

**CITY OF CEDAR SPRINGS
KENT COUNTY, MICHIGAN**

ORDINANCE NO. 250

**AN ORDINANCE TO AMEND ARTICLE VII “SIGNS” OF CHAPTER 32
“ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF
CEDAR SPRINGS.**

Councilmember **Powell**, supported by Councilmember **Race**, moved the adoption of the following ordinance:

THE CITY OF CEDAR SPRINGS ORDAINS:

Section 1. Amendment of Article VII. Article VII “Signs” of Chapter 32, “Zoning,” of the Code of Ordinances of the City of Cedar Springs is amended to read in its entirety as follows:

ARTICLE VII. SIGNS

Sec. 32-650. Purpose and intent.

- (a) The purpose of this article is to permit and regulate signs within the city so as to protect public safety, health and welfare; minimize abundance, nature, type and size of signs to reduce visual clutter, motorist distraction, confusion, and loss of sight distance; promote public convenience; preserve property values; support and complement land use objectives as set forth in this chapter and the city's master plan ; and enhance the aesthetic appearance and quality of life within the city. The standards contained herein are intended to be content neutral.
- (b) These objectives are furthered by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the city so as to:
 - (1) Protect the public right to receive messages, including noncommercial messages, such as religious, political, economic, social and other types of information protected by the First Amendment of the U.S. Constitution.
 - (2) Recognize that the proliferation of signs (as well as the existence of certain types of signs) can be unduly distracting to motorists and nonmotorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates the potential for accidents.

- (3) Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
 - (4) Reduce visual pollution and physical obstructions caused by a proliferation of signs or a magnitude of illumination which would diminish the city's image, property values and quality of life.
 - (5) Recognize that the principal purpose of commercial signs should be for identification of an establishment on the premises, and not for advertising special events, brand names, or off-premises activities given that many alternative channels of advertising communication and media are available for advertising which does not create visual blight and compromise traffic safety.
 - (6) Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.
 - (7) Prevent placement of signs which will conceal or obscure signs of adjacent uses.
 - (8) Prevent off-premises signs from conflicting with other allowed land uses. Maintain and improve the image of the city by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.
 - (9) Prohibit portable commercial signs due to their significant negative impact on traffic safety and aesthetics.
 - (10) Preserve and enhance the image of the city's downtown.
- (c) The regulations and standards of this article are considered to be the minimum necessary to achieve the substantial government interests of public safety, aesthetics, and protection of property values, and are intended to be content-neutral. In other words, the intent of the city is to regulate the size, location and type of a sign rather than its content.

(Code 2009, § 40-540; Ord. No. 201 , § 1, 2-8-2018)

Sec. 32-651. Sign definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Awning or canopy sign means a nonrigid fabric marquee or awning-type structure which is attached to the building by supporting framework. See *Wall sign*.

Banner sign means a temporary sign constructed of canvas, paper, cloth, nylon or other similar non-rigid fabric-like material without an enclosing structural framework which is not permanently affixed to a supporting structure.

Box sign means an internally illuminated sign with a solid frame to which plastic, metal or similar sign panels are attached.

Commercial establishment means business operating independent of any other business located in a freestanding 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; 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.

Digital sign means sign or portion thereof that displays electronic, digital, pictorial, or text information in which alphanumeric characters, graphics, or symbols are defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the display area. Such signs can include computer programmable, microprocessor controlled electronic displays, and video display signs.

Directional sign means a sign used primarily to give information about the location of either the driver of motorized vehicles or possible destinations. Although this is a content-based distinction, these signs are important to prevent public confusion and facilitate collision-free flow of traffic.

Festoon means a chain or garland of flowers, leaves, or ribbons, hung in a curve as a decoration.

Flag sign, permanent, means a sign made of cloth, nylon or other similar non-rigid fabric-like material attached to or hung from a single pole installed in the ground in a permanent fashion.

Flag sign, temporary, also called feather flags or flutter flags, means a sign made of cloth, nylon or other similar non-rigid fabric like material attached to a single pole positioned in the ground in a non-permanent fashion or hung from a building or structure. A banner sign is not a temporary flag sign.

Flashing sign means a sign which contains an intermittent or sequential flashing light source.

