

**CITY COUNCIL
CITY OF CEDAR SPRINGS
Kent County, Michigan**

Councilmember **Ken Benham**, supported by Councilmember **Ashley Bremmer**, moved the adoption of the following ordinance:

ORDINANCE NO. 188

**AN ORDINANCE TO AMEND CHAPTER 40, SIGNS,
OF THE CITY OF CEDAR SPRINGS, MICHIGAN
CODE OF ORDINANCES.**

THE CITY OF CEDAR SPRINGS ORDAINS:

Section 1. Amendment. Chapter 40 of the Code of Ordinances of the City of Cedar Springs, Michigan, is amended to read as follows:

Chapter 40 - SIGNS

- Sec. 40-540 - Purpose and Intent.
- Sec. 40-541 - Sign Definitions.
- Sec. 40-542 - Prohibited Signs.
- Sec. 40-543 - Exemptions to Permitting.
- Sec. 40-544 - General Standards for Permitted Signs.
- Sec. 40-545 - Specific Sign Standards.
- Sec. 40-546 - Additional Sign Standards.
- Sec. 40-547 - Sign Measurement and Area.
- Sec. 40-548 - Nonconforming Signs.
- Sec. 40-549 - Dangerous, Unsafe, Abandoned and Illegally Erected Signs.
- Sec. 40-550 - Permits and Application Procedures.
- Sec. 40-551 - Sign Installers - License and Insurance.
- Sec. 40-552 - Administration, Enforcement, Violations, and Penalties.
- Sec. 40-553 - Appeals and Variances.
- Sec. 40-554 - Substitution Clause – Noncommercial Message
- Sec. 40-555 - Severability Clause

Sec. 40-540. - Purpose and Intent

The purpose of this Chapter 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 the City of Cedar Springs Master Plan and Zoning Ordinance; and enhance the aesthetic appearance and quality of life within the City. The standards contained herein are intended to be content neutral.

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:

- a. 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.
- b. 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.
- c. Prevent signs that are potentially dangerous to the public due to structural deficiencies

or disrepair.

- d. 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.
- e. 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.
- f. Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.
- g. Prevent placement of signs which will conceal or obscure signs of adjacent uses.
- h. Prevent off-premise signs from conflicting with other allowed land uses.
- i. 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.
- j. Prohibit portable commercial signs due to their significant negative impact on traffic safety and aesthetics.
- k. Preserve and enhance the image of the City's downtown.

The regulations and standards of this Chapter 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.

Sec. 40-541. - Sign Definitions

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

Animated Sign: A sign which uses lights, moving parts, or other means to depict movement, motion, action, the impression or appearance thereof, or create an image of a living creature or person. This definition includes signs using video, digital or other similar technology.

Awning or Canopy Sign: A non-rigid fabric marquee or awning-type structure which is attached to the building by supporting framework, which includes a business identification message, symbol and/or logo. See "wall sign."

Billboard: A sign which advertises or designates an establishment, service, merchandise, use, entertainment, activity, produce or message which is not conducted, sold, produced, manufactured or furnished upon the parcel or lot where the sign is located.

Box Sign: An internally-illuminated sign with a solid frame to which plastic, metal or similar sign panels are attached.

Changeable Message Sign: A sign on which the message is changed mechanically, electronically or manually, including time/temperature signs and gasoline price signs.

Construction Sign: A temporary sign identifying the name(s) of project owners, contractors, developers, realtors representing developers, architects, designers, engineers, landscape architects, and financiers of a project being constructed or improved; and not including any advertising of any product or announcement of availability of leasing space.

Device Sign: Permanent signs on vending machines, gas pumps, ice containers and similar items indicating only the contents of such devices.

Digital Sign: A digital sign usually consists of (or has a portion comprised of) a computer or playback device connected to a bright digital screen such as an L.C.D., L.E.D., computer, plasma, or similar display. Such signs can utilize electronic changeable copy.

Directional Sign: An on-premises sign which assists motorists in determining or confirming a correct route such as, enter, exit and parking signs.

Entranceway Sign: A sign which marks the entrance to a subdivision, apartment complex, condominium development, senior housing complexes, manufactured housing communities, office and industrial parks and similar uses.

