

COMINS TOWNSHIP

ZONING ORDINANCE

ORDINANCE AMENDMENT NO. 4

ADOPTED: August 25, 2020

EFFECTIVE: Sept 22, 2020

COMINS TOWNSHIP ORDAINS:

TITLE: To amend Article II, Section KK and Article III, Section EE of the Zoning Ordinance of Comins Township to amend the definition and regulation of Outdoor Advertising Signs.

An ordinance to Amend Article II, Section KK and Article, Section EE of the Zoning Ordinance of Comins Township to read in their entirety as follows:

ARTICLE II - Definitions

Section KK Outdoor Advertising Signs:

~~Flashing, intermittent and glaring signs and the locations of any sign hazardous to traffic are prohibited. The locations of any sign exceeding eighty (80) square feet in area shall be subject to approval by the Planning Commission in the interests of public safety.~~

Sign means any writing, letter, word, symbol, pictorial representation, form, light or structure which, by reason of its shape, bulk, color, message, wording, symbol, design, illustration, motion or otherwise, attracts or is designed to attract attention or to communicate a visual message, including any back lighted translucent, roof, wall, canopy or other architectural element.

Freestanding sign means a sign principally supported independent of any building.

ARTICLE III – General Provisions

Section EE Outdoor Advertising Signs:

1. Signs Authorized without a Permit:
 - a. Temporary signs such as those associated with construction projects, real estate sales or leases and other such temporary signs in connection with:
 - i. Commercial, industrial, multiple family, recreational and institutional uses. These signs shall not be illuminated, are limited to two per parcel and limited to a maximum area of 32 square feet and six feet high each. These signs shall

be set back ten feet from the front property line. These signs shall be removed within 14 days after the conclusion of the project, sale or event.

- ii. One and two-family residential uses. These signs shall not be illuminated, are limited to a maximum area of six square feet each and 42 inches in height. These signs shall be located on private property. These signs shall be removed shall be removed within 14 days after the conclusion of the project, sale or event.
- iii. Temporary signs shall be adequately secured and must be taut or made of a rigid material.

2. Prohibited Signs:

- a. Flashing, intermittent and glaring signs and the locations of any sign hazardous to traffic are prohibited.
- b. A sign in excess of 60 square feet in area.

3. Regulations for Other Signs.

a. Freestanding Signs.

- i. Shall not be taller than 10 feet as measured from street level and the area of the sign and base shall be no more than a total of sixty (60) square feet.
- ii. There shall be no more than one (1) freestanding signs per parcel.
- iii. If a sign advertises a business, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, the sign shall be considered abandoned and the following conditions shall apply:
 - 1. The sign(s) faces shall be removed and replaced with blank faces or a covering acceptable to the Zoning Administrator within 30 days after written notice from the Zoning Administrator to the sign owner, owner of the property where the sign is located, or other party having control over the sign.
 - 2. If the sign faces are not removed and replaced by the owner or party having control, the Township may accomplish the removal and replacement and any expense incurred by the Township incidental to the removal and replacement shall be paid by the owner or the party having control over the sign.

The locations of any sign exceeding eighty (80) square feet in an area shall be subject to approval by the Planning Commission in the interests of public safety.

3. Non-Conforming Signs. A legal nonconforming sign is any sign which was lawfully erected and maintained prior to the enactment of this Section, and any amendments thereto, and which does not conform to all the applicable regulations and restrictions of this chapter and any amendment thereto.
 - a. Continuation. A legal nonconforming sign may be continued and shall be maintained in good condition, but it shall not be:
 - i. Converted to another nonconforming sign by changing the sign face.
 - ii. Expanded or altered so as to increase the degree of nonconformity of the sign.
 - iii. Re-established after damage or destruction, ordinary wear or obsolescence, if the estimated cost of the reconstruction or renovation exceeds 50 percent of the replacement sign cost as determined by the Zoning Administrator.
 - iv. Continued in use following construction of a new building, reconstruction, substantial addition to or improvement of an existing building when the value of such construction exceeds \$50,000.00 in a 12-month period.
 - v. If there are multiple nonconforming signs on a parcel and only the face of any one of the signs is changed, only the changed sign or signs must be brought into compliance with this Code.
 - vi. Any legal nonconforming sign designed for changing the sign's message on a regular basis (such as a bulletin or message board, joint identification sign, or gasoline pricing sign where individual letters, numerals or name panels are readily interchangeable) may be changed without having to be brought into compliance with this Code.
 - vii. On parcels where a sign or signs is a legal nonconforming sign, no new additional sign shall be erected until all such nonconforming sign or signs on the parcel are brought into compliance with this chapter.
4. Appeals and Exceptions. The Board of Zoning Appeals shall serve as the appeals board for the purposes of this Section.
 - a. Powers. Nothing contained herein shall be construed to empower the Board of Appeals to substantially change the terms of this Section, or to significantly add to the types of signs permitted on any premises. Upon an affirmative vote of the majority of the members present, the appeals board shall have the power to:
 - i. Modify or reverse, wholly or partly, the notice or order of the Zoning Administrator.
 - ii. Grant an extension of time for the performance of any act required of not more than three additional months, where the appeals board finds that there is practical difficulty or undue hardship connected with the performance of this chapter or by applicable rules or regulations issued pursuant thereto, and that