Freestanding sign means a sign not attached to a building or wall, supported by one or more poles or braces or resting on the ground or on a foundation resting on the ground.

Government sign means a sign erected, permitted by, or required to be erected by a government agency.

Ground sign means a freestanding sign supported by a base that rests directly on the ground and the top of which is not more than six feet above the ground. The width of the base shall be at least 50 percent of the width of the sign in order to be a ground sign.

Human or animal sign means a sign held by or attached to a human or animal for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service or product. This can also include a person or animal dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service or product.

Identification sign means a sign intended to communicate information about services and facilities. Although this is a content-based distinction, these signs are important to prevent public confusion and facilitate collision-free flow of traffic.

Illegal sign means a sign which does not meet the requirements of this chapter (or this article) and does not have legal nonconforming status.

Mansard roof means a sloped roof or roof-like facade.

Marquee means a permanent roof-like structure or canopy, supported by and extending from the face of the building. A marquee sign is a sign attached to or supported by a marquee structure.

Message means information or data that is presented on a sign.

Mural means a design or representation which is painted or drawn on the exterior surface of a structure.

Nonconforming sign (also called a "legal nonconforming sign") means a sign that does not comply with the size, placement, construction or other standards or regulations of this chapter or article but was lawfully established prior to its adoption. Signs for which the zoning board of appeals has granted a variance are exempt and shall not be defined as nonconforming.

Obsolete sign means a sign that advertises a product that is no longer made or that advertises a business that has closed.

Off premise sign means a sign advertising services, products, activities, persons, activities or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the sign is located.

Pennant means a flag or cloth that tapers to a point.

Permanent Sign means a sign installed on a support structure, not intended to be moved or removed, but to remain for an indefinite period of time.

Pole sign means a freestanding sign supported by a structure, or poles, or braces less than 50 percent of the width of the sign and located more than six feet above the ground.

Portable sign means a type of temporary sign typically containing manually-changeable copy and that obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character, including signs mounted on a portable structure, including those with wheels. For the purposes of this section, a sandwich board sign is not considered a portable sign

Projecting sign means a sign, other than a wall sign, that is affixed to any building or wall and whose leading edge extends more than 12 inches beyond such building or wall.

Roof sign means any sign that extends above the roofline or is erected over the surface of the roof.

Sandwich board sign, also known as a poster panel or "A" frame sign, means a moveable nonpermanent sign placed within the pedestrian public right-of-way of a public sidewalk during regular business hours consisting of an "A" frame or "inverted T" frame or other temporary style, with not more than two flat surfaces containing messages, and not permanently affixed to any structure or to the sidewalk itself.

Sign means any device, structure, fixture, figure, symbol, banner, pennant, flag, balloon, logo, or placard consisting of written copy, symbols, logos or graphics, designed for the purpose of conveying, bringing attention to, identifying or advertising an establishment, product, goods, services, or other message to the general public. Unless otherwise indicated, the term "sign" includes interior and exterior signs which are visible from any public street, sidewalk, alley, park, or public property, but not signs which are primarily visible to and directed only at persons within the premises upon which the sign is located.

Streamers means a long, narrow strip of material used as a decoration or symbol.

Temporary sign means a sign not permanently attached to the ground, a structure, or a building and intended for a limited period of display.

Traffic warning sign means sign that indicates a hazard ahead on a road that may not be readily apparent to a driver, bicyclist, or pedestrian. Although this is a content-based distinction, these signs are important to prevent public confusion and facilitate collision-free flow of traffic.

Vehicle business sign means signs on or affixed to a parked or displayed vehicle, truck trailer, trailer or similar item which is being used principally (temporarily or long term) for advertising purposes, rather than for transportation purposes.

Wall sign means a sign attached parallel to and extending not more than 12 inches from the wall of a building. Painted signs, signs which consist of individual letters, cabinet signs, and signs mounted on the face of a mansard roof shall be considered wall signs. Signs mounted on the face of a mansard roof shall be considered wall signs.

Window sign means a sign located inside of a window or on the inside of a window which is intended to be viewed from the outside.

Sec. 32-652. Prohibited signs.

