

PLANNING COMMISSION
Minutes for Regular Meeting of
August 7, 2013

PRESENT Dave Roesler, John Warner, Jan Deur, William Josephson, Leslie Sprott Tom Thompson and Mark Dykhouse.

ALSO PRESENT Zoning Administrator Sandel, Recording Secretary Dion and 6 interested parties.

CALL TO ORDER Chairperson Roesler called the August 7, 2013 meeting to order at 6:30 p.m. and led those in attendance in the Pledge of Allegiance.

AGENDA **Motion by John Warner, second from Leslie Sprott, *ADOPTED*, to accept the August 7, 2013 meeting agenda as written.**

7 AYES

MINUTES Motion by Jan Deur, second from John Warner, *ADOPTED*, to amend the July 9, 2013 rescheduled regular meeting minutes and accept as follows: **PLANNING/ZONING UPDATES** – Commissioner Josephson asked about setting speed limits. Chairperson Roesler gave brief explanation of how they are set. Normally the Road Commission takes care of this. Speed studies are done by the ~~Sheriff's~~ **Department of State Police working with the County Road Commission, if the roadway is under their jurisdiction or the Michigan Department of Transportation if the roadway is a state highway.** The county can petition a speed study and the speed limit can be changed if warranted. and accept as amended.

7 AYES

PUBLIC COMMENT

Jon Rooks, 5349 Lake Harbor Road, Norton Shores, MI – Spoke regarding Michillinda Beach Lodge (Promised Land LLC). He stated there is a 90 day contract with (Parkland Acquisitions 3 LLC). They must submit a plan and get approval within the 90 days. He gave several scenarios, 1) making the existing 11 or 12 buildings into single family dwellings, 2) add kitchens and use as weekly rental cottages all under 1 ownership, rebuild the lodge, however, the DEQ has said they cannot rebuild in the same footprint, it is too close to the bluff, he would request to slide the existing footprint to the DEQ setback, however, keep it Grandfathered, being able to build in the same size footprint as the lodge before it burned down, in doing this he is envisioning 2 buildings 20' apart with garages on the 1st level with 2 stories above, technically, 2 buildings with 6 units in each.

Chairperson Roseler explained the board is not in the position to make comments. A plan must be submitted to make a decision; such plan would have been reviewed for Zoning Compliance by Zoning Administrator Sandel. Whatever plan they submit needs to fit within the zoning guidelines. Depending on what is submitted it may also require Zoning Board of Appeals decision.

Zoning Administrator Sandel stated to Mr. Rooks that what he would like to do is not allowed, it would require either a condominium or site subdivision, and private street, all of which are not

allowed. He also stated he believes this cannot be done in 90 days. He reiterated the only way approval could probably be given in that time would be if they can rebuild in the same exact footprint with the same use.

Consensus was after a plan has been submitted they could call a Special Meeting if necessary.

PUBLIC HEARINGS

1. Article III, General Provisions, Section 3.17 – Excavations, Holes or Ponds

SECTION 3.17 EXCAVATIONS, HOLES OR PONDS

- A. The construction, maintenance, or existence within the Township of any unprotected, un-barricaded, open or dangerous excavations, holes, pits, or wells, *including dams and weirs* which constitute or are likely to constitute a danger, *spread of disease, stagnation* or menace ~~to the public health, safety, or welfare~~, are hereby prohibited. *These requirements are set forth to protect the health, safety, and general welfare of the residents of the township.*
- B. *Any pond to be constructed having a surface area of more than one (1) acre (43,560 sq ft) or multiple ponds on lots or parcels containing a minimum area of ten (10) acres shall be subject to the requirements set forth in Section 3.17 C., reviewed by the Planning Commission for Special Land Use approval and such conditions as imposed by the Planning Commission.*
- C. Ponds may be constructed *with a surface area of not more than one (1) acre (43,560 sq ft)* on lots or parcels containing a minimum area of five (5) acres in all Zoning Districts subject to the following requirements:
 1. The applicant shall submit an application form and pay an application fee as established by the Township board, and submit a surety bond in the amount of five thousand dollars (\$5000), acceptable to the Township. The permit shall be issued if it is determined by the Zoning Administrator that the applicant will meet all requirements of this Section. All work must be completed within six months. The Zoning Administrator may extend the time needed for construction for good cause upon written application prior to the expiration of the six (6) month period. The surety bond shall not be released until all work has been completed in a ~~satisfactory manner~~ *compliance with this section* and ~~will~~ *shall* be forfeited ~~to the Township~~ *if all work is not completed in a timely manner compliance with the permit, the Township Zoning Ordinance herewith and within the time limit established herein. The proceeds of any bond forfeited hereunder may be used by the Township to restore any partially completed pond to a safe condition. Any property owner who applies for a pond permit must at the time of making application agree to allow the Township, its agents, or any third party contractor hired by the Township to come on to the property owner's premises to inspect the pond or to make any physical changes necessary to prevent the pond from becoming a nuisance or hazard. The property owner shall also agree, at the time of making application to pay all sums necessary to prevent any partially completed pond from becoming a nuisance or hazard, that are in excess of any forfeited bond.*

