 5 feet in height. Wall signage not to exceed forty-eight (48) square feet in sign area.
4. Flags of any nation, or state and seasonal or thematic flags.
5. One (1) non-illuminated sign per property not to exceed five (5) square feet for a lawful home occupation use, day care or foster care use on the property.

Section 6.03 - Signs Permitted In The "B-1" and "O" Zoning Districts(amended by Ord No 6 of 2011) (amended by Ord No 4 of 2012)

The following signs are allowed in the "B-1" and "O" zoning districts.

1. All signs permitted in Section 6.01 of this Ordinance.
2. One (1) freestanding permanent sign per zone lot. Regardless of the number of businesses, commercial establishments, buildings or tenants per lot, only one (1) such sign shall be permitted per lot and such sign shall not exceed a total sign area of 24 square feet unless it is in compliance with Table 6.03A below. Up to 50% of the sign may be a changeable copy sign.

TABLE 6.03A

SETBACK (feet)	SIGN AREA (square feet)	HEIGHT (feet)
5	24	4
10	30	5
15	40	5.5
20	50	6
25+	60	7

Note: F OR SETBACKS DIFFERENT THAN THOSE LISTED ABOVE, SELECT THE SIGN AREA AND HEIGHT THAT CORRESPONDS TO THE NEXT LOWER SETBACK.

3. One of the following wall signs are permitted:
 - a. Wall signage or marquee per building not to exceed fifty (50) square feet in total sign area; or
 - b. Awning/canopy signage per building, not to exceed thirty-two (32) square feet in total sign area; or
 - c. In the event the building has multiple commercial establishments, each commercial establishment's space will be permitted wall signage equal to one and one half square foot for each lineal foot of building frontage (i.e., building frontage on the ground for the front of the building) that each respective commercial establishment occupies, not to exceed a sign length of more than two-thirds of the subject frontage.
4. Window signs or displays, provided permanent window sign(s) shall not cover more than twenty-five (25) percent of the total window surface and temporary window signs shall not cover more than fifteen (15) percent of the total window surface.
5. Directory wall signage per building, not to exceed twenty (20) square feet in total sign area.
6. Light pole signs, seasonal and decorative in nature and theme that do not advertise a product, service or business and which pertain to holidays and/or community-wide or governmental events or districts. Light pole signs must be attached to light or utility poles upon the approval of the Cascade Township Planning Director and the appropriate utility company if needed.
7. Directional signs:

Single tenant directional signs shall be limited to two per parcel, not greater than ten (10) square feet in area and four (4) feet in height.

Multi-tenant directional signs shall be limited to two per parcel, not greater than twenty (20) square feet in area and four (4) feet in height.

8. Flags of any nation, state, or entity provided they do not exceed thirty-two (32) square feet in area. A zone lot will be limited to three (3) Flags. Flag pole height may not exceed the height restrictions for the zoning district as found in the Zoning Ordinance.
9. Subdivision Identification signs, Development/ Building Identification signs and Municipal signs shall be ground mounted and shall not exceed five (5) feet in height. (Amended by Ord. No. 13 of 2000). Upon the recommendation of the Village Design Review Committee, the Planning Commission may allow a sign which exhibits unique design characteristics and furthers the identity of the Cascade Village if either of the following standards are met:
 - a. The sign is for Cascade Charter Township.
 - b. The sign is for a commercial development under the control of one owner and is one parcel of at least 10 acres.

Section 6.04. Signs Permitted In The "B-2" and "ES" Zoning Districts. (amended by Ord No 6 of 2011) (amended by Ord No 4 of 2012)

The following signs are allowed in the "B-2" and "ES" zoning districts:

1. All signs as permitted in Section 6.01 of this Ordinance.
2. One (1) freestanding sign, one (1) point-of-sale sign, or one (1) development/building identification sign per building. Such sign shall not exceed a height of 30 feet and a total sign area equal to two (2) square feet for each five (5) feet of lot frontage as measured at the building setback line. In no event shall the sign exceed one hundred twenty-five (125) square feet in sign area. Up to fifty (50) percent of such a sign may be a changeable copy sign. A freestanding sign may be a consolidated tenant sign identifying each tenants name.
3. One of the following signs are permitted:
 - a. Wall signage or marquee per building, not to exceed one-hundred (100) square feet in total sign area, or;
 - b. Awning/canopy signage per building, not to exceed thirty-two (32) square feet in total sign area, or;
 - c. In the event the building has multiple commercial establishments, each commercial establishment's space will be permitted wall signage equal to one square foot for each lineal foot of building frontage (i.e., building frontage on the ground for the front of the building) that each respective commercial establishment occupies, not to exceed a sign length of more than two-thirds of the subject frontage.
4. Window signs and displays, provided permanent window sign(s) shall not cover more than twenty-five (25) percent of the total window surface and temporary window signs shall not cover more than fifteen (15) percent of the total window surface.
5. Directory wall signage per building, not to exceed twenty (20) square feet in total sign area.