- (a) A sign not expressly permitted by this article is prohibited. The following types of signs are expressly prohibited:
- (1) Signs which obstruct free access or egress to or from any building (including those that obstruct any fire escape, required exit way, window, or door opening or that prevent free access to the roof by firefighters) or to, on or along any road, driveway, sidewalk or alley.
 - (2) Signs having moving members or parts, excluding barbershop poles and digital signs, and signs containing any flashing, blinking, scrolling, alternating, sequentially lighted, animated, rolling, shimmering, sparkling, bursting, dissolving, twinkling, fade-in/fade-out, oscillating, videos, moving text or images, or simulated movement of text or images.
 - (3) Inflatable signs.
 - (4) Signs which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals, or any nongovernment sign that uses of the terms "stop," "look," "danger," or any other words, phrases, symbols, or characters that interferes with, misleads, or confuses drivers. In addition, there shall be no flashing, oscillating or intermittent, or red, yellow, or green illumination on any sign located in the same line of vision as a traffic control system, nor shall any sign interfere with vision clearance along any highway, street, or road or at any intersection of two or more streets.
 - (5) Signs, which obstruct or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area.
 - (6) Roof signs.
 - (7) Portable signs and flag signs.
 - (8) Illegal signs.
 - (9) Obsolete signs and any sign or sign structure which:

- a. Is structurally unsafe;
 - b. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;
 - c. Is capable of causing electric shock to persons who come in contact with it; or
 - d. Is not kept in good repair, such that it has broken parts, missing letters, or nonoperational lights.
- (10) Flashing or strobe signs.
 - (11) Human or animal signs.
 - (12) Abandoned signs.
 - (13) Vehicle business signs.
 - (14) Off premise signs.

Sec. 32-653. Exempt signs

- (a) The following signs shall not require a permit from the city provided such signs comply with the requirements of section 32-654 and all other applicable requirements of this article:
 - (1) Signs four square feet or less in area, subject to the following requirements:
 - a. The total number of freestanding signs shall not exceed one sign for every 33 feet of lineal road frontage per parcel.
 - b. Any freestanding sign shall not exceed a height of four feet.
 - c. Freestanding signs located within the required front yard shall be at least ten feet apart.
 - (2) Directional, identification, or traffic warning signs provided the size of each sign does not exceed four square feet and three feet in height and each sign is located at least five feet from any lot line.
 - (3) Flags of any nation, state, city, township, government, government authorized agency, or educational institution.
 - (4) Temporary signs meeting the requirements of section 32-657.
 - (5) Signs erected for ordering or viewing drive-through window services or products when adjacent to a drive-through lane.
 - (6) Interior signs, including any sign located completely within an enclosed building, and not visible from outside the building or which is primarily directed at persons within the premises upon which the sign is located.
 - (7) Murals or painted wall signs in the B-2 district, related to the theme of the business, when painted on the side or rear exterior surfaces of a building, provided that the mural does not have raised borders, raised letters, raised characters, decorations, or lighting appliances:
 - (8) Government signs.

Sec. 32-654. Requirements for all signs.

- (a) No sign shall be allowed in a public right-of-way or public easement except as may be allowed elsewhere in this article, unless prior city council approval is obtained under section 24-2(b).
- (b) Side and rear yard setbacks for signs shall be the same as that required for the main structure or building.
- (c) Clear vision area. In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, a minimum clear vision area shall be maintained between a height of two feet and six feet above ground within a triangular area measured 25 feet back from intersection of public right-of-way lines.
- (d) Design and construction. Signs shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein. Signs shall not be constructed from materials that are remnants, manufactured for a different purpose, or inappropriate for the proposed longevity of the sign.
- (e) Illumination.
 - (1) Signs may be illuminated, but only by steady, stationary, shielded light sources directed solely at the sign or internal to it.
 - (2) Use of glaring undiffused lights, including bare bulbs, strobes, or flames, is prohibited.
 - (3) Lighting shall be shielded or pointed downward so as not to project onto adjoining properties or thoroughfares.
 - (4) Underground wiring shall be required for all illuminated signs not attached to a building.
 - (5) A window sign may consist of illuminated letters, including neon and similar lights.
- (f) Maintenance and construction.
 - (1) Every sign shall be constructed and maintained at all times in a manner consistent with the state construction code provisions and in reasonable repair and good structural condition at all times. At all times, all signs shall be kept neatly painted, stained, sealed or preserved, including all metal, wood or other materials used for parts and supports.
 - (2) All signs erected, constructed, reconstructed, altered or moved shall be constructed in such a manner and of such materials so that they shall be able to withstand wind pressure of at least 20 pounds per square foot or 75 miles per hour.
 - (3) All signs, including any cables, guy wires, or supports, shall have a minimum clearance of four feet from any electric fixture, street light, or other public utility pole or standard.
 - (4) A light pole, utility pole, or other support structure not specifically designed as sign support structure, shall not be used for the placement of any sign unless specifically approved for such use.
 - (5) A wall sign shall not extend beyond the edge of the wall to which it is affixed or extend above the roof line of a building.