2. Any excavation to a depth of more than two (2) feet covering more than one thousand (1000) square feet in contiguous area shall be considered a pond unless otherwise determined by the Zoning Board of Appeals.
 3. Ponds shall be permitted in the front yard with a minimum front yard setback of one hundred (100) feet from the road right-of-way.
 4. There shall be a minimum setback of one hundred (100) feet from the outside edge of any pond excavation to any dwelling and minimum setback of one hundred (100) feet from any property line.
 5. There shall be a minimum *distance of separation* from any septic tank or ~~the~~ *sewage* disposal field of not less than one hundred (100) feet *from any portion of any pond*.
 6. Ponds shall be constructed and the material from the pond excavation shall be placed in such a manner that will prevent runoff, overflow, spillage, or seepage from encroaching on property owned by ~~a third party~~ *an adjoining property owner*.
 7. Ponds shall be constructed such that there is no slope in excess of ~~53:1~~ *five three* feet horizontal to one (1) foot vertical) until the water depth of the pond exceeds five (5) feet. In no case shall any slope exceed 2:1.
 8. Applicant shall not haul excavated material from the property in an amount exceeding one thousand (1000) cubic yards without first obtaining a Special Land Use permit for surface mining from the Township.
- D. *Applicants seeking to construct ponds larger than five (5) acres and/or ponds to be located within five hundred (500) feet of a lake, river, stream, or open county drain shall be required to submit applications to the State of Michigan Department which determines the extent to which the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, applies to the proposal and also to apply for soil erosion permit with the Muskegon County Public Works Department.*

PUBLIC HEARING OPEN 6:53 p.m.

NO PUBLIC COMMENT OR CORRESPONDENCE

PUBLIC HEARING CLOSED 6:55 p.m.

Motion by William Josephson, second from John Warner, **ADOPTED**, to recommend approval of the language as written above to the Township Board of Trustees.

7 AYES

2. Article XIV, Special Land Uses, Section 14.04 – Special Land Use Specific Requirements, **add (KK.)** Ponds exceeding one (1) acre of surface area and add the same under certain zoning districts, section(s) Uses permitted by Special Land Use.

SECTION 14.04 SPECIAL LAND USE SPECIFIC REQUIREMENTS

The general standards and requirements of this ordinance are basic to all Special Land Uses. The specific and detailed requirements set forth in the following Section relate to particular uses and are requirements, which must be met by those uses in addition to the foregoing general standards, and requirements.

KK. Ponds exceeding one (1) acre of surface area.

1. All requirements of Article III, General Provisions, Section 3.17 Excavations, holes or ponds must be met in addition to the requirements of this section.
2. A pond or ponds totaling more than one (1) acre must be located on a parcel of a minimum of ten (10) acres and the surface area of said pond must not exceed 20% of the parcel size.
3. State approval shall be required prior to the construction of any pond over five (5) acres in size.
4. The regulations herein also pertain to a retention/detention pond for a site.
5. An engineered assessment of the site indicating how the surface waters of the pond will be obtained, ex: ground water, precipitation water, well supplied water or a combination of these and estimation of evaporation rates from the pond.
6. A detailed topographical survey of the site with 1 foot contour intervals detailed enough to indicate both drainage and emergency drainage patterns.

Article IV, Rural Residential District, Section 4.03 Uses Permitted by Special Land Use

(S) Ponds exceeding one (1) acre of surface area.

Article V, Low Density Residential District, Section 5.03 Uses Permitted by Special Land Use

(K) Ponds exceeding one (1) acre of surface area.