Flashing Sign: A sign which contains an intermittent or sequential flashing light source.

Ground or Monument Sign: A three dimensional, self supporting, base-mounted freestanding identification sign, consisting of two (2) or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.

Human or Animal Signs: 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.

Illegal Sign: A sign which does not meet the requirements of this Chapter (or this Ordinance) and does not have legal non-conforming status.

Incidental Sign: A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, and signs providing information on credit cards and business affiliations.

Mansard: A sloped roof or roof-like facade. Signs mounted on the face of a mansard roof shall be considered wall signs.

Marquee: 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: A piece of information or data that is presented on a sign.

Moving Sign: A sign in which the sign itself or any portion of the sign moves or revolves. A "rotating sign" is a type of moving sign. This definition does not include "changeable message signs."

Mural or Painted Wall: A design or representation which is painted or drawn on the exterior surface of a structure and which does not advertise a business, product, service, or activity.

Nameplate: A non-electric, on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Noncommercial Message: A message or advertisement that is political, religious or philosophical in nature, is not commercial or business based and which has First Amendment noncommercial speech protection.

Noncommercial Sign: A sign that has or contains only a noncommercial message or messages. A sign identifying a church, nonprofit or similar organization (or a particular location or property) is not a noncommercial sign.

Non-conforming Sign (also called a “Legal Non-conforming Sign”): A sign that does not comply with the size, placement, construction or other standards or regulations of this Chapter or Ordinance, 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 non-conforming.

Obsolete Sign: A sign that advertises a product that is no longer made or that advertises a business that has closed.

Off-Premise Sign: A sign which identifies a use or advertises products or services not available on the site or parcel on which the sign is located; a sign which directs motorists or travelers to a different site or provides a message unrelated to the site on which the sign is located. Off-Premise Sign includes billboards.

Portable Sign: A sign designed to be moved from place to place, whether or not it is permanently attached to the ground or structure. This includes hot-air and gas-filled balloons, pennants, streamers, festoons, ribbons, tinsel, pinwheels, non-government flags, and searchlights and signs mounted on a portable structures including those with wheels.

Projecting Sign: A sign, other than a wall sign, that is affixed to any building or wall and whose leading edge extends more than twelve (12) inches beyond such building or wall.

Pylon or Pole Sign: A sign supported on the ground by a pole or braces, without a monument base, and not attached to any building or other structure.

Real Estate Development Sign: A sign that is designed to promote the sale or rental of lots, homes, or building space in a real estate development (such as a subdivision or shopping center) which is under construction on the parcel on which the sign is located.

Real Estate Open House sign: Temporary signs which advertise and direct the public to an open house for a building which is available for sale or lease, with the event held on a specific day.

Real Estate Sign: An on-premise temporary sign advertising the property or structure's availability for sale or lease.

Regulatory Sign: A sign installed by a government agency to direct traffic flow, regulate traffic operations and provide information in conformance with the Michigan Manual of Uniform Traffic Control Devices.

Roof Sign: 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. 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: Any device, structure, fixture, figure, symbol, banner, pennant, flag, balloon, logo, or placard consisting of written copy, symbols, logos and/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 definition of "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.

Snipe Sign: A snipe sign is a sign made of any material and attached to any object and having no application to the premises where located.

Temporary Sign: A sign not constructed or intended for long-term or permanent use. Examples of temporary signs include signs which announce a coming attraction, a new building under construction, a community or civic event or project, or other special events that occur for a limited period of time such as a garage, yard or estate sale.

Vehicle Business Sign: 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: A sign attached parallel to and extending not more than twelve (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. Permanent signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside, shall also be considered wall signs.

Window Sign: A sign located in or on a window which is intended to be viewed from the outside. Permanent window signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside shall be considered wall signs.

Sec. 40-542. - Prohibited Signs

The following signs are prohibited in all places and zoning districts:

- a. 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.
- b. Moving signs and signs having moving members or parts, excluding barber shop poles.
- c. Animated signs.
- d. Inflatable signs.
- e. Signs which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals. 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 (2) or more streets.
- f. Signs which obstruct or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area.