- (6) A sign and its supporting mechanism shall not extend beyond the lot lines of the property on which it is located.
- (g) To assist emergency personnel, all on-site signs identifying a building or specific use shall display the address number of the property. The address number shall be displayed in a block text at least 4 inches in height and in an easily visible color.

Sec. 32-655. Sign measurement and area.

- (a) The following shall apply to the measurement of signs:
 - (1) The allowable area for signs shall be measured by calculating the square footage of the sign face and any frame or base of other material or color forming an integral part of the display or used to differentiate it from the background against which it is placed as measured by enclosing the most protruding points or edges of a sign within a rectangle.
 - (2) When a sign has two or more faces, the area of all faces shall be included in calculating the area of the sign, except that where two such faces are placed back to back, only the larger face shall be considered (or if both faces are of the same size, only one face shall be considered), provided that both faces are part of the same structure and are separated by no more than two feet.
 - (3) For the purposes of calculating sign area allowed as a wall sign, the wall sign square footage shall be determined by measuring a rectangle that includes the portion of the wall which contains a message, symbol or logo.
 - (4) When a sign consists solely of lettering or other sign elements printed, painted or mounted on a wall of a building without any distinguishing border, panel or background, the calculation for sign area shall be measured by enclosing the most protruding edges of the sign elements within a rectangle.
 - (5) Sign area within circle, triangle or parallelogram. The entire area within a circle, triangle or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed unless utilized as part of the total display area.
 - (6) Sign height.
 - a. 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.
 - b. Sign height shall not be measured from an area of the ground that has been built up or constructed in a manner that would have the effect of allowing a higher sign height than permitted by these regulations (e.g., the height of signs erected on a berm shall be measured from the finished grade adjacent to the berm).

Sec. 32-656. Digital sign requirements.

- (a) Digital signs are permitted as follows:

- (1) In the B-1, B-3, and I-1 districts, only as part of a ground sign;
 - (2) In the HC district as either a ground sign or as a pole sign;
 - (3) In the mixed-use district, only as part of a ground sign and only for nonresidential uses;
 - (4) In the RR, R-1, R-2, R-3, and R-4 districts by the granting of a special land use permit in accordance with the requirements of Article VIII of this chapter as applicable.
- (b) Digital signs shall comply with the following regulations:
- (1) A digital sign shall not consist of more than 75 percent of the allowable sign area, except for signs which are 24 square feet or less in area, in which case up to 100% of the sign area may be digital.
 - (2) A digital sign shall not exceed a maximum illumination of 3,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 325 nits (candelas per square meter) between dusk to dawn as measured at the sign's face at maximum brightness. A digital sign shall use automatic day/night dimming software to reduce the illumination intensity of the sign at night. In no case shall the sign be of such intensity or brilliance as to impair the vision of or distract a driver or interfere with the effectiveness of an official traffic device, in the opinion of the zoning administrator.
 - (3) The interval of change between each individual message shall be at least ten seconds and a change of message must be accomplished within one second or less.
 - (4) Prior to the issuance of a sign permit for a digital sign, the applicant shall provide to the zoning administrator certification from the manufacturer of the sign that the illumination settings for the sign comply with the maximum illumination requirements of this section.
 - (5) Any voids or burned-out bulb in an electronic display shall be replaced within seven days and any malfunctioning signs must be turned off until repaired.
 - (6) A digital sign shall not have a white background in order to reduce glare.
 - (7) A digital is allowed as a window sign and shall comply with the requirements for electronic reader boards as set forth in this article. Any flashing or strobe type lights within a building or structure which are visible from the exterior of the building or structure are prohibited.
 - (8) A digital sign legally in existence upon the effective date of this article shall be required to comply with the illumination requirements of this article and the requirements of section 32-655 regarding flashing, movement, scrolling and other methods of message display within 60 days from the effective date of the ordinance codified in this article.
 - (9) All digital signs shall be placed and lit in such a way to minimize impact on residential homes.

