

CHAPTER 13 SIGNS

Section 13.01 Intent

- A. It is the intent of this section to regulate the size, number, location and manner of construction and display of signs in the area under the jurisdiction of the Joint Planning Commission. This Chapter does not regulate official traffic and government signs, or official notices, the flags of any nation, government or corporate or noncommercial organizations, or religious symbols or commemorative plaques.
- B. The purpose of these regulations is to:
1. Protect the public health, safety and welfare of residents and visitors and to protect the natural beauty and distinctive character of the area under the jurisdiction of the Joint Planning Commission and to harmonize with the regulations of Rutland Charter Township.
 2. Protect all zoning districts from visual chaos and clutter.
 3. Eliminate distractions hazardous to vehicular traffic.
 4. Protect appropriately identified usages from too many and too large signs.
 5. Provide ability for the public to identify premises and establishments.
 6. Encourage creativity of sign design.
 7. Enhance the aesthetics of the community.
 8. Balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the rights of businesses and other nonbusiness uses to communication

Section 13.02 Definitions

As used in this Chapter or elsewhere in this Ordinance, the following terms shall have the meanings indicated:

- **ABANDONED SIGN.** A sign which no longer identifies or advertises a currently operating business, service, owner, product or activity and/or for which no legal owner can be found.
- **AREA (SIGN AREA).** The entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of one side of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area. If a sign is

designed to have matter displayed on more than one side, and the surface area of all sides is not equal, the side with the greatest surface area shall be used to calculate the surface area of the sign for purposes of this Chapter. Where the parallel faces of any double-sided sign are more than 12 inches apart the square footage of each face shall be considered a separate sign and included in the calculation of total sign area.

- **AWNING SIGN.** A sign that is either attached to, affixed to, or painted on an awning or canopy.
- **BILLBOARD.** A sign directing attention to a use, activity or product not located, sold, manufactured or processed on the premises on which the sign is located.
- **BUSINESS CENTER.** An area designated for multiple businesses that are located within the same principal building, or on the same lot or parcel, such as a mall or plaza. These areas may utilize one main entrance/exit.
- **CHANGEABLE-COPY SIGN.** A portion of a sign on which copy is changed manually.
- **CLEAR SIGHT AREA.** An unoccupied space extending along the full width of the front lot line between side lot lines and extending 10 feet from the abutting street right-of-way. Such space shall remain clear of obstructions between three and 12 feet above grade.
- **DIRECTIONAL SIGN.** A sign giving directions or instructions for vehicular or pedestrian circulation. A directional sign shall not contain advertising display copy.
- **DIRECTORY SIGN.** A sign which displays names and/or location of occupants or users of the premises.
- **ELECTRONIC MESSAGE BOARD.** A sign or sign structure that uses electronic means to display a fixed or changing display/message or series of messages by electronic means.
- **GROUND-MOUNTED SIGN.** A sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.
- **ILLEGAL SIGN.** A sign which does not meet the requirements of this Ordinance and which does not have a legal nonconforming status.
- **ILLUMINATION (OR ILLUMINATED) -** The lighting of the surface of a sign so as to allow the sign to be seen and read by one or more exterior beams of light. This term is not intended to apply to a type of sign where the sign message is itself internally illuminated, such as an electronic message board type of sign.

- **NON-CONFORMING SIGN.** A sign which was legally erected prior to the effective date of this Ordinance.
- **POLE SIGN.** A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.
- **PORTABLE SIGN.** A sign whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse. Portable signs shall include but are not limited to signs mounted upon a trailer, bench, wheeled carrier, or other mobile structure with or without wheels.
- **SIGN.** Any device, structure, fixture, billboard or placard using graphics, symbols and/or written copy, which is designed, intended or used to advertise or inform.
- **SIGN OWNER.** The owner of a premises upon which a sign is located is presumed to be the owner of the sign unless facts are submitted to the Township showing other ownership.
- **TEMPORARY SIGN.** A sign designed for use for a limited period of time to announce special events, sales, or sale/lease or rental of property; or a sign political in nature and advocating action on a public issue or indicating a candidate for public office. Portable signs may be allowed as temporary signs, to the extent otherwise permissible as otherwise specified in this Ordinance.
- **VISIBLE -** A sign message that is capable of being seen by an individual of normal visual acuity when traveling in a motor vehicle, where the context of the usage of the term applies to sight from a roadway; or a sign message that is capable of being seen by an individual of normal visual acuity when standing on premises, when the context of the usage of the term applies to sight from a stationary position.
- **WALL SIGN.** A sign attached to a wall and not projecting away from the wall more than 12 inches.