- g. Snipe signs and non-regulatory signs placed in any public right-of-way, as well as those attached to a utility pole, affixed to a tree, street furniture, fences, or waste receptacle.
- h. Except for billboards as regulated by this Chapter, Off-premise signs (including those using video, tri-vision, digitalized or similar technologies).
- i. Roof signs unless specifically permitted elsewhere in this Chapter.
- j. Portable signs, as defined, not expressly allowed by this Chapter.
- k. Pylon or pole signs not provided for in this Chapter.
- l. Illegal signs.
- m. Obsolete signs and any sign or sign structure which:
 - 1. Is structurally unsafe;
 - 2. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;
 - 3. Is capable of causing electric shock to person who come in contact with it; or
 - 4. Is not kept in good repair, such that it has broken parts, missing letters, or non-operational lights.
- n. Flashing or strobe signs
- o. Any non-government sign which makes use of the words "Stop", "Look", or "Danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.
- p. No sign shall be allowed in a public right-of-way or public easement, unless prior City Council approval is obtained under Section 32-2 (B) of the City of Cedar Springs Code of Ordinances.
- q. Human or Animal signs.
- r. Abandoned signs.
- s. Vehicle Business Signs.
- t. Digital, tri-vision or similar signs except as expressly allowed by this Chapter.
- u. Any sign not expressly allowed by this Chapter.

Sec. 40-543 - Exemptions to Permitting

The following signs shall not require a permit from the City provided such signs are outside of the public street right-of-way, are located to ensure adequate sight distance, and meet the requirements of this Chapter and *Section 40-545* of this Ordinance:

- a. Address signs
 - 1. In all single family zoning districts, such sign shall not exceed two (2) square feet in area.
 - 2. In all other zoning districts, such signs shall not exceed six (6) square feet in area.

- b. Barber shop poles, except that the bottom of the barber pole must be at least 8 feet from the ground or sidewalk and the top must be lower than the height of the building.
- c. Community entrance or welcome signs.
- d. Construction signs meeting the size requirements for Temporary Signs under *Section 40-545*.
- e. Temporary signs meeting the requirements of *Section 40-545*.
- f. Device signs with the following requirements:
 - 1. The sign area of each device shall not exceed three (3) square feet in area.
 - 2. Limit of one (1) sign per device, such as vending machines, gas pumps or ice containers.
- g. Directory signs. A building with business occupants on the upper floors or the interior space on the first floor of a building may have a directory sign plaque not to exceed ten (10) square feet in area at the street entryway.
- h. Employment signs. "Help wanted" signs soliciting employees for the place of business where posted, provided that the maximum area for all such signs shall be six (6) square feet with a maximum height of four (4) feet.
- i. Essential service signs denoting utility lines, hazards and precautions or other similar information.
- j. Flags
 - 1. Not to exceed three (3) flags per zoning lot; and
 - 2. Not to exceed four (4) feet by six (6) feet.
- k. Historic markers.
- l. Incidental signs that do not exceed a total of two (2) square feet, for a total of two (2) signs per business, indicating acceptance of credit cards, the location of public telephones, restrooms, restrictions on smoking and restrictions on building entrances or describing business affiliations and are attached to a permitted sign, exterior wall, building entrance, or window.
- m. Interior signs, including any sign which is located completely within an enclosed building, and which is not visible from outside the building or which is primarily directed at persons within the premises upon which the sign is located.
- n. Memorial signs or tablets not exceeding four (4) square feet in area, having the name of the building and/or the date of erection and cut, cast or engraved into a masonry or metal surface and made an integral part of the structure.
- o. Murals or painted wall signs in the B-2 District, related to the theme of the business, painted on the side or rear exterior surfaces of a building or structure shall be less than twelve (12) square feet in area. Such signs shall not have raised borders, raised letters, raised characters, decorations, or lighting appliances. Mural or painted wall signs greater than 12 square feet shall be only as approved by the Planning Commission if such sign enhances the architecture of the building.