Article VI, Medium Density Residential District, Section 6.03 Uses Permitted by Special Land Use **(I) Ponds exceeding one (1) acre of surface area.**

Article VII, Medium High Density Residential District, Section 7.03, Uses Permitted by Special Land Use **(H) Ponds exceeding one (1) acre of surface area.**

Article IX, Manufactured Home Park District, Section 9.03, Uses Permitted by Special Land Use **(C) Ponds exceeding one (1) acre of surface area.**

Article IXa, Open Space Planned Unit Development, Section 9.07a, Uses Permitted by Special Land Use **(C) Ponds exceeding one (1) acre of surface area.**

Article XI, Neighborhood Commercial District, Section 11.03, Uses Permitted by Special Land Use **(O) Ponds exceeding one (1) acre of surface area.**

Article XII, Forest Preservation and Recreation District, Section 12.03, Uses Permitted by Special Land Use **(F) Ponds exceeding one (1) acre of surface area.**

Article XIII, Amusement Park District, Section 13.03, Uses Permitted by Special Land Use **(C) Ponds exceeding one (1) acre of surface area.**

PUBLIC HEARING OPEN 6:58 p.m.

NO PUBLIC COMMENT OR CORRESPONDENCE

PUBLIC HEARING CLOSED 6:59 p.m.

Motion by Tom Thompson, second from Leslie Sprott, **ADOPTED**, to recommend approval of the language as written above to the Township Board of Trustees.

7 AYES

3. Article III, General Provisions

SECTION 3.34 AGRICULTURE USES

~~Agricultural operations must comply with State of Michigan GAAMP's as confirmed by the Muskegon County Agricultural Extension office, or other applicable authority.~~

PUBLIC HEARING OPEN 7:00 p.m.

NO PUBLIC COMMENT OR CORRESPONDENCE

PUBLIC HEARING CLOSED 7:01 p.m.

Motion by John Warner, second from Leslie Sprott, *ADOPTED*, to recommend approval of the language as written above to the Township Board of Trustees.

7 AYES

4. Article XV11, Signs

SECTION 17.01 DESCRIPTION AND PURPOSE

These provisions are intended to regulate the size, number, location and manner of display of signs in Fruitland Township, consistent with the following purposes:

- A. To protect the safety and welfare of Township residents; to conserve and enhance the character of the Township; and to promote the economic viability of commercial and other areas by minimizing visual clutter.
- B. To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision or are distracting or confusing.
- C. To promote uniformity in size, number, and placement of signs within zoning districts.
- D. To ~~promote~~ allow the identification of establishments and premises in the Township.

SECTION 17.02 DEFINITIONS

For the purposes of this Article related to signs, the following words and phrases are defined as follows:

- A. Construction Sign: A temporary sign, which identifies the owners, contractors, architects and/or engineers or other participants of a ~~building(s)~~ site under construction.
- B. Commercial Establishment: A business operating independently of any other business located in a freestanding building; or in a group of stores or similar establishments that are located side-by-side in a single building, sometimes called a strip mall, as a business completely separated from other business by walls from the ground up and separate entrances.
- C. Community Special Event Sign: A temporary sign ~~erected for thirty (30) days~~ for the purpose of calling attention to special events of interest to the general public and which are sponsored by governmental agencies, schools, or other non-profit groups whose purpose is of a public, charitable, philanthropic, religious or benevolent nature. Community Special Event Signs shall be removed within ~~three~~ **five (5)** days after the event.
- D. Directional Sign: A sign which gives directions, instruction or information relating to location of buildings, designated routes for pedestrians and vehicles and other information for convenience or safety, such as parking information signs or entrance and exit signs.
- E. Election Campaign Sign: A temporary sign erected for a limited period of time for purposes of political campaigns for public office, for elections on public questions or otherwise relating to public elections or public meetings held for the purpose of voting on or for public offices or public questions.