6. Directional signs:

Single tenant directional signs shall be limited to two per parcel, not greater than ten (10) square feet in area and four (4) feet in height.

Multi-tenant directional signs shall be limited to two per parcel, not greater than twenty (20) square feet in area and four (4) feet in height.

7. Flags of any nation, state, or entity provided they do not exceed thirty-two (32) square feet in area. A zone lot will be limited to three (3) flags. Flagpole height may not exceed the height restrictions for the zoning district as found in the Zoning Ordinance.

Section 6.05. Signs Permitted In The "I" "TI" Zoning District. (amended by Ord No 6 of 2011)
(amended by Ord No 4 of 2012)

The following signs are permitted in the "I" and "TI" zoning district:

1. All signs as permitted in Section 6.01 and Section 6.02 of this Ordinance, except for pole signs.
2. One (1) freestanding sign, one (1) point-of-sale sign, or one (1) development/building identification sign per building. Such sign shall not exceed a height of five (5) feet and a total sign area equal to two (2) square feet for each ten (10) feet of lot frontage as measured at the building setback line. In no event shall the sign exceed eighty (80) square feet in sign area. A freestanding sign may be a consolidated tenant sign identifying each tenants name.
3. One of the following wall signs are permitted:

A. Wall signage or marquee per building not to exceed one hundred (100) square feet in total sign area; or

B. Awning/canopy signage per building, not to exceed thirty-two (32) square feet in total sign area; or

In the event the building has multiple tenants, the wall or awning/canopy sign may be divided between tenants so long as the aggregate sum does not exceed the maximum allowed total sign area.

In the event the building has multiple establishments, each establishment's space will be permitted wall signage equal to one square foot for each lineal foot of building frontage (i.e., building frontage on the ground for the front of the building) that each respective establishment occupies, not to exceed 100 sq.ft in total per establishment and no sign shall have a length of more than two-thirds of the subject frontage

4. Billboards (Amended by Ord. #12, 2001)

Billboard signs are permitted only in accordance with the following regulations:

- a) Each billboard shall be located on a parcel that has frontage on I-96 and/or M-6.
- b) Each billboard sign structure shall be located within the Industrial Zoning District.
- c) Each billboard sign structure shall be built with a monopole construction.

- d) Each billboard sign structure shall be separated from adjacent billboard sign structures by a distance not less than two thousand (2,000) feet. For purposes of this provision, the distance between billboards shall be measured from the closest point of one billboard structure to the closest point of another and shall apply to both sides of a street or highway.
- e) Each billboard sign structure is limited to a maximum of three-hundred (300) square feet in total sign area.
- f) Each billboard shall be located at a minimum 100 feet from any building or 500 feet from any residential zone.
- g) All Billboards shall comply with all provisions regulating billboards in the Highway Advertising Act (Public Act 106 of 1972, as amended).
- h) Each billboard requires a Type II Special Use Permit as regulated by the Zoning Ordinance.
- i) Each Billboard sign shall be setback a minimum of 50 feet from all property and right-of-way lines. For purposes of measuring the setback, the distance shall be measured from the nearest point of the sign structure to the closest point of the property line or right-of way line.
- j) A billboard shall be no more that 25 feet high. Height shall be measured from the natural grade of the area under the sign to the highest point of the sign.
- k) Any lighting for a billboard shall mounted on the top of the billboard and shall shine downward and may not be internally lit.
- l) For purposes of determining the number of freestanding signs on a parcel under the terms of this ordinance, a billboard shall be considered a freestanding sign.
- m) No billboard shall have sign faces that change copy, display or message by the use of motorized copy, digital imaging or other enhancement.
- n) Any extension of the sign face above, below or to the side of the sign face shall be counted in the area of the sign face and height of the billboard.
- o) No billboard shall be installed or erected at any time when there are 14 or more existing billboard faces located within the Township. For purposes of this provision, lawfully constructed billboards that exist as of the effective date of this ordinance which have less than 50 sq.ft. of sign area shall not be included.