- p. Nameplates.
- q. Real estate signs and real estate open house signs.
- r. Real estate development signs, conditioned upon removal when the building or development is completed.
- s. Regulatory signs including traffic control and street identification signs.
- t. Vehicle business signs.
- u. Warning signs that are publicly authorized, such as no trespassing, warning of electrical currents or animals provided such signs do not exceed two (2) square feet in area.
- v. Noncommercial signs.

This Section is not intended to regulate free expression or speech under the First Amendment, but rather to control the time, manner and placement of signs. Furthermore, even though the above signs do not require a permit, they are still subject to the applicable regulations contained in this Chapter.

Sec. 40-544. - General Standards for Permitted Signs

a. Sign Setbacks.

1. All signs, unless otherwise expressly provided by this Chapter or Ordinance, shall be set back a minimum of ten (10) feet from any public or private street right-of-way line or access drive in all districts. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way or easement.

Side and rear yard setbacks for signs shall be the same as that required for the main structure or building, provided that all nonresidential signs shall be set back at least one hundred (100) feet from any Residential District.

- b. **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 twenty-four (24) inches and six (6) feet above ground within a triangular area measured twenty-five (25) feet back from intersection of public right-of-way lines. Furthermore, signs shall not be located where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.
- c. **Design and Construction.** Signs, as allowed in the various zoning districts, 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 or manufactured for a different purpose. For wall signs in the B-2, Central Business District, box signs are prohibited.
- d. **Illumination.**
 1. Signs may be illuminated, but only by steady, stationary, shielded light sources directed solely at the sign or internal to it.

Use of glaring undiffused lights, including bare bulbs, strobes, neon, or flames, is prohibited.

3. Lighting shall be shielded and/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. Digital signs are prohibited except as otherwise expressly allowed by this Chapter.

e. Maintenance and Construction.

1. Every sign shall be constructed and maintained at all times in a manner consistent with the building 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.
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 twenty (20) pounds per square foot or seventy-five (75) mph.
3. All signs, including any cables, guy wires, or supports, shall have a minimum clearance of four (4) feet from any electric fixture, street light, or other public utility pole or standard.

f. Sign Height. (see *Section 40-547, Sign Measurement*)

1. The permitted height of all signs supported by the ground shall be measured from the level of the ground, finished surface, adjacent to the sign.
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. 40-545. - Specific Sign Standards

The number, display area, and height of signs within the various zoning districts are regulated in the Sign Dimensional Standards and Regulations Table and its accompanying footnotes. Additional standards for specific types of signs are given below.

Sign Dimensional Standards and Regulations								
	WALL, CANOPY, OR PROJECTING SIGN		GROUND SIGN			TEMPORARY SIGNS (c)		
DISTRICT	Number #	Max. Size	Number # (b)	Max. Size per sign face	Max. Height	Max. Size per sign	Total Area per Parcel	Max. Height
R-R, R-1, R-2, R-3, R-4	0	10% of front facade for all uses other than single-family residential units, duplexes, and attached condominiums	1	24 square feet	6 feet	6 square feet	14 square feet	4 feet
B-1, B-2, B-3, HC & MU commercial uses	1 per business (a)	10% of front façade or 100 square feet, whichever is less (a)	1	72 square feet	6 feet	24 square feet	48 square feet	6 feet
I-1								

Footnotes to the Sign Dimensional Standards and Regulations Table

- (a) **Wall Signs.** One (1) wall sign shall be allowed per business, in addition to any other allowed ground signs. Businesses located on a corner lot or multiple frontages shall be allowed up to one (1) wall sign for each façade having frontage on a public street. The maximum wall sign area shall not exceed ten percent (10%) of the front facade of the building (any facade which faces a public street), per use or business establishment. However, for a commercial structure containing one (1) use or business establishment, as determined by the Planning Commission, the size of the wall sign may be increased up to the maximum square footage as follows:

201 - 400 linear feet of building frontage facing a public street and having a public entrance	150 square feet
Greater than 400 linear feet of building frontage facing a public street and having a public entrance	200 square feet