- F. Freestanding Sign: A sign not attached to a building or wall and which is supported by one or more poles or braces which rests on the ground or on a foundation that rests on the ground.
- G. Governmental Sign: A sign erected or required to be erected by the Township, the County of Muskegon, by the state of Michigan or the Federal government.
- H. Incidental Sign: A sign that identifies street addresses, entrances and exits, safety precautions, identifying logos without text and other such incidental information, and which sets forth no other advertisement, including trespass signs.
- I. Memorial Sign: A sign, tablet or plaque memorializing a person, event, structure or site.
- J. On-Site Sign: A sign pertaining to activities conducted or maintained on the property on which it is located.
- K. Off-Site Sign: A sign not pertaining to activities conducted or maintained on the property on which it is located.
- L. Outdoor Advertising Sign: A sign within 660 feet of an Interstate highway, Freeway, or Primary highway, or visible from the main traveled way, that is fixed to or erected upon a free-standing framework, designed or intended to be used for posting information not pertaining directly or indirectly to the use of the premises on which it is located.
- M. Portable Sign: A free-standing sign not permanently anchored or secured to either a building or the ground, but usually anchored or secured to a trailer or frame capable of being moved from place to place.
- N. Project Development Sign: A temporary sign advertising a project, which may include a drawing, the project name, owners, contractors, architects and/or engineers or other participants of a development project ~~under construction~~ **which has been approved.**
- O. Projecting Sign: A sign which projects from and is supported by a wall of a building at any angle to the wall to which it is attached and does not extend beyond, into or over the street right-of-way.
- P. Real Estate Sign: A temporary sign advertising the real estate upon which the sign is located as being available for sale, rent or lease.
- Q. Residential Identification Sign: A permanent sign identifying or otherwise stating the name of a platted subdivision, site condominium development, manufactured home park, multiple-family development or other similar residential development.
- R. Sign: A device, structure, fixture or placard using graphics, symbols and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, commodity or activity, or displaying or depicting other information.
- S. Temporary Sign: A sign erected for a specified period of time with the intent of being discontinued at the end of the designated time period.
- T. Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building, extending not greater than twelve (12) inches from the exterior face of the wall to which it is extended.
- U. Residential Garage/Yard/Estate Sale Sign: A temporary sign that identifies the location and/or occurrence of a Residential Garage/Yard/Estate sale.
- V. ***Illuminated Sign: A sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.***
- W. ***Electronic Message Center (EMC) and Digital Signs: Any sign that displays its message via a lighted digital face with the capability to change the sign's message by computer, including any signs that display animated messages or characters, letters, figures, designs or images.***

SECTION 17.03 SIGNS PROHIBITED

The following types of signs are expressly prohibited:

- A. ~~Signs that have flashing, moving, oscillating or blinking lights, any visible moving part, visible revolving parts, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, including intermittent electrical pulsations or by action of natural wind currents, or that revolve or have other visible moving parts (excluding time temperature and barber shop poles signs. No person shall post any sign other than a Government Sign on any street, park, lot or other property owned by the Township of Fruitland. No person, except a public officer or employee in the performance of a public duty, shall paint, post, paste, print, nail, stamp, tack or otherwise fasten any card, banner, handbill, sign, sticker, poster or advertisement, notice or advertising device of any kind calculated to attract the attention of the public or cause the same to be done on any curbstone, curb, lamppost, pole, hydrant, bridge, wall or tree, or upon any fixture or fire alarm, police or telephone system of the Township, or upon any public sidewalk, street, alley or other public place except as may be required by ordinance or law, or construct or maintain any sign or sign device upon any sidewalk, street, alley or other public place.~~
- B. Any sign or sign structure which is structurally unsafe; or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment; or is not kept in good repair; or is capable of causing electrical shocks to persons likely to come in contact with it.
- 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 sign or control device on public streets or roads.
- D. Any sign which obstructs free ingress to or egress from a required door, window, fire escape, or other required exit way.
- E. 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.
- F. Any sign or other advertising structure containing any obscene matter.
- G. Any sign unlawfully installed, erected, or maintained.
- H. Any other signs not expressly permitted by this Ordinance.

SECTION 17.04 SIGNS EXEMPTED FROM PERMIT

The following signs, whether located on-site or off-site, shall be exempt from requiring a sign permit:

- A. Governmental or Public Utility signs, banners and flags.
- B. Flags and banners not exceeding 25 square feet attached to the principal structure or a flag pole.
- C. Historical markers.
- D. Memorial signs or tablets not exceeding one (1) per parcel and six square feet.
- E. Election campaign signs as set forth in this Article.
- F. Signs with an address and/or name of the owner or occupant as follows:

1. not more than two (2) square feet in area, attached to a mailbox, light fixture or exterior wall;
 2. not more than two (2) square feet, if freestanding.
- G. Incidental signs not exceeding one (1) square foot.
- H. Residential Garage/Yard/Estate Sale signs of not more than four (4) square feet in size. ~~Such signs shall be removed within twenty four (24) hours after the event.~~
- I. On-Site Real Estate signs not exceeding six (6) square feet.
- J. Off-site Real Estate signs not exceeding two (2) square feet.
- K. Community Special Events signs not exceeding four (4) square feet.
- L. Two (2) directional signs are allowed on the property where a business is located, each not to exceed two (2) square feet.

