

OSHTEMO CHARTER TOWNSHIP
KALAMAZOO COUNTY, MICHIGAN

NOTICE OF ZONING PUBLIC HEARING

PLEASE TAKE NOTICE that the Planning Commission of Oshtemo Charter Township will conduct a public hearing on Thursday, March 28, 2024, commencing at 6:00 p.m. at the Oshtemo Charter Township Hall, 7275 West Main Street within the Township, as required under the provisions of the Michigan Zoning Enabling Act.

PLEASE TAKE FURTHER NOTICE that the items to be considered at said public hearing include the amendment of Article 50: Schedule of Regulations, Section 50.60C: Setback Provisions: Business & Industrial Districts and Article 55: Signs and Billboards of the Township Zoning Ordinance to add:

OSHTEMO CHARTER TOWNSHIP
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. 669

**ARTICLE 50: SCHEDULE OF REGULATIONS
SECTION 50.60C, SETBACK PROVISIONS:
BUSINESS & INDUSTRIAL DISTRICTS**

SECTION I. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 50: SCHEDULE OF REGULATIONS, SECTION 50.60: SETBACK PROVISIONS. Article 50, Section 50.60C is hereby amended to read as follows:

C. BUSINESS AND INDUSTRIAL DISTRICT

In "C" Local Business District, "BRP" Business and Research Park District, "I-R" Industrial District, Restricted, "I-1" Industrial District, Manufacturing/Service, "I-2" Industrial District, Manufacturing/Service, "I-3" Industrial District, Special and with respect to buildings exceeding two stories in "R-4" Residence District, the minimum setback distance for all buildings shall be 70 feet from all street right-of-way lines and outlots and/or planned future public street extensions abutting the property unless:

1. A larger setback is otherwise required in the Township Zoning Ordinance
2. The building is constructed within 300 feet of a building existing on the effective date of this Ordinance provision (December 24, 1966) which is closer than the 70-foot setback requirement, in which case such setback may be decreased accordingly to the schedule set forth in Section 50.60.A hereof. The setbacks applicable to the "C-R" Local Business District, Restricted, are set forth in Section 21.50.D.
3. The property is located between two roads running parallel to each other and one road is an arterial and the other is a collector, in which case, the minimum setback from the

secondary road and the landscape requirements shall be reduced by 50%.

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. 670

ZONING ARTICLE 55: SIGNS AND BILLBOARDS

55.10 STATEMENT OF PURPOSE

The intent of this Article is to regulate the type, number, physical dimensions, erection, placement and Maintenance of Signs in the Township. The purpose of the limitations, regulations, and standards established herein is to:

- A. Promote the public peace, health, and safety of residents and visitors;
- B. Protect the natural beauty and distinctive character of Oshtemo Charter Township;
- C. Maintain sightlines, reduce obstructions, and eliminate distractions which are hazardous to motorists and pedestrians;
- D. Ensure the public's ability to locate public buildings, streets, roads, highways, parks, and other establishments and premises by reduce visual chaos and clutter; and
- E. Balance the individual rights of property owners to communicate their message(s) with the legitimate governmental regulatory interests of public safety, health, and welfare which necessitate the regulation of Signs within the Township.

55.20 SCOPE

Except as otherwise expressly provided herein, this Article shall not relate to building design; nor shall the Article regulate official traffic or Government Signs (see, Ordinance 566, 259.000); the content of signs; scoreboards at athletic fields; gravestones; barber poles (under three (3) feet in height); religious symbols; commemorative plaques; Flags (see, Article 57.140); or any display structure or construction not defined herein as a Sign.

The provisions contained in Sections 55.70 through 55.100 herein shall not apply to properties located within the VC, Village Commercial District.

55.30 GENERAL PROVISIONS

It shall be unlawful for any person to erect, place, or establish a Sign in Oshtemo Charter Township except in accordance with the provisions of this Article.

55.40 DEFINITIONS

For the purpose of this Article the following words or phrases are defined as more fully set forth in the ordinance.