- (1) **Window Signs.** Window signs shall be permitted not to exceed 25% of the window area of the façade and shall be placed so as to maintain clear vision into the building for public safety reasons. Professionally-made window graphics that are visually-transparent from inside the building may occupy up to an additional 50% of the window area.
- (2) No wall sign shall extend above the roof or parapet of the structure to which it is attached by more than one (1) foot.
- (b) **Ground Signs.** Only one (1) ground sign is permitted per use, including uses which occupy more than one (1) parcel and business centers containing more than one (1) business or use, with additional signs permitted according to the following table. However, no site shall have more than two (2) ground signs, regardless of the number of street frontages or the amount of frontage. Single uses on a single parcel do not qualify for this consideration:

<i>Frontage along 2 or more rights-of-way</i>	<i>1 sign up to the maximum sign face area shall be allowed along 2 frontages</i>
<i>300 feet of frontage along one right-of-way</i>	<i>1 ground sign along that frontage</i>
<i>Greater than 300 feet of frontage along one right-of-way</i>	<i>2 ground signs</i>

(c) Temporary Signs

1. *All temporary signs must comply with the sign size and height standards as specified in the Sign Dimensional Standards and Regulations Table of Section 40-545. 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 closer than twenty (20) feet to the edge of the traveled portion of the roadway, nor shall they be located within any public road right-of-way.*
 - c. *Temporary signs shall not be erected in such a manner than they will or may reasonably be expected to interfere with, obstruct, confuse or mislead traffic.*
 - d. *Temporary signs cannot be placed or constructed so as to create a hazard of any kind.*
 - e. *Temporary signs may not be placed on private property without first obtaining the permission of the property owner.*
 - f. *Signs shall not be located within any clear vision triangle, as described in Section 40-544(b).*
3. *Each temporary sign shall be removed within 60 days of placement. Furthermore, no parcel shall have a temporary sign displayed for more than 60 calendar days out of every 120 calendar days. No more than one temporary sign may be displayed on a parcel at one-time. Although a permit is not required for temporary signs, property and business owners must maintain a log of dates when temporary sign(s) have been in place showing compliance with the above standard. However, noncommercial signs shall be exempt from this time limitation.*

Sec. 40-546. - Additional Sign Standards

- a. **Directional Signs.** No more than one (1) directional sign shall be permitted for each approved driveway, with a maximum sign area of four (4) square feet per sign, and a maximum height of four (4) feet. Any directional sign which includes a business name, symbol or logo shall be calculated as part of the allowable ground sign square footage, as specified in the *Sign Dimensional Standards and Regulations Table of Section 40-545*.
- b. **Billboards.**
 1. Billboards are only allowed in the HC, Highway Commercial zoning district. If a billboard qualifies for zoning approval, a permit from the City is required prior to the erection or alteration of the billboard. In addition, a permit is required before any existing billboard is rebuilt, structurally altered, or materially changed (but no permit is required simply to change the copy or depictions on the billboard). The application for the permit must contain the following:
 - a. A colored rendering of the proposed billboard containing the proposed dimensions.

- b. A site plan indicating the location of the proposed billboard and the appropriate setback information.
 - c. Information on how the billboard will be illuminated, if applicable.
 - 3. Double-faced billboard structures and V-type billboard structures shall be considered as one billboard, but with multiple faces.
 - 4. The area of a sign panel on a billboard shall not exceed six-hundred seventy-two (672) square feet.
 - 5. The height of a billboard shall not exceed (forty-five) 45 feet. The height of a billboard shall be measured as the vertical distance measured from the highest point of the billboard, including any decorative embellishment, to the grade of the adjacent public road or the surface grade beneath the sign, whichever ground elevation is lower.
 - 6. Each billboard shall be located not less than two thousand (2,000) feet from any other billboard.
 - 7. No billboard shall be located within three hundred (300) feet of an existing dwelling.
 - 8. No billboard shall be located closer than fifty (50) feet to any property line.
 - 9. All billboards must be constructed with a monopole-type support structure.
 - 10. Except as otherwise provided in this section, a billboard may be illuminated, provided that such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles, or any adjacent premises. No billboard shall have one or more flashing, strobing, intermittent, moving, rotating, or oscillating lights or images.
 - 11. No billboard shall be located on a parcel or lot with a building thereon or other principal use.
 - 12. Digital billboards and tri-vision billboards are prohibited.
 - 13. The setback requirements of this section shall apply regardless of jurisdictional or governmental boundaries.
- c. **Projecting, Awning and Canopy Signs.** Projecting signs, awnings and canopy signs may be used as an alternative to wall signs listed in the Sign Dimensional Standards and Regulations Table, provided that they meet the following standards:
- 1. Any sign area on a canopy shall be included in calculations of maximum wall sign square footage.
Projecting or canopy signs in the B-1 District shall be set back at least two (2) feet from any street curb line, shall not extend more than six (6) feet over the public right-of-way, and shall leave a minimum clearance of eight (8) feet above the ground.
 - 3. Projecting, awning or canopy signs, other than those in the B-2 District, shall have a minimum ground clearance of ten (10) feet, shall be set back at least six (6) feet from any adjacent public right-of-way, nor project over an alley or private access lane. A projecting sign shall not extend for more than two (2) feet from the building to which it is attached.
 - 4. No awning, canopy or projecting sign shall extend above the roof or parapet of the structure to which it is attached by more than one (1) foot.
 - 5. Wood posts or supporting arms shall not be used in conjunction with any projecting sign, unless it is decorative in nature and part of the character of the sign.