SECTION 17.05 MEASUREMENT OF SIGNS

- A. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo and any other figure of 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 only the structure necessary to support the sign.
- B. The area of a free-standing or ground sign that has two (2) or more faces shall be measured by including the area of all sign faces, except that if two (2) faces are placed back to back and are of equal size, the area of the two (2) back to back faces shall be counted as one (1) face. If the two back to back faces are of unequal size, the larger of the two sign faces shall be considered the size for both faces.
- C. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.

SECTION 17.06 SIGN APPLICATION AND PERMITS

- A. A sign permit shall be required for the erection, use, construction or alteration of all signs, except for those exempted by the terms of this Article. For purposes of this Section, alteration of a sign shall mean any substantial change therein, but shall not include normal maintenance or repair thereof.
- B. An application for a sign permit shall be made to the Zoning Administrator and shall include submission of such fee as may be required by resolution or other action by the Township Board. The application shall include the following:
1. Name, address and telephone number of the applicant and the person, firm or corporation erecting the sign.
 2. Address or permanent parcel number of the property where the sign will be located.
 3. A sketch showing the location of the building, structure or parcel of land upon which the sign is to be attached or erected and showing the proposed sign in relation to buildings and structures, together with the depth of the parcel and setback from lot lines.
 4. Two (2) scaled blueprints or drawings of the plans and specifications for the sign and information on the method of construction and attachment to structures or the ground.
 5. Electrical specifications and diagrams as applicable.

6. Identification of the zoning district in which the sign is to be located, together with any other information which the Zoning Administrator may require in order to determine compliance with this Article.
- C. All signs requiring electrical service shall be reviewed for compliance with the current Township electrical code.
- D. The Zoning Administrator shall issue a sign permit if all provisions of this Article and other provisions of this Ordinance and other applicable Township ordinances are satisfied. A sign authorized by such a permit shall be installed or shall be under construction within six (6) months of the date of issuance of the sign permit or the permit shall expire. A new permit may be issued upon the filing of a new application and payment of required fee.

SECTION 17.07 SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS

- A. It shall be unlawful for any person to erect, place, maintain or continue a sign upon any lands in the Township except in accordance with the provisions of this Ordinance.
- B. All signs shall be stationary and shall pertain only to the business or activity conducted on the premises, except for real estate signs, residential garage/yard/estate sale signs, political signs and community special event signs.
- C. Election campaign signs ~~not exceeding five (5) square feet shall be removed within three (3) days after the election or referendum to which the signs refer.~~ shall be permitted in addition to otherwise permitted signs and sign areas and only in accordance with the following regulations and other applicable regulations or this ordinance:
 1. Election campaign signs shall not be placed on any public property, public right-of-way, utility pole, bridge or bridge abutment.
 2. The maximum size of any election campaign sign shall be eight (8) square feet if located in a Residential District and 64 square feet if located in a nonresidential district. In no case shall the total area of all freestanding election campaign signs on a lot exceed 64 square feet, except for a lot on which billboards are permitted. In such a case, election campaign signs may be displayed in accordance with the regulations for Outdoor Advertising Signs in this section.
 3. In addition to the specifically authorized election campaign signs, political messages may be displayed in place of commercial messages on any permitted Outdoor Advertising Sign or other permitted permanent sign.
 4. Election campaign signs other than those permitted as an Outdoor Advertising Sign or other permitted permanent sign shall be removed pursuant to Section 17.08.
 5. In a campaign for political office, the candidate for such office shall be deemed the person responsible for the posting of election campaign signs, unless he/she notifies the Township Clerk and the Zoning Administrator who is responsible. In such case, the candidate shall provide the name, address, telephone number, and signed consent of such other responsible person. In a campaign regarding a ballot measure, the treasurer of the committee supporting or opposing such ballot measure shall be deemed responsible, unless he/she first notifies the Township Clerk and The Zoning Administrator of some other person responsible, in the manner described above. The candidate, or in the case of a ballot measure, the

committee treasurer, or other responsible person if so designated, shall be liable to pay any fees or costs for the removal and storage of illegal signs, as set out herein. Further, such candidate, committee treasurer, or other designated person, shall be subject to municipal civil infraction liability for any violation of this ordinance. Nothing in this section shall be interpreted to make any person liable, for any sign posted by persons unknown to him or her, or by persons over whom he or she has no control.