(Code 2009, § 40-546; Ord. No. 201 , § 1, 2-8-2018)

Sec. 32-657. Temporary signs.

- (a) A temporary sign meeting these requirements shall require a permit.

- (1) A temporary sign placed in connection with a temporary event may be installed concurrent with the event or occurrence and shall be removed upon the end of the event or occurrence. A temporary sign shall not be placed for more than 60 consecutive days at a time and not more than 120 days per calendar year.
- (2) The size and number of temporary signs allowed shall be as specified within each zoning district as provided in sections 32-658 through 32-660.
- (3) Location of temporary signs shall comply with the following:
 - a. Temporary signs shall not be attached to any utility pole, tree, fence, or be located within any public road right-of-way.
 - b. Temporary signs shall not be located on any public property without permission granted by the city council or city manager.
 - c. Temporary signs shall not be erected in such a manner that they will interfere with, obstruct, confuse or mislead traffic.
 - d. Temporary signs shall not be placed or constructed so as to create a hazard of any kind.
 - e. Temporary signs shall not be located within any clear vision triangle, as described in section 32-654. A temporary sign shall not be displayed if it is torn, bent, faded, not upright, unreadable, or otherwise unsightly.
- (4) Temporary signs held by a person shall not be displayed in the road right-of-way and shall not hamper the visibility of a driver on or off the site.
- (6) The zoning administrator shall have the discretion to determine when a temporary sign is a permanent sign and subject to the rules for permanent signs.
- (7) All temporary signs must be marked in such a way as to identify the owner of the sign or the party responsible for placement of the sign. Such information must be readily identifiable upon reasonable inspection.
- (8) No sign listed as a prohibited sign in Section 32-652 shall be used as a temporary sign.
- (9) *Sandwich board signs.* Sandwich board or portable A-frame signs are permitted in the B-1, B-2, B-3, MU, and HC districts, subject to the following requirements:
 - a. The sign may be placed within the public right-of-way on a public sidewalk but not within any public street vehicle travel lane. Any sign placed in the public right-of-way must receive written permission from the city council or city manager or their designee.
 - b. The sign may be located outside of the business it serves but shall be located, no more than ten feet from the customer entrance to the business, be a minimum of two feet from the edge of the curb and be located so that at least a five-foot-wide unobstructed walkway is maintained.
 - c. One sign per customer entrance shall be permitted regardless of the number of tenants on the premises.
 - d. The sign may be displayed only during operating business hours.

- e. Each sign shall not exceed an overall height of 60 inches and an overall width of 36 inches.
- f. No sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.
- g. All signs must be constructed of weatherproof, durable material and kept in good repair.
- h. The sandwich board sign shall not be illuminated in any manner.
- i. Sandwich board signs within the public right-of-way may be moved/removed by the city for municipal purposes (i.e., code enforcement, snow removal, traffic issues, maintenance, etc.).
- j. All sandwich board signs must be marked in such a way as to identify the owner of the sign or the party responsible for placement of the sign. Such information must be readily identifiable upon reasonable inspection.

Sec. 32-658. Sign regulations for the RR, R-1, R-2, R-3, and R-4 zoning districts.

The following signs are permitted in the RR, R-1, R-2, R-3, and R-4 zoning districts:

Sign Type	Number Permitted	Max Area	Max Height	Location Requirements	Illumination Permitted
Ground Sign AND	1 per lot	50 sq ft	6 feet	10 feet from front lot line	Yes
Wall Sign AND	1 per lot	50 sq ft	N/A	Must face the street	Yes
Temporary Sign ⁽¹⁾ AND	N/A	6 sq ft per sign 12 sq ft per lot	6 feet	See 32-657	No
Ground Sign (when located at entrance to residential development)	1 per entrance	24 sq ft	6 feet	10 feet from front lot line	Yes

(1) Temporary signs shall comply with the requirements of section 32-657.