6. Projecting signs shall not exceed ten (10) square feet in area per side or three (3) feet in width. The area of such sign shall be in addition to any permitted sign provided for herein.
 7. Canopy signs shall not be internally illuminated and must be blackened out on the underside.
- e. **Entranceway Signs.** One (1) permanent sign per vehicular entrance identifying uses such as subdivisions, apartment complexes, condominium communities, senior housing complexes, manufactured housing communities, office and industrial parks and similar uses is allowed, provided that the sign is set back a minimum of fifteen (15) feet from any property line or public right-of-way is permitted.
- f. **Changeable Message Signs.** Changeable message signs may be permitted as a portion of, and accessory to, a ground or monument sign in the B-1, B-3, H-C, and I-1 Districts, and when associated with a commercial, industrial, or office use in the MU District, in accordance with the following:
1. One (1) changeable message sign or one (1) gasoline price sign shall be allowed per parcel, but not both.
The message or gasoline price may be changed electronically or manually.
 3. The area of a changeable message sign shall not exceed 12 square feet or one-third (1/3) the total area of the sign, whichever is less.
 4. Illumination shall be concentrated within the face of the sign to prevent glare upon adjoining properties and thoroughfares.
 5. Electronic messages or gasoline prices shall not flash, fade in or out, or scroll.
 6. Electronic messages or gasoline prices shall be displayed for at least five (5) minutes, and changes shall take less than one (1) second.
 7. Any voids or burned out bulb in an electronic display shall be replaced within seven (7) days and any malfunctioning signs must be turned off until repaired.
 8. Electronic changeable message signs shall use only one (1) color of lighting or bulbs to prevent nuisances and distractions upon adjoining properties and thoroughfares.
 9. Maximum brightness levels for digital changeable message signs shall not exceed 0.2 foot-candles over ambient light levels measured within 150 feet of the sign.
 10. The sign cannot be an Off-Premises sign or billboard.
- g. **Sandwich Board Signs.** Sandwich board or portable A-frame signs are permitted in the B-1, B-2, B-3, MU, and H-C Districts at the customer building entrances to businesses subject to the following requirements:
1. One (1) sign per customer entrance shall be permitted regardless of the number of tenants on the premises.
The sign is permitted only during operating business hours and must be stored inside when the establishment is not open to the general public.
 3. Each sign shall not exceed an overall height of forty-two (42) inches and an overall width of twenty-four (24) inches.
 4. The sign must be located adjacent to the building, no more than ten (10) feet from the customer entrance to the business, be a minimum of two (2) feet from the edge of the curb, and be located so that at least a five (5) foot wide sidewalk is maintained.
 5. No sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.

6. All signs must be constructed of weather-proof, durable material and kept in good repair.
7. The sign shall not be illuminated in any manner.
8. 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).
9. No sign shall be located within a public road right-of-way without the express permission of the City.