Section 13.03 Signs Allowed/Prohibited

Signs are allowed to be located according to the zoning district in which they are situated pursuant to the provisions of this Chapter pertinent to the particular zoning district; pursuant to Section 13.04 governing signs allowed in all zoning districts; and further pursuant to the General Standards and Requirements provisions of this chapter governing certain aspects of signs in various zoning districts. A sign not expressly allowed in a specific zoning district, or generally allowed in all zoning districts pursuant to this chapter, is prohibited.

Section 13.04 Signs Allowed in All Districts

The following types of signs are allowed in all zoning districts where the use to which the sign pertains is otherwise allowed, without a permit, but subject to the lighting, maintenance and locational requirements in Section 13.06 herein, and other applicable laws:

- A. Building address numbers; and one dwelling nameplate sign per dwelling, not exceeding two square feet in area, either freestanding or attached to the building.
- B. One sign not exceeding four square feet in area and six feet in height giving the name and/or occupation of a lawful home occupation or family business.
- C. Flags and insignia of any government, except when displayed in connection with commercial promotion.
- D. Legal notices posted by any governmental body.
- E. Identification, informational or directional signs, or other types of signs lawfully erected or required by any governmental body including, but not limited to, the State of Michigan, Barry County, Rutland Charter Township, or the City of Hastings.
- F. Governmental use signs erected by governmental bodies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, governmental buildings, or other public places.
- G. Signs directing and guiding traffic and parking on private property, including private off-street parking areas open to the public, provided any such sign does not exceed four square feet in area, and is limited to traffic control functions, and bears no advertising matter.
- H. Historic signs designating sites recognized by the State of Michigan as Centennial Farms or Historic Landmarks, provided any such sign does not exceed 16 square feet in area.
- I. Signs posted to control or prohibit trespassing, hunting or fishing upon private property or public property.
- J. Essential service signs designating utility lines, railroad lines, hazards, or precautions, properly erected and placed by a public or private utility company or railroad, or a governmental entity.
- K. Headstones and monuments in public or lawfully established private cemeteries, and memorial signs or tablets which are either cut into the face of a masonry surface, or constructed of bronze or other incombustible materials and located flat on the face of a building.
- L. Banners and similar devices erected by a governmental entity to advertise a public event or civic function sponsored by a governmental entity.

- M. Temporary Election/Campaign signs.
- N. One Real Estate Sign per lot, located on-premises only while the premises are actually on the market for sale, rent or lease, and not exceeding eight square feet in area; provided, however, that on a corner lot or lot with more than 330 feet of road frontage, more than one Real Estate Sign is allowed so long as the aggregate total of all such signs does not exceed eight square feet in area.
- O. Temporary construction signs designating architects, engineers, or contractors in conjunction with construction work under construction, not exceeding one per project of no more than eight square feet for single family dwelling and two-family dwelling construction projects, and not exceeding 32 square feet in area for all other types of construction projects.
- P. Signs or other special decorative displays used for holidays, public demonstrations, or promotion of civic welfare or charitable purposes, only when authorized by the Zoning Administrator, based upon the following standards:
 - 1. The size, character and nature of the sign or display shall be compatible with the nature of the matter being promoted.
 - 2. The duration or time period during which the sign or display will be utilized shall be reasonably related to the nature of the matter being promoted and the proper promotion of same. Arrangement shall be made for the prompt removal of the sign or display after the conclusion of the matter being promoted.
 - 3. The sign or display shall not affect light or air circulation for lots which are either adjoining or in the surrounding neighborhood of the proposed sign or display.
 - 4. The sign or display shall not constitute a traffic hazard.
 - 5. The sign or display shall not have an adverse or detrimental impact on adjoining lots or the surrounding neighborhood.
- Q. One temporary auction or garage sale/yard sale sign located on the premises where such a sale is lawfully being conducted, only while the sale is in progress, and not exceeding 8 square feet in area.
- R. One temporary event sign, not to exceed 32 square feet, such as for special events and sales as defined in this Ordinance. The display of any such temporary event sign shall be limited to 45 days in advance and the day of the event. No such sign shall be redisplayed on the same premises within 90 days of a previous temporary event sign display.