A-Frame Sign, (or Sandwich Board Sign)

Abandoned Sign

Advertising Display Area

Animated Sign

Awning/Canopy Sign
Balloon Sign
Banner or Banner Sign
Bench Sign
Billboard
Building Identification Sign
Changeable Copy Sign
Clearance (of a Sign)
Commercial Center Identification Sign
Commercial Sign
Construction Sign
Copy
Residential Development Sign
Directional Sign
Directory Sign
Electronic Billboard
Sign Face or Face of Sign
Feather Flag Sign
Festoons
Flashing Sign
Freestanding Sign
Government Sign
Ground Mounted Sign
Height (of a Freestanding Sign or Flag Pole)
Height (of a Wall Sign)
Human Sign
Illuminated Sign
Incidental Sign
Maintenance
Marquee Sign
Non-Commercial Sign
Off-Premises Sign
On-Premises Sign
Painted Wall Sign
Pennant
Permanent Sign
Pole Sign (or Pylon Sign)
Political Sign
Portable Sign
Real Estate Sign
Roof Sign
Rotating Sign
Seasonal Agricultural Sign
Sign
Sign Area
Sign Face Change

Sign Permit
Subdivision Identification Sign
Temporary Sign
Temporary On-Premises Event Sign
Temporary Off-Premises Directional Signs
Tenant Space Width
Under-Canopy Sign
Vehicle Sign
Wall Sign
Window Area
Window Sign

55.50 PROHIBITED SIGNS

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

- A. Abandoned Signs.
- B. Animated Signs.
- C. Balloon Signs, except as expressly permitted by this Article.
- D. Banner Signs, except as expressly permitted by this Article.
- E. Bench Signs.
- F. Feather Flag Signs, except as expressly permitted by this Article.
- G. Festoons.
- H. Human Signs.
- I. Pennants.
- J. Portable Signs, except as expressly permitted by this Article.
- K. Roof Signs.
- L. Rotating Signs.
- M. Signs imitating or resembling official traffic or Government Signs or signals.
- N. Temporary On-Premises Event Sign, except as expressly permitted by this Article.
- O. Vehicle Signs not used during the normal course of business which are parked or located for the primary purpose of displaying the advertising Copy.

55.60 REQUIRED SIGN SETBACKS FOR ALL ZONING DISTRICTS

No Sign may be located within the public right-of-way, or 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. A Sign shall not project into the public right-of-way of any adjacent Street. Signs projecting over public property shall be at least eleven feet (11') above the Finished Grade. Sign Setbacks (for all Signs and Structures supporting Signs) shall be as follows:

- A. Residential Development Signs, Building Identification Sign, and Subdivision Identification Sign may only be placed in boulevard median strips if approved by the Road Commission of Kalamazoo County and/or the Township as part of an approved Site Plan.

- B. Signs with a height greater than four (4) feet shall be setback a minimum of ten feet (10') from any public right-of-way line and the greater of ten feet (10'), or the height of the Sign, from all other Property Lines, except as follows:
1. Temporary Off-Premises Directional Sign, Real Estate Sign and Temporary Off-Premises Event Signs may be located adjacent to a property line out of the right-of-way.
 2. Subdivision Identification Signs shall be located a minimum of twenty-five feet (25') from the pavement of the adjacent roadway(s) and no closer than five feet (5') from any Lot line(s). When located in agricultural and/or residential use districts, Subdivision Identification Signs may be located at the front property line but no closer than five feet (5') to any other property line(s).
 3. Signs lawfully existing as of January 1, 2000 on Parcels, Lots or Building Sites with frontage on West Main Street between US-131 and Drake Road may remain as located.
 4. Seasonal Agricultural Signs may be located adjacent to the lot line and within the right-of-way so long as they do not interfere with the clear vision area for traffic.
- C. Properties in commercial use districts permitted to have more than one Ground Mounted Signs (pursuant to Section 55.80), must maintain a distance not less than feet one hundred and fifty (150').between such Ground Mounted Sign(s)
- D. Wall Signs shall measure their height from the first-floor elevation of the building, and may not extend beyond the windowsills of the floor above, or the top of the wall, to which it is attached. Wall Signs shall not project beyond the ends of the wall to which it is attached.