5. Directional signs:

Single tenant directional signs shall be limited to two per parcel, not greater than ten (10) square feet in area and four (4) feet in height.

Multi-tenant directional signs shall be limited to two per parcel, not greater than twenty (20) square feet in area and four (4) feet in height.

- 6. Flags of any nation, state, or entity provided they do not exceed thirty-two (32) square feet in area. A zone lot will be limited to three (3) flags. Flagpole height may not exceed a height of thirty-five (35) feet.
- 7. Billboards that are in existence at the time of adoption of this ordinance which are legal and in conformance with Ordinance #12 of 1988, may be moved distances less than those prescribed above in 6.05(4), provided they are not less than fifteen hundred (1,500) feet from an adjacent billboard sign structure and not closer to a residential structure than they currently are located. This subsection shall remain effective for one (1) year following the effective date of this Ordinance. (Effective date: December 10, 1997)

Section 6.06. Signs Permitted In The "AC" Zoning District.

(Section amended by Ord. No. 10 of 2002)

The following regulations shall apply to signs in the "AC" zoning district:

The following signs shall be exempted from the provisions of this ordinance:

1. All non-Commercial Message signs.
2. Any sign that is not readable from a public street or that is located more than 500 feet from a public street and does not exceed (80) square.
3. Any sign located entirely in a public right-of-way. Any such sign shall require the permission of the applicable public agency.
4. Directional signs.
5. Regulatory signs required by FAA regulation

The following signs are expressly prohibited in both subzones in the AC zoning district by this ordinance.

1. All billboard or off-premise signs.
2. All signs as prohibited by section 5.01 of this ordinance except banner signs which are permitted

The following signs are allowed in both subzones of the "AC" zoning district

1. Signs as permitted in Section 6.01 of this Ordinance are permitted with no sign permit required.
2. Airport entry identification signs. Two airport entry signs per entrance not to exceed a total sign area of 60 sq.ft. The signs may include architectural features that have a maximum height of 14 feet from grade provided that at least 50% of the volume of the sign shall be at the level of eight feet or lower.
3. All other freestanding signs shall be limited to, one (1) freestanding per building. Such sign shall not exceed a height of five (5) feet and a total sign area of eighty (80) square feet in sign area. A freestanding sign may be a consolidated tenant sign identifying each tenants name.
4. For buildings in either sub-zone, one of the following signs are permitted unless the sign is not readable from a public street:
 - a. Wall signage or marquee per building, not to exceed one-hundred (100) square feet in total sign area, or;
 - b. Awning/canopy signage per building, not to exceed thirty-two (32) square feet in total sign area, or;
 - c. In the event the building has tenants, each tenant's space will be permitted wall signage equal to one square foot for each lineal foot of building frontage (i.e., building frontage on the ground for the front of the building) that each respective tenant occupies, not to exceed a sign length of more than two-thirds of the subject frontage. In the case of a tenant without building frontage, the tenant is permitted to have a wall sign provided that the total wall signage permitted for the building pursuant to this section, shall not be exceeded.

5. Window signs and displays, provided permanent window sign(s) shall not cover more than twenty-five (25) percent of the total window surface and temporary window signs shall not cover more than fifteen (15) percent of the total window surface.
6. One (1) directory wall sign per building, not to exceed twenty (20) square feet in total sign area.
7. Flags of any nation, state, or entity provided they do not exceed ninety-six (96) square feet in area.

CHAPTER 7. NONCONFORMING SIGNS

Section 7.01. Determination of Legal Nonconformity

Existing signs which do not conform to the specific provisions of the Ordinance may be eligible for the designation "legal nonconforming" provided that:

1. The Administrator determines that such signs are properly maintained and do not in any way endanger the public.
2. The sign was authorized by a valid permit or variance or complied with all applicable laws on the date of adoption of this Ordinance.
3. The sign advertises a currently operating business or use.

Section 7.02. Loss of Legal Nonconforming Status

(amended by Ord. 11 of 2000; 7/26/00)

If a sign loses its legal non-conforming designation or status, the sign (and all portions thereof) shall be removed immediately and shall not be repaired, replaced or rebuilt unless it fully complies with all requirements of this ordinance and the Cascade Township Zoning Ordinance, as amended. A legal non-conforming sign shall lose its lawful non-conforming designation and status if the Zoning Administrator determines that any of the following is applicable:

1. The sign is relocated, moved, rebuilt or replaced.
2. The sign is destroyed. A sign shall be deemed destroyed if any of the following occurs.
 - a. The sign is torn down or demolished;
 - b. The sign is wrecked or ruined;
 - c. Such damage has been done to the sign that it cannot be returned to its prior state by routine repair, but only by replacement or material rebuilding; or
 - d. More than 50% of the face of the sign has been shattered, or a portion of the sign face touches the ground.