Section 13.05 Permitted Signs

In the Mixed Use District (MU) and Light Industrial District (LI) the following signs may be permitted for each principal use occupying one lot or parcel, upon application for and issuance of

a sign permit pursuant to Section 13.08 (where required). For multiple uses on one lot see requirements for business centers (subsection D).

- A. Signs allowed in all zoning districts pursuant to Section 13.04.
- B. Wall signs on building walls facing a public right-of-way or parking area, with a sign area not exceeding 20% of the building wall area upon which affixed, or 90% of the width of the wall, but subject to a total area limit of 200 square feet; except for buildings over 150,000 square feet in area the total area limit is 800 square feet. Wayfinding and/or informational signage shall not be included in the above stated standards.
- C. One pole sign or one ground-mounted sign in accordance with Option 1 or Option 2 in the table below; provided a permissible business use on a corner lot shall be permitted one sign on each street frontage in accordance with Option 1 or Option 2 in the table below:

Minimum Setback (feet)	Sign Type	Area (square feet)	Height (feet, including any base)
Option 1 10	Pole	32	10
	OR		
	Ground-mounted	50	6
Option 2 20	Pole	100	20
	OR		
	Ground-mounted	100	14

- D. Business centers:
 - 1. One pole sign or one ground-mounted sign identifying the name of the business center; provided a business center located on a corner lot is permitted one such sign on each street frontage. For type, area, height, and setback, either Option 1 or Option 2 from the above table applies.
 - 2. Individual establishments within the business center are permitted one wall or one awning sign with an area not exceeding 20% of the wall area or 50% of the awning area, but in either instance not exceeding 200 square feet in area.
- E. Billboards are allowed on otherwise lawful lots within business, commercial or industrial areas as defined in the Highway Advertising Act of 1972 (*MCL 252.301 et. seq.*) bordering interstate highways, freeways or primary highways as defined in that Act, in accordance with the following regulations.
 - 1. Not more than three billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the same street or highway. The linear mile measurement shall not be limited to the boundaries of the area over which this JPC Zoning Ordinance applies where the particular street or highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and

V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard.

Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection B. below. Stacked billboard faces (i.e., two parallel billboard faces facing the same direction with one face being directly above the other) are not permissible at any location.

2. No billboard shall be located within 1,000 feet of another billboard abutting either side of the same street or highway; provided the spacing requirement for an electronic message board from another electronic message board on either side of the same street or highway facing the same direction of oncoming traffic shall be increased to 1,750 feet (where such an electronic message board is an otherwise permissible type of sign, in the MU District, only).
3. No billboard shall be located within 200 feet of a residential zone and/or existing residence, church, or school. If the billboard is illuminated, this prohibited distance shall instead be 300 feet.
4. No billboard shall be located closer than 5 feet from a property line adjoining a public right-of-way or 3 feet from any interior boundary lines of the premises on which the billboard is located.
5. The surface display area of any side of a billboard shall not exceed 200 sq. feet. In the case of billboard structures with tandem billboard faces, the combined surface display area of both faces shall not exceed 200 sq. feet.
6. The height of a billboard shall not exceed 25 feet above (1) the grade of the ground on which the billboard sits or (2) the grade of the abutting roadway, whichever is higher.
7. No billboard shall be on top of, cantilevered, or otherwise suspended above the roof of any building.
8. A billboard may be illuminated, provided 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 on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
9. The billboard shall, in addition to complying with the above regulations, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended. In the event of a conflict

between the applicable provisions of said Act and the applicable provisions of this Ordinance, the provisions of this Ordinance shall be controlling to the extent allowed by law.

Notwithstanding the foregoing, an otherwise permissible sign in any of these districts shall not include an electronic message board, except in the MU District where any such electronic message board shall be subject to the design standards and use limitations specified Section 13.06.II.