Sec. 40-547. – Sign Measurement and Area

The following shall apply to the measurement of signs:

- a. 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 parallelogram or rectangle.
- b. When a sign has two (2) or more faces, the area of all faces shall be included in calculating the area of the sign, except that where two (2) 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, contain the same message and are separated by no more than two (2) feet.
- c. For purposes of calculating sign area allowed as a wall sign, the wall sign square footage shall be determined by measuring a parallelogram (box) which includes the portion of the canopy which contains a message, symbol and/or logo.
- d. 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 parallelogram or rectangle.
- e. 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.

Sec. 40-548. - Non-Conforming 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 Ordinance, 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 Chapter 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 Ordinance. 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:

- a. 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.
- b. 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 Chapter, subject to review and approval by the Planning Commission.
- c. 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 Ordinance. A lawful nonconforming sign shall lose its lawful non-conforming designation and status if the Zoning Administrator determines that any of the following is applicable:
 1. The sign is relocated, removed, moved, rebuilt or replaced.
The sign is destroyed. A sign shall be deemed destroyed if any of the following occur:
 - i. The sign is torn down or demolished;
 - ii. The sign is wrecked or ruined;
 - iii. 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
 - iv. More than 50% of the face of the sign has been shattered, or a portion of the sign face touches the ground.
 3. Even If a sign has not been destroyed, but damage or deterioration has occurred to the point of 50% or more, the sign shall be deemed to have lost its lawful nonconforming status.
 4. 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.
 5. There is a material change in the use of the premises where the sign is located.
 6. 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 5% or 5,000 square feet, whichever is less.

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

- d. 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.

- e. A nonconforming sign shall not be re-established after the activity, business or usage to which it relates has been discontinued for a period of 90 days or longer as defined in *Sec. 40-549, Dangerous, Unsafe, Abandoned, and Illegally Erected Signs*.
- f. Nonconforming and illegal freestanding pole signs that are replaced with conforming, freestanding monument signs within two (2) years of adoption of this Ordinance shall be granted an additional 20% of sign area above the maximum permitted.

Sec. 40-549. - 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 thirty (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 ninety (90) days or that advertises a product or service that is not 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 (6) months. An abandoned sign shall be removed by the owner or lessee of the premises within ten (10) days after written notice from the City Manager.
- d. **Illegally Erected Signs:** Any sign erected or displayed illegally in violation of this Chapter or Ordinance shall be removed or made to comply with this Chapter within ten (10) days after written notice from the City Manager.

Sec. 40-550. - Permits and Application Procedures

- a. **Required.** Except as expressly provided in *Section 40-543* relating to signs exempt from permitting, and *Section 40-545* relating to temporary signs, 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 provided for in this section.
- 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 owner(s), and if applicable, the tenant(s) and occupant(s);
 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 (2) drawings of the plans and specifications and method of construction and attachment to the building or in the ground;
 5. Copy of stress sheets and calculations, if deemed necessary by the City Manager, showing the structure as designed for dead load and wind pressure in accordance with regulations adopted by the City;

6. Name and address of the person erecting the structure and any applicable licenses;
 7. Any electrical permit required and issued for such sign;
 8. Insurance policy or bond as required by this Chapter;
 9. Such other information as the City Manager, or his or her designee, may require to show full compliance with this and all other applicable laws of the City and the State;
 10. In the discretion of the City Manager, or his or her designee, when in his or her opinion the public safety requires it, the application containing the material required by this Section shall, in addition, bear the certificate or seal of a registered architect or engineer as a condition to the issuance of a permit; and
 11. In all applications for entranceway signs, the City Manager, or his or her designee, shall require that appropriate provisions have been made to ensure continued maintenance of the sign.
- c. **Fees.** An application, permit, review and inspection fees shall be paid to the City for each permanent permit and each temporary permit required by this Chapter as shall be set by resolution of the City Council from time to time.
- d. **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. 40-551. – 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 or persons through any act of omission or negligence of said erector, his/her 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 thirty (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. 40-552. - Administration, Enforcement, Violations, and Penalties

- a. **Generally.** The regulations of this Chapter shall be administered and enforced by the City Manager or his or her 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 Ordinance. 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 Ordinance, including the failure to remove a sign when directed under the authority of this Chapter or this Ordinance, 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 Chapter shall be responsible for a municipal civil infraction and subject to the penalties and provisions contained in *Section 34-158, Municipal Civil Infraction*, of the City's Code of Ordinances.
- 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.
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 Ordinance.
 - 3. In addition to any remedies provided for by this Chapter or the Code of Ordinances, any equitable or other remedies available may be sought and granted by the City.