If a sign is destroyed, Section 7.03 hereof (which applies only to repairs and maintenance) shall not be applicable.

1. Even if a sign has not been destroyed, but damage or deterioration has occurred to the point of 50% or more as defined in Section 7.03, the sign shall be deemed to have lost its legal non-confirming status.
 - a. The structure or size of the sign is altered in any material way other than a change of copy or normal maintenance which does not physically alter the sign.
 - b. There is a material change in the use of the premises where the sign is located.
 - c. A building permit is issued for any construction on the premises where the sign is located which increases the total building square footage by more than 5% or 5,000 square feet, whichever is less.

Section 7.03. Maintenance and Repair of Legal Non-Conforming Signs

(amended by Ord. 11 of 2000; 7/26/00)

This section shall not apply if a legal non-conforming sign has been destroyed, since a destroyed sign automatically loses its legal non-conforming designation and status. If a legal non-conforming sign suffers 50% or more damage or deterioration, it must be brought into full compliance with this Ordinance

or be removed. In order to determine whether or not a sign has been damaged or has deteriorated by 50% or more, the costs of physically repairing the sign shall be compared to the costs of physically replacing the sign. If less than 50% damage or deterioration has occurred pursuant to such comparison, the sign may be repaired to its exact original state.

CHAPTER 8. CONSTRUCTION SPECIFICATIONS

Section 8.01. Compliance with Building and Electrical Codes

All signs shall be constructed in accordance with the requirements of the BOCA Building Code and the National Electrical Code, as amended from time to time.

Section 8.02. Anchoring

1. No sign shall be suspended by nonrigid attachments that will allow the sign to swing in a wind.
2. All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations.

Section 8.03. Wind Loads

All signs, other than wall signs, shall be designed to withstand the wind load pressure specified for its' size and type in the BOCA Building Code.

Section 8.04. Additional Construction Specifications

1. No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.
2. No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation, except that signs may be erected in front of and may cover transom windows when not in violation of the provisions of the BOCA Building or Fire Prevention Codes.
3. Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electrical Code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than five (5) feet horizontally or vertically from any conductor or public utility guy wire, unless specifically waived by the Township Electrical Inspector.

CHAPTER 9. ADMINISTRATION AND ENFORCEMENT

Section 9.01. Sign Ordinance Administrator

The Administrator shall be appointed by the Township Board and is authorized to process applications for permits and variances, hold public hearings as required, and enforce and carry out all provisions of this Ordinance, both in letter and in spirit.

The Building Inspector is empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or premises in the Township for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances. Such inspections shall be carried out during business hours unless an emergency exists.

Section 9.02 - Application for Permits

Application for a permit for the erection, alteration, or relocation of a sign shall be made to the Administrator upon a form provided by the Administrator and shall include the following information:

1. Name and address of the owner of the sign.
2. Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
3. The type of sign as defined in this Ordinance.
4. A site plan showing the proposed location of the sign along with the locations and square footage areas of all existing signs on the same premises.
5. Specifications and scale drawings showing the materials, design, dimensions, structural supports, and electrical components of the proposed sign.

Section 9.03 - Permit Fees

An application for a permit filed with the Administrator shall be accompanied by the payment of a fee, which shall be in accordance with the fee schedule adopted from time to time by resolution of the Township Board.

Section 9.04 - Issuance and Denial

The Administrator shall issue a permit for the erection, alteration, or relocation of a sign within thirty (30) days of receipt of a valid and complete application and permit fee, provided that the sign complies with all applicable laws and regulations of the Township. In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.

When a permit is denied by the Administrator, he/she shall give a written notice within seven (7) days to the applicant along with a brief statement of the reasons for denial. The Administrator may suspend or revoke an issued permit for a false statement or misrepresentation of fact in the application.

Section 9.05 -Permit Conditions, Refunds, and Penalties

If a permit is denied, the permit fee (less administrative expenses) will be refunded to the applicant within seven (7) days of the denial.