Section 13.06 General Standards and Requirements

All otherwise permissible signs shall comply with the following standards and requirements, unless a more specific standard or requirement is specified in this chapter for a specific type of sign or in a particular circumstance.

- A. Other codes. All signs shall comply with applicable provisions of the building and electrical codes of the City of Hastings.
- B. Setbacks/location. All signs shall be setback at least 10 feet from all lot lines and any public street or private road right-of-way; and shall otherwise not be located so as to obstruct the clear sight area, or otherwise prevent the driver of a motor vehicle from having a clear and unobstructed view of approaching, intersecting, and merging traffic.
- C. Illumination. Where signage is otherwise allowed to be illuminated, the illumination:
 - 1. shall not be flashing;
 - 2. shall be arranged so that light is deflected away from adjacent properties and so no direct source of light is visible to any driver or pedestrian located in a public street or private road right-of-way or from any premises in a residential district or used for residential purposes;
 - 3. shall not be so illuminated that it obscures or interferes with the effectiveness of an official traffic sign, device, or signal.

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

- D. Stationary, on-premises signage. All signs shall be stationary, and shall pertain only to the business or activity conducted on the premises; except non-commercial signs and billboards as allowed in this chapter.
- E. Changeable-copy signs and electronic message boards. All otherwise permissible pole signs and ground-mounted signs may include changeable-copy signs, or electronic message boards (in MU District only), subject to the design standards and use limitations specified in 13.06.H
- F. Design standards for wall signs. A wall sign shall not extend beyond the vertical edge of the wall to which it is affixed, and shall not extend more than three feet above the roof line of a building for more than 40% of the sign width.

- G. Design standards for ground-mounted signs. Ground-mounted signs shall be constructed of wood, brick, concrete, stone (or equivalent imitation stone) or other similar material as approved by the Zoning Administrator in the sign permit process. The base of any ground-mounted sign shall be landscaped with drought-tolerant plant materials that do not obscure the visibility of the sign itself, or encroach into the clear sight area.
- H. Design standards and use limitations for electronic message boards. Electronic message board are permitted in the MU District, only, and subject to the following design standards and use limitations:
1. An electronic message board may change messages and/or background images/color if the rate of change between two static messages and/or images/background color is not more frequent than one change per eight seconds, and each change is complete in one second or less, and all such changes are otherwise compliant with subsections 2 and 3 herein. In addition, animation and flashing features are prohibited, but frame effects are permitted, subject to compliance with subsections 2 and 3 herein.
 2. An electronic message board shall be equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.
 3. An electronic message board shall not exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle meter at a preset distance, and using the following brightness measurement process:
 - a. At least 30 minutes past sunset, use a foot candle meter to record the ambient light reading for the area, with the digital sign off or displaying all black copy.
 - b. The reading shall be taken with the meter aimed directly at the digital sign at the appropriate pre-set distance (100 feet from source).
 - c. Turn on the digital display to full white copy and take another reading.
 - d. If the difference between readings is 0.3 foot candles or less, the brightness is properly adjusted.
 4. An electronic message board shall not be located within 500 feet of any street intersection controlled by a traffic signal light. The Zoning Administrator may reduce this intersection setback distance to not less than 300 feet where the sign permit applicant requests such reduction, and presents evidence upon which the Zoning Administrator can rely to reasonably determine a reduced setback distance from the specific intersection at issue will not adversely affect public safety due to the configuration of the specific intersection and the proposed orientation of the billboard relative to the intersection in such a manner as to minimize the visibility

of the electronic message board from the intersection, or due to other conditions specific to that intersection sufficient to avoid the unsafe distraction of drivers at or approaching that intersection by the periodic changing of messages on the electronic message board. The Zoning Administrator shall consult with the Barry County Road Commission and/or Michigan Department of Transportation, as applicable, before making any determination on a reduced intersection setback request pursuant to this provision.