D. No sign shall be placed in, or extend into, any public street right-of-way. However, where prohibited by vegetation and trees, subject to Muskegon County Road Commission approval the following signs (as may be further regulated by this article) may be placed at a clear and safe distance, but not closer than ten (10) feet from the edge of pavement or driving surface of the street **except signs with an address and/or name of the owner or occupant not more than two (2) square feet in area, attached to a mailbox and/ or address number signs:**

1. Governmental or Public Utility signs.
2. Election campaign signs.
3. ~~Signs with an address and/or name of the owner or occupant not more than two (2) square feet in area, attached to a mailbox.~~
4. ~~3.~~ Incidental signs.
5. ~~4.~~ Residential Garage/Yard/Estate Sale signs.
6. ~~5.~~ On-site Real Estate signs.
7. ~~6.~~ Off-site Real Estate signs.
8. ~~7.~~ Community special event signs.

E. Construction signs are permitted, subject to the following restrictions:

1. Total area of construction signs shall not exceed sixteen (16) square feet and shall not exceed eight (8) feet in height.
2. Construction signs shall not be erected until a ~~building~~ permit ***if required*** has been issued.
3. Construction signs shall be removed immediately upon issuance of an occupancy permit.

F. Project Development Signs are permitted, subject to the following restrictions:

1. Total area of development project signs shall not exceed thirty-two (32) square feet and shall not exceed eight (8) feet in height. The sign shall be placed no closer than fifteen (15) feet from public right-of-way.
2. Project development sign shall not be erected until all zoning for the project or current phase of the project has been approved.
3. When the project involves a residential development, the sign(s) shall be removed immediately upon the sale of sixty (60%) percent of the lots available. ~~Otherwise, the Project Development Sign(s) shall be removed immediately upon issuance of any occupancy permit for the project which is the subject of the project development sign.~~

G. Outdoor advertising signs shall be allowed in accordance with the following:

1. Shall be located in business areas as defined in Act 106 of 1972.

2. Shall be located within 660 feet of an Interstate highway, Freeway, or Primary highway as stipulated in Act 106 of 1972.
 3. Shall be at least 25 feet from the road right-of-way.
 4. Shall have a maximum height of 30 feet.
 5. Shall not be situated within 1,000 feet of an intersection.
 6. Shall not be located on the same parcel as another sign.
 7. Shall not exceed 300 square feet in area.
 8. Parcels containing outdoor advertising signs must be at least one acre in size.
 9. Outdoor advertising signs shall meet all other provisions of Act 106 of 1972.
- H. No wall sign shall project above the building roof line.
- I. Sign lighting shall be shielded from vehicular traffic and adjacent residential properties so as not to become a nuisance, and shall be installed to allow for the reduction of the amount of illumination after normal business hours.
- J. Two off-site signs not to exceed eight (8) square feet are allowed with the written permission of the property owner for any business located within the township.

K. *Portable Signs in Commercial Districts:*

Portable signs shall only be permitted in the Neighborhood Commercial District and only in accordance with the following criteria:

- 1. For grand openings, charitable or community related events and the like, but only for a period not to exceed ninety (90) days in any calendar year.***
- 2. Be located no closer to the street right-of-way than fifteen (15) feet.***
- 3. Shall not exceed sixty-four (64) square feet of total surface display area.***
- 4. Exceptions to these criteria may be granted by variance.***

SECTION 17.08 REMOVAL OF SIGNS

It is the duty of the person or group posting a temporary sign to remove the same on or before the time specified herein for removal. Each temporary sign displayed at any out of doors location on any property not owned by Fruitland Township shall be removed within 5 days after the event, sale or other matter to which the sign refers. Signs posted on Township owned property shall be removed within 24 hours of notification by Fruitland Township. Any sign posted upon Fruitland Township property that is not removed by the person or group who posted the sign as required herein shall be removed by the Township and all costs incurred shall be the responsibility of the person or group posting such sign. Any temporary sign posted on property not owned by Fruitland Township shall be removed within 72 hours of notification by Fruitland Township. Any temporary sign posted on property not owned by Fruitland Township that is not removed by the person or group who posted the sign as required herein shall be removed by the Township and all costs incurred shall be the responsibility of the person or group posting such sign.