If no inspections have been made and no work authorized by the permit has been performed, one-half (1/2) of the permit fee may be refunded to the applicant upon request upon return of the permit to the Administrator within 30 days of issuance.

A permit issued by the Administrator becomes null and void if work is not commenced within 120 days of issuance. If work authorized by the permit is suspended or abandoned for 120 days, the permit must be renewed with an additional payment of one-half of the original fee.

If any sign is installed or placed on any property prior to receipt of a permit, the specified permit fee shall be doubled. However, payment of the doubled fee shall not relieve any person of any other requirements or penalties prescribed in this Ordinance.

Section 9.06 - Inspection Upon Completion

Any person installing, altering, or relocating a sign for which a permit has been issued shall notify the Building Inspector upon completion of the work. The Building Inspector may require a final inspection, including an electrical inspection and inspection of footings on freestanding signs.

The Administrator, or Building Inspector, may require in writing upon issuance of a permit that he/she be notified for inspection prior to the installation of certain signs.

Section 9.07 - Variances

In obtaining a permit, the applicant may apply to the Administrator for a variance from certain requirements of this Ordinance. A variance may be granted by the Zoning Board of Appeals where the literal application of the Ordinance would create a GENUINE hardship for the sign user and the following criteria are met:

1. The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.
2. The hardship created by a literal interpretation of the Ordinance is due to conditions unique to that property and does not apply generally to other properties in the Township.
3. The granting of the variance would not be contrary to the general purposes of this Ordinance or set an adverse precedent.

In granting a variance, the Zoning Board of Appeals may attach additional requirements necessary to carry out the spirit and purpose of this Ordinance in the public interest.

A decision rendered by the Zoning Board of Appeals with respect to any sign variance request may be appealed to the Township Board by any person or persons aggrieved by such decision within ten (10) calendar days of the date on which the contested decision was rendered. Such appeal shall be made in writing to the Planning Director, who shall, upon receipt of the appeal, provide notice of a second public hearing pursuant to the procedures outlined in this Ordinance except that such notice shall specify that the hearing is to be held before the Township Board. A decision rendered by the Township Board shall be final unless such decision is reversed or modified by a court of competent jurisdiction.

Section 9.08 - Re-submission of Application for a variance request

No application for a Sign Ordinance variance shall be submitted to the Township or be formally considered by a Township board or any official (i.e. Zoning Board of Appeals or Planning Director) where such application has been previously denied or turned down by the Township unless the Township determines that either one (1) year has passed since the prior application was denied or the new application or project is substantially changed from the prior one. With regard to whether or not substantial changes have occurred since the prior application was denied, the Planning Director shall make the determination in the first instance. If the applicant disagrees with the Planning Director's determination, the applicant shall have thirty (30) days to appeal the Planning Director's determination to the zoning board of appeals. In determining whether substantial changes have occurred, the Planning Director (or on appeal, the Zoning Board of Appeals) shall consider:

- a. Whether the application has been substantially modified from the earlier one;
- b. Whether external conditions or circumstances have changed significantly so as to warrant a reconsideration of the application; or
- c. Whether new and material evidence has been discovered which would justify a reconsideration of the application or project and the failure to present such evidence at the first consideration was not the fault of the applicant.

Section 9.09 - Removal of Signs by the Administrator

If, upon inspection, the Administrator or Building Inspector finds that a sign is abandoned or structurally, materially or electrically defective, violates this Ordinance or in any way endangers the public, the Administrator or Building Inspector shall issue a written request to the sign owner and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within 30 days of the date of the request. The request shall specify those sections of the Ordinance in violation and shall state that the alleged violation must be corrected or the decision must be appealed to the Zoning Board of Appeals.

The Administrator or Building Inspector may cause the removal of an illegal sign in cases of emergency, or for failure to comply with a written request for removal or repair. In cases of emergency, the Administrator or Building Inspector may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety as provided in the BOCA Building Code.

After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Administrator together with an additional twenty (20) percent for inspection and incidental costs.

If the amount specified in the notice is not paid within ninety (90) days of the notice, it shall become a lien against the property of the sign owner (unless the sign owner does not own the premises upon which the sign is located), and will be certified as an assessment against the property.

For purposes of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support the sign.

Section 9.10: Enforcement Procedures and Penalties

1. Enforcement - The Administrator shall administer and enforce the provisions of this Sign Ordinance. The Administrator is authorized to utilize assistants and agents to aid him or her in the enforcement and administration of this Sign Ordinance.