such extension is in harmony with the general purpose of this chapter to secure the public health, safety and welfare.

iii. Grant exceptions only in cases involving unique circumstances when the evidence in the official record of the appeal supports all of the following affirmative findings:

1. That the alleged circumstances are exceptional and peculiar to the property of the person requesting the exception, and result from conditions which do not exist generally throughout the Township.

2. That the alleged consequences resulting from a failure to grant the exception include substantially more than mere inconvenience, or mere inability to attain a higher financial return.

3. That allowing the exception will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the individual hardships that will be suffered by a failure of the Board to grant an exception, and the rights of others whose property would be affected by the allowance of the exception, and will not be contrary to the public purpose and general intent and purpose of this chapter.

4. The above findings of fact shall be made by the Board of Appeals, which is not empowered to grant an exception without an affirmative finding of fact in each of the categories above. Every finding of fact shall be supported in the record of the proceedings of the Board.

iv. Interpret this chapter in such a way as to carry out its intent and purpose.

b. Initiating appeals. Appeals shall be filed with the Zoning Administrator on an application form determined by the Zoning Administrator and shall be accompanied by a fee established by the Township for applications to the Board. Appeals shall be filed within 45 days after written notice is given of the action being appealed. An appeal must be submitted at least 21 days before the Board meeting at which it will be considered.

c. Application. The application form shall be signed by the owner or someone acting upon written consent of the owner, which written consent must be submitted with the application. Applications shall be accompanied by a sign plan and any other information the Zoning Administrator deems pertinent. All previous appeals involving the property noted on the application as to the subject, date and outcome of the appeal.

d. Notices. The Zoning Administrator shall give notice of a hearing on an appeal to all owners of record of real property within 300 feet of the parcel on which the sign is located. Such notice shall be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll at least 15 days prior to the hearing.

e. Advertisements. One advertisement in a local newspaper of general circulation indicating the nature of the appeal and the date of the hearing will be placed between seven and 20 days before the hearing. A minor deviation in the notice published in the newspaper or in the time of appearance of such notice in the newspaper shall not affect the validity of the proceedings of the Board unless there is a clear demonstration of prejudice as a result of such minor deviation.

f. Representation at hearing. The applicant or the applicant's authorized agent must be present at the public hearing to properly answer questions concerning the appeal. If the applicant or agent is not present, the appeal may be deferred until the next meeting or dismissed, at the discretion of the Board.

g. Reconsideration. An applicant may re-appeal a decision after 12 months from the decision of the Board. The Board will not reconsider any appeal within 12 months from the date of the decision unless it can be shown by the applicant that there has been substantially changed circumstances affecting the appeal, which circumstances were not known to the Board at the previous hearing. The substantial change in circumstances shall be described, in writing, by the applicant at the time of the application. Before rehearing the matter, the Board shall decide whether there is a substantial change in circumstances allowing the rehearing.

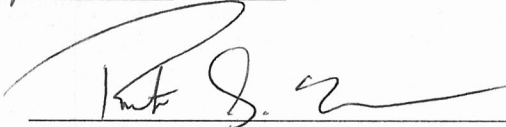
This Ordinance shall take effect 7 days following the publication of this Ordinance.

YEAS: _____

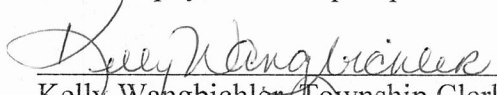
NAYS: _____

STATE OF MICHIGAN)
)
COUNTY OF OSCODA)

We, the undersigned, the duly qualified and acting Supervisor and Clerk of Comins Township, Oscoda County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of an Ordinance adopted at a regular meeting of the Township Board on the 25th day of August, 2020, and that such Ordinance was duly published in the OCH on the 9th day of September, 2020.



Rob Murphy, Township Supervisor



Kelly Wangbichler, Township Clerk

Copy

To amend Ordinance No. 4 Section KK Signs and publish in local newspaper.

Dated: 8-25-2020