SECTION 17.082 NON-CONFORMING SIGNS

- A. Signs lawfully erected prior to the adoption of this Ordinance or any amendment thereto which do not meet the standards of this Article may be continued, except as hereinafter provided. Non-conforming signs shall not:

1. have any changes made in the words or symbols used or the message displayed on the sign, unless the sign is specifically designed for periodic change of message;
 2. be structurally altered so as to change the shape, size, type or design of the sign; or
 3. be reestablished or continued after the activity, business or use to which it applied has been discontinued for ninety (90) days or longer. At the end of this period of abandonment, the sign shall either be removed or altered to conform with the provisions of this section. All costs of removal shall be at the property owner's expense.
- B. Signs lawfully erected prior to the adoption of this Ordinance and any amendment thereto shall be made to conform with the provisions of this Ordinance or removed at the owner's expense within five (5) years after notified in writing by the Township of any non-conformity. If the owner fails to do so, the Township shall cause such signs to be removed and shall assess the cost of removal to the owner of the property in which the sign is located.
- C. The Township may acquire any non-conforming sign, with or without acquiring the property on which such sign is located, by condemnation or other means, and may then remove such sign.

SECTION 17.0910 SIGNS IN RESIDENTIAL DISTRICTS

In addition to signs permitted and as regulated in all districts, the following signs are permitted in Residential Districts:

- A. One (1) non-illuminated Residential Identification Sign per entrance road for each such development shall be permitted, except that no two (2) such signs per development shall be located closer to each other than three hundred thirty (330) feet. The Residential Identification Sign shall not exceed sixteen (16) square feet in area and shall not be higher than four (4) feet.
- B. For permitted nonresidential principal uses, one freestanding sign not to exceed sixteen (16) square feet in sign area and placed a minimum of fifteen (15) feet from each side lot line. Such sign shall not be illuminated and shall not be higher than three (3) feet.
- C. Not more than one (1) sign per property advertising the sale of produce grown on the premises, not to exceed (16) square feet and a height not exceeding four (4) feet.
- D. Wall signs attached to the principal structure for home occupation shall not exceed two (2) square feet. One such sign is allowed per residential parcel.

SECTION 17.1011 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS

In addition to signs permitted and as regulated in all districts, the following signs are permitted in the NC Neighborhood Commercial, Amusement Park and Waterfront Marine Districts and the LI Light Industrial District:

- A. Freestanding Signs:
 1. One (1) Freestanding Sign shall be permitted for each lot or parcel of land.
 2. The total area of such sign shall not exceed one hundred twenty-eight (128) square feet.

3. Any part of a Freestanding Sign shall be set back at least ten (10) feet from any property line.
4. Freestanding Signs shall not exceed twenty (20) feet in height and comply with the requirements of this Article.

B. Projecting Signs ~~in the Neighborhood Commercial District:~~

1. One (1) Projecting Sign may be permitted per building when no other wall sign exists on the wall from which the projecting sign is to be hung.
2. Projecting Signs shall not exceed one and one-half (1 ½) square feet of sign area for each lineal foot of building frontage to which the sign is to be attached up to a maximum of fifty (50) square feet.

C. Wall Signs ~~in Neighborhood Commercial District:~~

1. Each ~~commercial~~ establishment shall be permitted to have one (1) wall sign. For each ~~commercial~~ establishment on a corner lot, one (1) wall sign per public or private street frontage is permitted.
 - a. ~~Commercial~~ eEstablishments located in a freestanding building with one hundred (100) feet or less of freestanding building frontage shall be permitted a wall sign not to exceed one (1) square foot of sign for each lineal foot of street frontage of such freestanding building.
 - b. ~~Commercial~~ eEstablishments with more than one hundred (100) feet of freestanding building frontage shall be permitted a wall sign area not to exceed one (1) square foot of sign area for each of the first one hundred (100) lineal feet of freestanding building frontage and one and one-half (1 ½) square feet of sign area for each three (3) lineal feet in excess of one hundred (100) lineal feet.
 - c. Wall sign area for an ~~commercial~~ establishment consisting of a separate business located in a building with other businesses but with a separate and independent entrance shall be calculated in the same manner as in a freestanding building, using the building frontage of such ~~commercial~~ establishment.
2. The wall sign shall be attached to the same wall which is used to determine its size.