2. Violations - Any person who violates any provision of this Sign Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00 or more than \$500.00, plus costs and other sanctions, for each infraction. Every day that a violation continues shall constitute a separate offense.

a. Repeat Offenses. Repeat offenses under this Ordinance shall be subject to increased fines as provided below. As used herein, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of any provision of this Sign Ordinance committed by a person within any one (1) year period and for which the person admits responsibility or is determined to be responsible. The increased fine for repeat offenses shall be as follows:

1) The fine for any offense which is a first repeat offense shall be not less than \$100.00, plus costs.

2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than \$500.00, plus costs.

b. Persons Chargeable With a Violation. Persons chargeable with a violation of the Sign Ordinance and subject to being responsible for a municipal civil infraction may include the following:

1) The owner, agent, lessee, tenant, contractor or any other person using or having control of the land, building or premises where such violation has been committed or shall exist;

2) Any person who knowingly commits, aids and abets, takes part or assists in any such violation; or

3) Any person who owns or maintains any land, building, or premise on which such violation shall exist.

3. Civil Remedies - In addition to the municipal civil infraction remedies provided above, the violation of any provision of this Sign Ordinance may be legally enjoined and otherwise abated in any manner provided by law.

4. Administrative Remedies

a. Cease and Desist Orders - The Administrator shall have the authority to issue a cease and desist order in the form of a written notice for the violation of any provision of this Sign Ordinance. A cease and desist order may be issued to any person referred to in Section 9.10(2) (b) hereof. Such cease and desist order shall become effective once it has been posted on the property where the violation has occurred and a copy of the notice has been sent to the person involved by first class mail at the person's last known address. Once a cease and desist order is effective, any use or work done in violation of the Sign Ordinance shall stop immediately and shall not be recommenced until the Administrator issues a written notice dissolving the cease and desist order. Any person who violates a cease and desist order shall be responsible for a municipal civil infraction as authorized above. Any decision of the Administrator regarding a cease and desist order may be appealed to the Zoning Board of Appeals. A cease and desist order shall be in addition to the other violation penalties and remedies provided in this Section.

b. Revocation of a Sign Permit - In addition to the other remedies and penalties provided herein, the Administrator may revoke a sign permit for any sign which violates this Ordinance.

CHAPTER 10. SEVERABILITY AND CONFLICT WITH OTHER ORDINANCES AND CODIFICATION

Section 10.01 - Severability

The provisions of this Ordinance are severable and it is the intention of the Cascade Charter Township Board to confer the whole or any part of the powers herein provided. If any of the provisions of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Township Board that this Ordinance would have been adopted had such unconstitutional provisions not be included therein.

Section 10.02 - Conflict with Other Ordinances

To the extent that any other Ordinance regulates the subject matter regulated by this Ordinance, the Ordinances shall be construed together, if possible, and the remedies of the Ordinances shall be cumulative. Where the provisions of any other Ordinance conflict with the provisions of this Ordinance, this Ordinance shall prevail and its terms shall control. If any part of this Ordinance conflicts with any other part, it shall be administratively appealed to the Township Board for a final determination of intent. The remainder of the Ordinance shall remain in full force and effect.

Section 10.03 - Codification

It is the intention of the Township Board that the provisions of this Ordinance shall become and be made a part of a Cascade Charter Township Development Code; and that sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or re-lettered, and typographical errors which do not affect the intent, may be corrected by the Township Board without need of Public Hearing, by filing a corrected or recodified copy of same with the Township Clerk and publishing such changes in a newspaper of general distribution within the Township within fifteen (15) days of such authorization.

CHAPTER 11. REPEAL OF PRIOR ORDINANCE

The Cascade Charter Township Board does hereby repeal the Cascade Charter Township Sign Ordinance, effective January 3, 1989 (Ordinance 12 of 1988), and all amendments thereto.

CHAPTER 12. EFFECTIVE DATE

This Ordinance shall become effective upon publication of this ordinance or a summary thereof which first appears in the newspaper after the date of adoption.

The foregoing Ordinance was offered by Member Goodyke, supported by Member Johnson, the vote being as follows:

YEAS: Carpenter, Goodyke, Johnson, Julien, Kleinheksel, Timmons

NAYS: None

ABSENT: Van Strien

ORDINANCE DECLARED ADOPTED.

Marlene Kleinheksel
Cascade Charter Township Clerk

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted at a Regular Meeting of the Cascade Charter Township Board on the third day of December, 1997.

Marlene Kleinheksel
Cascade Charter Township Clerk