Sec. 40-553. - Appeals and Variances

- a. **Appeals.** An appeal from the ruling or decision of any officer, department, board or bureau of the City, including the City Manager, concerning the interpretation or enforcement of the provisions, standards and regulations of this Chapter may be filed in writing with the City by any aggrieved party within thirty (30) days of the date of the ruling to the City of Cedar Springs Zoning Board of Appeals, sitting as an administrative appeal board under this Chapter.
- b. **Variances.** The Zoning Board of Appeals shall have the authority to grant variances from the requirements of this Chapter according to the criteria in *Section 40-87(b)*. In making a decision on whether a practical difficulty exists, the Board may also consider the following for sign variance requests:
 - 1. In determining whether a variance is appropriate, the Zoning Board of Appeals shall study the sign proposal, giving consideration to any extraordinary circumstances, such as those listed below, that would cause practical difficulty in complying with the sign standards. The presence of any of the circumstances listed may be sufficient to justify granting a variance; however, the Zoning Board of Appeals may decline to grant a variance even if certain of the circumstances are present.
In granting a variance, the Zoning Board of Appeals may attach such conditions regarding the location, character, and other features of the proposed sign as it may deem reasonable.
 - 3. In granting or denying a variance, the Zoning Board of Appeals shall state the grounds and findings upon which it justifies granting or denying the variance based on the following criteria:
 - i. Permitted signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions.
 - ii. Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the Zoning Board of Appeals shall consider the width of the road, the number of moving lanes, the volume of traffic, and speed limits.

- iii. Existing signs on nearby parcels would substantially reduce the visibility or identification impact of a conforming sign on the subject parcel.
- iv. Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to: removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course.
- v. Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.
- vi. A variance from certain sign regulations would be offset by increased building setback, increased landscaping, or other such enhancements, so that the net effect is an improvement in appearance of the parcel, compared to the result that would be otherwise achieved with construction of a conforming sign.
- vii. A sign which exceeds the permitted height or area standards of this Chapter would be more appropriate in scale because of the large size or frontage of the parcel or building.

Sec. 40-554. - Substitution Clause – Noncommercial message

Notwithstanding any provision, standard, or regulation in this Chapter 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 Chapter. If a noncommercial message is substituted, the sign must still comply with the provisions, standards, and regulations of this Chapter applicable to the original sign prior any substitution. The purpose of this provision is to prevent any inadvertent favoring of commercial speech or messages over noncommercial speech or messages.

Sec. 40-555. - Severability Clause

If any provision, standard, or regulation of this Chapter, or the application thereof, to any person or circumstance, shall be found invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portion or application, or validity of the remaining provisions, standards, or regulations of this Chapter as a whole, provided such remaining portions are not determined by the Court to be invalid. It is hereby declared to be the legislative intent that this Chapter would have been adopted, had such invalid provision not been included.

Section 2. Effective Date. This ordinance shall take effect seven days following the publication in The Cedar Springs Post, a newspaper of general circulation in the City of Cedar Springs, consistent with State law.

YEAS: Councilmembers: Ken Benham, Ashley Bremmer, Mark Fankhauser, Patricia Troost, Dan Clark, Jerry Hall, Robert Truesdale

NAYS: Councilmembers: None

ABSENT: Councilmembers: None

ABSTAIN: Councilmembers: None

CERTIFICATION

I certify that this ordinance was adopted by the City Council of the City of Cedar Springs at a Regular Meeting on August 21, 2014 and published in The Cedar Springs Post, a newspaper of general circulation in the City of Cedar Springs on August 28, 2014.

Dated: August 21, 2014

Linda Christensen, City Clerk

Introduced: June 12, 2014

Adopted: August 21, 2014

Published: August 28, 2014

Effective: September 4, 2014