Sec. 32-659. Sign regulations for the B-1, B-3, HC, MU, and I-1 zoning districts.

Sign Type	Number Permitted	Maximum Area	Maximum Height	Design and Location Requirements	Illumination Permitted
Ground Sign AND	1 per frontage ⁽¹⁾⁽²⁾	72 square feet	10 feet	10 feet from front lot line, district requirements for side and rear	Yes
Wall Sign OR	1 per wall facing a street or parking lot	10% of wall area or 50 sq ft, whichever is less	May not extend above roofline	N/A	Yes

Awning or canopy sign AND	1 per business	50 square feet	May not extend above roofline	N/A	Yes
Window sign AND	N/A	25% of window area	N/A	N/A	Yes
Temporary sign ⁽⁴⁾⁽⁵⁾ AND	N/A	24 sq ft per sign, 48 sq ft per lot	6 feet	10 feet from front lot line, district requirements for side and rear	Yes, internal only
Pole sign ⁽⁶⁾⁽⁷⁾	1 per parcel	50 sq ft	5 feet taller than the building or 50 ft, whichever is less	Must be monopole design with 10 feet of ground clearance	Yes, internal only

1. Two ground signs may be permitted on a parcel with more than 300 feet of frontage, provided that such signs are at least 100 feet apart.
2. One additional ground sign may be placed at the entrance to an industrial park with a maximum area of 72 square feet and a maximum height of six feet.
3. In the B-1, B-3 HC, and MU districts, sandwich boards are permitted subject to Section 32-657(9)
4. Temporary signs shall comply with the requirements of section 32-657.
5. Pole signs are permitted only the HC district in lieu of a ground sign.
6. Pole signs plans shall be sealed by a professional engineer or architect.

Sec. 32-660. Sign regulations for the B-2 zoning district.

Sign Type	Number Permitted	Maximum Area	Maximum Height	Design and Location Requirements	Illumination Permitted
Wall Sign OR	1 per wall facing a street or parking lot ⁽¹⁾	10% of wall area or 50 sq ft, whichever is less	May not extend above roofline	Box signs are prohibited	Yes
Awning, canopy, or marquee Sign AND	1 per wall facing a street or parking lot ⁽¹⁾	50 sq ft	May not extend above roofline		Yes
Projecting Sign AND	1 per street frontage	10 feet	May not extend above roofline	Shall not project more than 3 feet Minimum ground clearance of 10 feet	No
Window sign AND	N/A	25% of window area	N/A	N/A	Yes
Temporary sign ⁽²⁾	N/A	24 sq ft per sign, 48 sq ft per lot	6 feet	N/A	Yes, internal only

1. For multi-tenant establishments, one wall sign is permitted per establishment

2. In the B-2 district, sandwich boards are permitted subject to Section 32-657(9)

Sec. 32-661. Nonconforming signs.

Nonconforming signs are those signs that do not comply with the size, height, placement, setback, construction or other standards or regulations of this chapter or article but were lawfully established prior to its adoption. Signs for which the zoning board of appeals has granted a variance are exempt and shall not be defined as nonconforming. It is the intent of this section to bring about, in an expeditious and timely manner, the eventual elimination of signs and their supporting structures that are not in conformity with the provisions of this chapter or article. The following provisions apply to nonconforming signs, including the replacement of nonconforming signs with more conforming signs, to encourage a quicker upgrade. A nonconforming sign may be continued and shall be maintained in good condition as described elsewhere in this chapter. The following applies to any modification, change or alteration to a sign:

- (1) A nonconforming sign shall not be structurally altered so as to prolong the life of the sign or to change the shape, size, footprint, type or design of the sign unless the change shall make the sign fully conforming.
- (2) A nonconforming sign shall not be replaced by another nonconforming sign with the exception of pole signs, which can be replaced with a ground or monument sign that is not in compliance with the requirements for ground signs in this article, subject to review and approval by the planning commission.
- (3) If a sign loses its lawful nonconforming designation or status, the sign (and all portions thereof) shall be removed immediately and shall not be repaired, moved, replaced or rebuilt unless it fully complies with all requirements of this chapter and article. A lawful nonconforming sign shall lose its lawful nonconforming designation and status if the zoning administrator determines that any of the following is applicable:
 - a. The sign is relocated, removed, moved, rebuilt or replaced.
 - b. The sign is destroyed. A sign shall be deemed destroyed if any of the following occur:
 1. The sign is torn down or demolished;
 2. The sign is wrecked or ruined;
 3. Such damage had 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
 4. More than 50 percent of the face of the sign has been shattered, or a portion of the sign face touches the ground.
 - c. Even if a sign has not been destroyed, but damage or deterioration has occurred to the point of 50 percent or more, the sign shall be deemed to have lost its lawful nonconforming status.
 - d. 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.
 - e. There is a material change in the use of the premises where the sign is located.

- f. 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 five percent or 5,000 square feet, whichever is less.

If a lawful nonconforming sign suffers 50 percent or more damage or deterioration, it loses its lawful nonconforming status and must be brought into full compliance with this article or be removed. In order to determine whether or not a sign has been damaged or has deterioration of 50 percent or more, the costs of physically repairing the sign shall be compared to the costs of physically replacing the sign. If less than 50 percent damage or deterioration has occurred pursuant to such comparison, the sign may be repaired to its exact original state.

- (4) Signs having a construction design that permits a complete change of the face portion of the sign display area shall not have any faces changed unless the change does not prolong the life of the total sign structure or alter the shape and size of the sign display area.
- (5) A nonconforming sign shall not be reestablished after the activity, business or usage to which it relates has been discontinued for a period of 90 days or longer or becomes dangerous, unsafe, abandoned, and illegally erected signs, as defined in section 32-661.
- (6) Nonconforming and illegal freestanding pole signs that are replaced with conforming, freestanding monument signs within two years of adoption of this article shall be granted an additional 20 percent of sign area above the maximum permitted.

Sec. 32-662. Dangerous, unsafe, abandoned, and illegally erected signs.

- (a) *Dangerous signs.* Any sign constituting an immediate hazard to health or safety shall be deemed a nuisance, per se, and may be immediately removed by the city without notice and the cost thereof charged against the owner of the property on which it was installed. Any such sign is unlawful.
- (b) *Unsafe signs.* Any sign that becomes insecure, in danger of falling, or otherwise unsafe but not considered an immediate danger by the city manager to the health or safety of the public shall be removed or repaired within 30 days after written notice from the city manager.
- (c) *Abandoned signs.* Any sign that advertises a business that has been discontinued for at least 90 days or that advertises a product or service that is no longer offered shall be deemed abandoned. Permanent signs applicable to a business temporarily suspended by a change in ownership or management shall not be deemed abandoned unless the structure remains vacant for at least six months. An abandoned sign shall be removed by the owner or lessee of the premises within ten days after written notice from the city manager.
- (d) *Illegally erected signs.* Any sign erected or displayed illegally in violation of this chapter or article shall be removed or made to comply with this article within ten days after written notice from the city manager.

Sec. 32-663. Permits and application procedures.

- (a) *Required.* Except as expressly provided in section 32-653 relating to signs exempt from permitting, it shall be unlawful for any person to erect, alter, display, relocate, or maintain

any sign or other structure designed to display a message without first obtaining a permit therefor from the city and payment of a fee as required by the city.

- (b) *Application.* Applications for permits to erect, construct, maintain, use, display, alter, convert, or repair a sign shall be made upon forms provided for by the city, and shall contain or have attached thereto the following information:
- (1) Name, address and telephone number of the applicant, property owners, and if applicable, the tenants and occupants;
 - (2) Location of building, structure, or lot to which the sign is to be attached or erected;
 - (3) Position of the sign in relation to nearby buildings, structures, and property lines;
 - (4) Two drawings of the plans and specifications and method of construction and attachment to the building or in the ground;
 - (5) Name and address of the person erecting the structure and any applicable licenses;
 - (6) Any electrical permit required and issued for such sign;
 - (7) Insurance policy or bond as required by this article;
 - (8) Such other information as the city manager may require to show full compliance with this and all other applicable laws of the city and the state;
 - (9) The city manager may require plans be sealed by a licensed architect or engineer; and
- (10) In all applications for entranceway signs, the city manager, or the city manager's designee, shall require that appropriate provisions have been made to ensure continued maintenance of the sign.
- (c) *Ordinary maintenance.* No permit is required for the ordinary servicing or repainting of an existing sign message, the cleaning of a sign, the changing of information on a directory sign, or the changing of advertising on a permitted sign specifically designed for regular change of message without change in structure.