55.70 AGRICULTURAL AND RESIDENTIAL USE DISTRICTS

- A. In all agricultural and residential use districts, the requirements of Schedule A shall govern the use, Sign Area, type, height, and number of Signs permitted, in addition to the requirements elsewhere in this Ordinance. See table "Schedule A – Agricultural and Residential Use Districts" as more fully set forth in the ordinance.
- B. All Agricultural and Residential use districts shall also be permitted Temporary Signs in accordance with the provisions of Section 55.100 of this Article.

55.80 COMMERCIAL AND OFFICE USE DISTRICTS

- A. In all commercial and office use districts the requirements of Schedule B shall govern Sign use, Sign Area, type, height, and numbers of Signs permitted, in addition to requirements elsewhere in this Ordinance. See table "Schedule B – Commercial Use Districts" as more fully set forth in the ordinance.
- B. All commercial use districts shall also be permitted the following:
1. One (1) Directory Sign per building, not to exceed twenty square feet (20sq.ft.) in total Sign Area.
 2. Directional Signs up to two square feet (2 sq.ft.) in Sign Area and four feet (4') in height. Each Lot, Building Site, Parcel, Commercial Center, or development shall not have more than one (1) On-Premises Directional Sign per street entrance.
 3. Temporary Signs in accordance with the provisions of Section 55.100 of this Article.

55.80 INDUSTRIAL LAND USE DISTRICTS

- A. In all industrial use districts the requirements of Schedule C shall govern Sign use, Sign Area, type, height, and numbers of Signs permitted, in addition to requirements elsewhere in this Ordinance. See table “Schedule C – Industrial Use Districts” as more fully set forth in the ordinance.
- B. All industrial use districts shall also be permitted the following:
 - 1. One (1) On-Premises Directory Sign per Building, not to exceed twenty square feet (20 sq.ft.) in total Sign Area.
 - 2. Directional Signs up to two square feet (2 sq.ft.) in Sign Area and a height of four feet (4’). Each Lot, Building Site, Parcel, or development shall not have more than one (1) Directional Sign per Street entrance.
 - 3. Temporary Signs in accordance with the provisions of Section 55.100 of this Article.

55.100 TEMPORARY SIGNS

Throughout the Township, the requirements of Schedule D shall govern the use, Sign Area, type, height, and number of Temporary Signs, in addition to the requirements elsewhere in this Ordinance. See table “Schedule D – Temporary Signs” as more fully set forth in the ordinance.

55.110 PERMANENT OFF-PREMISES SIGNS- BILLBOARDS

Due to size and spacing requirements of this section of the Ordinance, most if not all Billboards in the Township are nonconforming, and no additional Billboards can be constructed beyond the eleven (11) currently located in the Township without additional changes to the Ordinance.

- A. Billboards may be located on a Lot, Building Site, or Parcel within an area one hundred and fifty feet (150’) in width on either side of the right-of-way of U.S. Highway 131 zoned "C", Local Business District or lower. Such Billboard(s) shall meet all other the Building and Setback requirements of this Article for Signs except for, and in addition to, the following requirements:
 - 1. No more than one (1) Billboard may be located per linear mile of highway; the linear mile includes Billboards located on a different side of the subject highway, or in another jurisdiction, and shall be based only on distance from a Billboard to ny other Billboard. No Billboard shall be located within seven hundred and fifty feet (750’) of a residential zone and/or an existing residence.
 - 2. The total SignArea of any Billboard facing one direction shall not exceed three hundred square feet (300 sq.ft.) and a height of twenty feet (20’).
 - 3. Billboards may be illuminated, however, the lighting fixtures used to illuminate a Billboard shall be mounted on the top of the Structure and directed down so that no light rays are emitted by the installed fixture at angles above the Billboard's highest horizontal plane or onto any adjacent lot, building, site, or parcel.
 - 4. In no event shall any Billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
 - 5. All Billboards, and all appurtenances thereto, shall be kept in good repair and in a proper state of preservation with all display surfaces neatly painted or posted at all times.
 - 6. All Billboards shall be oriented with the longest side parallel to the ground.
 - 7. Doubled-stacked Billboards are prohibited.

