

Editorial note: this document is prepared in "legislative format": existing text proposed to be deleted is shown lined-through; proposed new text is shown in bold type.

CITY OF HASTINGS & CHARTER TOWNSHIP OF RUTLAND

BARRY COUNTY, STATE OF MICHIGAN

RUTLAND CHARTER TOWNSHIP ORDINANCE NO. 2019-172

ADOPTED BY TOWNSHIP BOARD: _____

EFFECTIVE DATE: _____ (or as otherwise provided by law)

CITY OF HASTINGS ORDINANCE NO. _____

ADOPTED BY CITY COUNCIL: _____

EFFECTIVE DATE: _____ (or as otherwise provided by law)

**JOINT ORDINANCE TO AMEND HASTINGS-RUTLAND JOINT PLANNING
COMMISSION ZONING ORDINANCE**

An Ordinance to amend Sections 13.02 and 13.06 of the Zoning Ordinance of the Hastings-Rutland Joint Planning Commission (Rutland Charter Township Ordinance No. 2016-156, as amended/City of Hastings Ordinance No. 532, as amended) pertaining to signage.

THE CITY OF HASTINGS & THE CHARTER TOWNSHIP OF RUTLAND

BARRY COUNTY, MICHIGAN

ORDAIN:

SECTION 1

**AMENDMENT OF SECTION 13.02 PERTAINING TO DEFINITIONS OF TERMS USED
IN CHAPTER 13 (SIGNS)**

Section 13.02 of the Zoning Ordinance of the Hastings-Rutland Joint Planning Commission, pertaining to definitions of terms used in Chapter 13 (Signs), is proposed to be amended to revise the existing definition of "electronic message board" to read as follows:

"ELECTRONIC MESSAGE BOARD - A sign or sign structure that uses electronic means to display with a fixed or changing display/message composed of a series of lights or series of messages that may be changed through by electronic means."

SECTION 2

AMENDMENT OF SECTION 13.02 PERTAINING TO DEFINITIONS OF TERMS USED IN CHAPTER 13 (SIGNS)

Section 13.02 of the Zoning Ordinance of the Hastings-Rutland Joint Planning Commission, pertaining to definitions of terms used in Chapter 13 (Signs), is proposed to be amended to add the following new defined terms reading as follows:

“ILLUMINATION (OR ILLUMINATED) - The lighting of the surface of a sign so as to allow the sign to be seen and read by one or more exterior beams of light. This term is not intended to apply to a type of sign where the sign message is itself internally illuminated, such as an electronic message board type of sign.”

“VISIBLE - A sign message that is capable of being seen by an individual of normal visual acuity when traveling in a motor vehicle, where the context of the usage of the term applies to sight from a roadway; or a sign message that is capable of being seen by an individual of normal visual acuity when standing on premises, when the context of the usage of the term applies to sight from a stationary position.”

SECTION 3

AMENDMENT OF SECTION 13.06 PERTAINING TO STANDARDS AND REQUIREMENTS APPLICABLE TO OTHERWISE PERMISSIBLE TYPES OF SIGNS

Section 13.06 of the Zoning Ordinance of the Hastings-Rutland Joint Planning Commission, pertaining to general standards and requirements applicable to otherwise permissible types of signs, is proposed to be amended to revise subsections B and C of same to read as follows:

- “B. Setbacks/location. All signs shall be setback at least 10 feet from all lot lines and any public street or private road right-of-way; and shall otherwise not be located so as to obstruct the clear-sight area, or otherwise prevent the driver of a motor vehicle from having a clear and unobstructed view of approaching, intersecting, and merging traffic.**
- C. Illumination. Where signage is otherwise allowed to be illuminated, the illumination:**
- 1. shall not be flashing;; and**
 - 2. shall be arranged so that light is deflected away from adjacent properties and so no direct source of light is visible to any driver or pedestrian located in a public street or private road right-of-way or from any premises in a residential district or used for residential purposes.;**

3. shall not be so illuminated that it obscures or interferes with the effectiveness of an official traffic sign, device, or signal.

In addition, all exterior lighting of signs shall be downward facing.”

SECTION 4

AMENDMENT OF SECTION 13.06.H PERTAINING TO DESIGN STANDARDS AND USE LIMITATIONS FOR ELECTRONIC MESSAGE BOARDS

Section 13.06.H of the Zoning Ordinance of the Hastings-Rutland Joint Planning Commission, pertaining to the design standards and use limitations for electronic message boards, where otherwise permissible in the MU District, only, is proposed to be amended to add new subsections 4 and 5 thereto reading as follows:

- “4. An electronic message board shall not be located within 500 feet of any street intersection controlled by a traffic signal light. The Zoning Administrator may reduce this intersection setback distance to not less than 300 feet where the sign permit applicant requests such reduction, and presents evidence upon which the Zoning Administrator can rely to reasonably determine a reduced setback distance from the specific intersection at issue will not adversely affect public safety due to the configuration of the specific intersection and the proposed orientation of the billboard relative to the intersection in such a manner as to minimize the visibility of the electronic message board from the intersection, or due to other conditions specific to that intersection sufficient to avoid the unsafe distraction of drivers at or approaching that intersection by the periodic changing of messages on the electronic message board. The Zoning Administrator shall consult with the Barry County Road Commission and/or Michigan Department of Transportation, as applicable, before making any determination on a reduced intersection setback request pursuant to this provision.
4. An electronic message board shall not be located within 500 feet of any residential dwelling. The Zoning Administrator may reduce this dwelling setback distance to not less than 300 feet where the sign permit applicant requests such reduction, and presents evidence upon which the Zoning Administrator can reasonably rely to determine a reduced setback distance from the specific dwelling at issue will not adversely affect the health and welfare of occupants of the dwelling due to the location of the specific dwelling and the proposed orientation of the billboard relative to the dwelling in such a manner as to minimize the visibility of the electronic message board from the dwelling, or due to other conditions specific to that electronic message board and/or dwelling sufficient to avoid unreasonable detriment to occupants of the dwelling by the periodic changing of messages on the electronic message board.”

SECTION 5

EFFECTIVE DATE/REPEAL

This Ordinance shall take effect on the latter of: (1) 15 days after enactment by both the City and Township, or (2) the eighth day after publication of a notice of adoption of this Ordinance as required by law; provided, however, if a notice of intent to file a petition under *MCL 125.3402* is timely filed with respect to this Ordinance and/or if the right of referendum under applicable provisions of the charter of the City of Hastings is timely initiated, this Ordinance shall then only take effect as provided by applicable provisions of *MCL 125.3402* and/or the City charter, or as otherwise provided by law.

Robin Hawthorne, Clerk
Charter Township of Rutland

Jane Saurman, Clerk
City of Hastings

PROPOSED