Sec. 32-664. Sign installers; license and insurance.

Every person who engages in the business of erecting, displaying, altering or dismantling signs in the city shall first submit to the city proof of appropriate licenses and a liability insurance policy that indemnifies the city and its prior, present and future officials, representatives and employees from all damage suits or actions of every nature brought or claimed against the erector for injuries or damages to persons or property sustained by any person through any act of omission or negligence of said erector, the erector's servants, agents or employees. Said policy shall contain a clause whereby it cannot be canceled or changed until after written notice has been filed with the city manager at least 30 days prior to the date of cancellation. The city manager shall issue a two-year license for sign installation services after payment of the prescribed fees and deposit.

Sec. 32-665. Administration, enforcement, violations, and penalties.

- (a) *Generally.* The regulations of this article shall be administered and enforced by the city manager or the city manager's designee.

- (b) *Violations.* It shall be unlawful for any person to erect, construct, maintain, use, display, enlarge, alter, convert, repair, or move any sign in the city, or cause or permit the same to be done, contrary to or in violation of any of the provisions, standards and regulations of this chapter or this article. Each act of violation, and on each day upon which any such violation shall occur, shall constitute a separate offense.
- (c) *Public nuisance, per se.* Any sign erected, constructed, maintained, used, displayed, enlarged, altered, converted, repaired, or moved in violation of any of the provisions, standards, and regulations of this chapter or this article, including the failure to remove a sign when directed under the authority of this article or this chapter, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.
- (d) *Municipal civil infraction.* Any person, firm or corporation determined to have violated or been in violation of the provisions, standards or regulations of this article shall be responsible for a municipal civil infraction and subject to the penalties and provisions contained in section 26-93.
- (e) *Other relief.*
 - (1) In addition to the remedies otherwise provided for, the city may remove and dispose of any unlawful sign on public property.
 - (2) In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce or enjoin violation of this chapter or this article.
 - (3) In addition to any remedies provided for in this Code, any equitable or other remedies available may be sought and granted by the city.

Sec. 32-666. Substitution clause; noncommercial message.

Notwithstanding any provision, standard, or regulation in this article to the contrary, a noncommercial message may be substituted, in whole or in part, for any commercial message on any sign allowed pursuant to this article. If a noncommercial message is substituted, the sign must still comply with the provisions, standards, and regulations of this article applicable to the original sign prior to any substitution. The purpose of this provision is to prevent any inadvertent favoring of commercial speech or messages over noncommercial speech or messages.

Secs. 32-667—32-690. Reserved.

Section 2. Repealer. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of any such conflict.

Section 3. Savings Clause. The provisions of this Ordinance are severable. If any part of this Ordinance is declared void or inoperable for any reason by a court of competent jurisdiction,

such declaration does not void any or render inoperable any other part or portion of this Ordinance.

Section 4. Effective Date. This Ordinance is effective upon the expiration of seven days after its publication in the manner required by law.

YES: Councilmembers Gross, Marvel, Powell, Race, Winters, and Atchison

NO: Councilmembers None.

ABSTAIN: Councilmembers None.

ABSENT: Councilmembers Conley.

ORDINANCE DECLARED ADOPTED.

Dated: April 11, 2024

Lisa Atchison
Mayor, City of Cedar Springs

CERTIFICATION

I hereby certify the foregoing to be a true copy of the Ordinance to the Code of Ordinances for the City of Cedar Springs adopted by the City Council for the City of Cedar Springs at the time, date, and place as specified above, pursuant to the required statutory procedures.

Public Hearing: March 5, 2024
First Reading: March 14, 2024
Second Reading: April 11, 2024
Adopted: April 11, 2024
Published: April 25, 2024
Effective: May 2, 2024

Dated: April 11, 2024

Rebecca Johnson
City Clerk