B. Electronic Billboards. It is recognized that Billboards with changeable or continuous, dynamic content are more distracting and less comprehensible than static images as they require more attention for longer periods of time to comprehend the intended message. Studies show that there is a direct correlation between dynamic, electronic displays on Billboards and the distraction of drivers, which can lead to traffic accidents. Drivers can be distracted by a changing message, by waiting for the next change to occur on a Sign, and by messages that do not tell the full story in one look.

Drivers are more distracted by special effects used to change the message of a billboard, by messages on a sign that are too small to be clearly seen, or that contain more than a simple easily read message. Despite these public safety concerns, there is merit to allowing new technologies to easily update messages on Billboards. Except as prohibited by state or federal law, Billboard owners should have the opportunity to use these technologies with certain, reasonable restrictions. The restrictions are intended to minimize potential driver distraction and to minimize proliferation near residential areas where Billboards with dynamic, electronic displays can adversely impact residential character.

It is also recognized that Billboards do not need to serve the same way-finding function as do On-Premises Signs. Further, Billboards are allowed only within certain zoning districts. Billboards are in themselves distracting and their removal serves public safety. A single Electronic Billboard can serve the function otherwise performed by multiple traditional Billboards. Thus, Billboard owners ought to be encouraged to use Electronic Billboard to consolidate such activities in appropriate locations while removing traditional Billboards that currently do not conform to ordinance standards.

The standards within this section are therefore intended to provide incentives for the voluntary and uncompensated removal of Billboards in certain settings. Their removal results in an overall advancement of one or more of the goals set forth in this chapter that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate Billboards that would otherwise remain distributed throughout the Township.

Electronic displays should therefore be allowed on Billboards but with significant and reasonable controls to minimize their proliferation and potential threats to public safety.

1. Display Regulations. An Electronic Billboard shall not contain any visible moving parts, revolving parts, or mechanical movement of any description or other apparent visible movement except for electronic displays subject to the following requirements and standards as more fully set forth in the ordinance.

2. Brightness.

The maximum brightness levels for Electronic Billboards shall not exceed three tenths (0.3) foot-candles over ambient light levels measured within one hundred and fifty feet (150') of the source, consistent with the terms of this Section. The measurement shall be taken at ground level perpendicular to the surface of the screen. Certification must be provided to the Township demonstrating that the Sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the Township, in its reasonable discretion, and it shall be the responsibility of the Electronic Billboard owner to ensure that the specified brightness levels are maintained at all times.

Brightness of Electronic Billboard shall be measured as more fully set forth in the ordinance.

C. Incentives for Billboard Removal. Billboards do not need to serve the same wayfinding function as do On-Premises signs. Further, due to size and spacing requirements of this section of the Ordinance, most if not all Billboards in the Township are nonconforming, and no additional Billboards can be constructed beyond the eleven (11) currently located in the Township without additional changes to the Ordinance. Finally, Billboards are in themselves distracting and their removal serves public safety. The Township is extremely limited in its ability to cause the removal of these signs. This clause is intended to provide incentives for the voluntary and uncompensated removal of Billboards in certain settings. This removal results in an overall advancement of one or more goals set forth in this section, including reducing the degree of nonconformity, that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate outdoor advertising services that would otherwise remain distributed throughout the Township.

A person may obtain a Sign Permit from the Township to replace an existing nonconforming Billboard with an Electronic Billboard in the same location, at the same or reduced height and at the same or reduced Sign Area. Otherwise, such Electronic Billboards would be required to conform to all of the standards of this Section as a new Sign. Sign Permits may be issued if the requirements, as more fully set forth in the ordinance, are satisfied.

55.120 PERMITS REQUIRED AND CONDITIONS

Unless otherwise provided by this Article, all Signs shall require permits and payment of permit fees (including face changes for Signs). No Sign otherwise permitted under this Article 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 already permitted and otherwise permissible under this Article.

A permit issued pursuant to this Section becomes null and void if work is not commenced within one hundred and eighty (180) days of issuance. If work authorized by the permit is suspended or abandoned for more than one hundred and eighty (180) days, the permit must be renewed with an additional payment of one-half (1/2) of the original permitting fee (as provided by the current fee schedule adopted by resolution of the Township Board and on file at the Township Hall).