5. An electronic message board shall not be located within 500 feet of any residential dwelling. The Zoning Administrator may reduce this dwelling setback distance to not less than 300 feet where the sign permit applicant requests such reduction, and presents evidence upon which the Zoning Administrator can reasonably rely to determine a reduced setback distance from the specific dwelling at issue will not adversely affect the health and welfare of occupants of the dwelling due to the location of the specific dwelling and the proposed orientation of the billboard relative to the dwelling in such a manner as to minimize the visibility of the electronic message board from the dwelling, or due to other conditions specific to that electronic message board and/or dwelling sufficient to avoid unreasonable detriment to occupants of the dwelling by the periodic changing of messages on the electronic message board.
- I. Maintenance. All signs shall be maintained in a safe condition with proper bracing, anchorage and foundation, and be subject to periodic inspection by the Zoning Administrator. In addition, all signs including sign surfaces shall be maintained so as to not have a dilapidated appearance due to leaning, peeling, missing pieces, or other visually distracting or blighting condition. A sign which is not maintained in accordance with these requirements or which otherwise no longer serves the purpose for which it was intended, or is abandoned, shall be removed by the owner within 30 days of written notice by the Zoning Administrator.

Section 13.07 Prohibited Signs

The following types of signs and/or signage features or devices are prohibited:

- A. Private use signs located on public land or in a public street or private road right-of-way; except otherwise permissible traffic control signage for such public land or street/road, and otherwise permissible temporary real estate signs and temporary political signs as specified in Section 13.04
- B. Abandoned signs.
- C. Signs imitating or resembling official traffic or governmental signs or signals.
- D. Flashing or intermittently illuminated signs.

- E. Trailers, vehicles, or other mobile objects that are clearly used primarily for advertising purposes.
- F. Portable signs, except where otherwise allowed by this Chapter as a temporary sign, only.

Section 13.08 Sign Permits and Application Procedures

- A. Permits required. A sign permit shall be required for the erection, use, construction or alteration of all signs, except those exempted in this Ordinance. For purposes of this section "alteration" shall mean any change to an existing sign, including changing the copy to promote, advertise or identify another use. Alteration shall not mean normal maintenance of a sign.
- B. Application. An application for a sign permit shall include the following, and be filed with the Zoning Administrator:
 - 1. Name, address and telephone number of the applicant and the person erecting the sign.
 - 2. Address or permanent parcel number of the property where the sign will be located.
 - 3. A sketch showing the location of the building, structure or lot upon which the sign is to be attached or erected, and showing the proposed sign in relation to buildings and structures along with the setbacks from lot lines.
 - 4. Drawings of the plans and specifications, method of construction and attachment to structures or ground stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction of not less than 30 pounds per square foot of area.
 - 5. Any required electrical permit, attached to the application.
 - 6. The zoning district in which the sign is to be located.
 - 7. Any other information the Zoning Administrator may require in order to demonstrate compliance with this chapter.
 - 8. Signature of the applicant or the person erecting the sign and signature of the property owner.
 - 9. Any required application fee.
- C. Issuance of sign permit. The Zoning Administrator shall issue a sign permit if all provisions of this chapter and other applicable city ordinances are met. A sign permit expires one year from the date of issuance unless the permitted sign has been installed within the one year period, or unless the Zoning Administrator has granted an extension of not more than one year upon good cause shown. The Zoning

Administrator shall deny a permit extension request if the sign for which the permit was issued would no longer be approvable pursuant to this chapter.

Section 13.09 Nonconforming Signs

- A. The legal nonconforming status of a sign shall be lost, and the sign shall be removed or otherwise brought into compliance with this Ordinance, if any of the following apply:
1. The sign is relocated.
 2. The structure or size of the sign is altered except toward compliance with this Chapter. This does not refer to change of copy or normal maintenance.
 3. The sign suffers more than 50% deterioration, as measured by the renovation/replacement cost.
 4. The sign is abandoned or otherwise no longer serves the purpose for which it was intended, for one year or longer.
 5. The sign is structurally altered so as to change the shape, size, type, or design of the sign.
- B. Nonconforming signs may be maintained and repaired so as to continue the useful life of the sign. If a nonconforming sign is damaged or destroyed, resulting in a loss of 60 percent or more of its replacement value by fire, flood, wind or other such calamity, its reconstruction shall be in accordance with the provisions of this Ordinance. Any such restoration must be started within a period of one year at the time of such damage and diligently prosecuted to completion.
- C. Except where a provision of Chapter 14 pertaining to non-conformities, generally, conflicts with any specific provision of this Section 13.09, Chapter 14 shall apply to legal nonconforming signs.