~~D. Portable Signs in Commercial Districts:~~

~~Portable signs shall only be permitted in the Neighborhood Commercial District and only in accordance with the following criteria:~~

- ~~1. For grand openings, charitable or community related events and the like, but only for a period not to exceed ninety (90) days in any calendar year.~~
- ~~2. Be located no closer to the street right of way than fifteen (15) feet.~~
- ~~3. Shall not exceed sixty four (64) square feet of total surface display area.~~
- ~~4. Exceptions to these criteria may be granted by variance.~~

~~E. Wall Signs in the Light Industrial District~~

1. ~~Each industrial establishment shall be permitted to have one (1) wall sign. For each industrial establishment on a corner lot, one (1) wall sign per public or private street frontage is permitted. Each industrial establishment shall have not more than one (1) wall sign per wall.~~
2. ~~The size of the Wall Sign shall comply with the following regulations:~~
 - a. ~~industrial establishments with up to one hundred (100) feet of wall fronting a street are permitted to have a sign area not to exceed thirty two (32) square feet;~~
 - b. ~~industrial establishments with more than one hundred (100) lineal feet of wall fronting a street are permitted to have a sign area of thirty two (32) square feet, plus one (1) additional square foot of sign area for each four (4) lineal feet of wall exceeding one hundred (100) lineal feet.~~
3. ~~Wall Signs shall not face a Residential District or use unless the Zoning District boundaries and the building are separated by a public or private street.~~
4. ~~The Wall Sign shall be attached to the same wall which is used to determine its size.~~

D. Electronic Message Center (EMC) and Digital Signs:

1. Shall not exceed more than 1 change per six seconds, each change is complete in 1 second or less.
2. Shall possess and utilize automatic dimming capabilities so that the maximum luminescence level is not more than 0.3 foot candles over ambient light levels measured at a distance of 150 feet for those sign faces less than or equal to 300 square feet, measured at a distance of 200 feet for those sign faces greater than 300 square feet but less than or equal to 378 square feet, measured at a distance of 250 feet for those sign faces greater than 378 square feet and less than 672 square feet, and measured at a distance of 350 feet for those sign faces equal to or greater than 672 square feet.

E. Illuminated Signs:

1. Message shall be stationary.
2. May be illuminated so as to allow the sign to be seen and read but the illumination shall be employed in a manner that prevents beams or rays of light from being directed at any portion of the main-traveled street and neighboring properties.

PUBLIC HEARING OPEN 7:05 p.m.

NO PUBLIC COMMENT OR CORRESPONDENCE

PUBLIC HEARING CLOSED 7:06 p.m.

Motion by Jan Deur, second from John Warner, **ADOPTED**, to recommend approval of the language as written above to the Township Board of Trustees.

7 AYES

NEW BUSINESS

1. Discuss fences, walls, hedges, berms and screens language in Lakefront Districts.

Consensus was to have the following sub-committee (Commissioners Warner, Josephson and Sprott) work on this section. Zoning Coordinator Dion handed out copies of the Delhi Charter Township Zoning Ordinance regarding Fences, Walls and Screens to see if it might help in their discussions. The sub-committee will report back.

Jane Gardner from the audience asked if she could speak on this.

Motion by Jan Deur, second from Tom Thompson, **ADOPTED**, to suspend for open floor comments from resident Jane Gardner.

7 AYES

Resident Jane Gardner, 5623 Murray Road, has issues with neighbor's trees blocking her view. Even though the courts do not protect neighbors view, the Township Ordinances do, she believes our purpose and intent does that. In looking at the definitions for fences, walls, hedges, berms and screens she believes her neighbors are in violation. Even though last year Zoning Administrator Sandel ruled the trees that were planted did not meet the definition of a hedge she believes now that they have grown they do. She also stated they planted another tree which appears to be 2 stories tall. She asks that when the sub-committee works on this language that they take the neighbors view into consideration.

Motion by Jan Deur, second from John Warner, **ADOPTED**, to unsuspend from open floor comments.

7 AYES

COMMISSIONERS COMMENTS

Commissioner Deur stated that Steve Coverly from the Muskegon Conservation District has agreed to come and talk with the commission at the September meeting regarding the Duck Creek Watershed Assembly management plan that they are working on. Recording Secretary Dion will put this on the agenda.

PLANNING/ZONING UPDATES

None

ADJOURNMENT

Motion by John Warner, second from Jan Deur, ADOPTED, to adjour the August 7, 2013, regular meeting at 7:37 p.m.

Respectfully Submitted,

Sally Dion, Recording Secretary