55.130 SIGNS NOT REQUIRING PERMITS

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

- A. Directional Signs of two square feet (2 sq.ft.) or less.
- B. Non-Commercial Signs subject only to placement restrictions; such Non-Commercial Signs shall not exceed sixteen feet (16 sq.ft.) and a maximum height of five feet (5') Natural Grade. Non-Commercial Signs shall only be placed on private property with the property owner's permission. Government Signs, notices, or any Sign relating to an emergency.
- C. Temporary Off-Premises Directional Signs.
- D. **Temporary On-Premises Signs** equal to or less than three square feet (3 sq. ft.)
- E. Incidental Signs, provided such Signs do not occupy more than six square feet (6 sq.ft.) of Sign Area.

- F. Temporary Off-Premises Signs as permitted under Section 55.100 of this Article.
- G. Seasonal decorations are not considered Signs for the purposes of this Ordinance.

55.140 MAINTENANCE

All Signs shall be properly maintained. Exposed surfaces shall be clean and painted (if paint is required), and all Copy shall be legible; defective, or damaged, parts shall be replaced.

55.150 LIGHTING

Unless otherwise specified by this Section, all Signs may be Illuminated Signs.

- A. No Sign regulated by this Section may utilize:
 - 1. An exposed incandescent lamp¹ with an external reflector and without a screen or comparable diffusion device.
 - 2. Any exposed incandescent lamp¹ in excess of one hundred and sixty watts (160w) unless a screen or shield is installed so that no light rays are emitted by the installed fixture beyond the Advertising Display Area.
 - 3. Any revolving beacon light.
 - 4. Lights that could be confused with, or construed as, traffic control devices.
 - 5. Direct or reflected light that could create a traffic hazard to operators of motor vehicles.
- B. Metal halide lighting, fluorescent lighting and quartz lighting may be used for outdoor advertising signs but shall be installed in enclosed luminaries.
- C. Glass tubes filled with neon, argon or krypton may be used provided they do not flash intermittently or create a visual effect of movement.
- D. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the Sign whenever practical or mounted so that no light rays are emitted by the installed fixture at angles above the Sign's highest horizontal plane or in any event beyond the Advertising Display Area.
- E. Unless the premises is open for business, lighting fixtures on, or in, Signs, (with the exception of time and temperature displays), shall not be operated (i.e., turned on) from 9 p.m. to sunrise when light from said sign can shine into any window of a residence within five hundred feet (500') or from midnight (12 a.m.) to sunrise when the Lot, Building Site, or Parcel upon which it is located abuts a residential zoning district.
- F. No Sign may be illuminated by flashing, rotating, oscillating or intermittent lighting.
- G. Electronically Changeable Copy Signs (with the exception of Electronic Billboards as provided in this Article), may change message no more than once every six (6) seconds and shall not use transitions that Dissolve, Fade, Flash, and/or Scroll.
- H. Signs utilizing electronically Changeable Copy Sign s may not be so bright as to be objectionable or inappropriate for the surroundings.
- I. Up to thirty-five percent (35%) of the permitted Sign Area of an allowable Sign may be dedicated to Changeable Copy Sign or to electronically display the current time and/or temperature. This percentage shall be increased to fifty percent (50%) for filling stations solely for the purpose of displaying fuel prices within the additional Sign Area provided. This limit shall not apply to Electronic Billboards.

- J. Lighting requirements for Billboards and Electronic Billboards are addressed in Section 55.110.
1. For the purpose of this Section, quartz lamps shall not be considered an incandescent light source.

55.160 LANDSCAPING

The base treatment for, Permanent Signs that are freestanding shall be landscaped and maintained and may be placed in stone, masonry, treated wood bases, containers, or in the ground.

You are invited to attend this public hearing. If you are unable to attend, written comments may be submitted in lieu of a personal appearance by writing to: Planning Commission, 7275 W. Main Street, Kalamazoo, MI 49009, up to the date of the hearing and may be received by the Planning Commission at the hearing. All materials relating to these requests may be examined at Oshtemo Township Hall during normal business hours.

Oshtemo Charter Township will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the hearing, to individuals with disabilities. Individuals with disabilities requiring auxiliary aids should contact the Township by phone, or in writing, at least seven (7) days prior to the scheduled public hearing date.

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

By: James W. Porter, Township Attorney
(269) 375-7195