

MEMORANDUM

TO: City of Saugatuck Planning Commission
FROM: Trent Cunningham (tcunningham@fsbrlaw.com)
DATE: October 10, 2025
RE: Draft Zoning Ordinance Amendment (Signs)

As you know, the Planning Commission has been considering amendments to the City's current sign regulations to align those provisions with recent constitutional precedent from the Supreme Court.

In June, the Planning Commission discussed a preliminary draft amendment that removed all content-based regulations and implemented a content-neutral regulatory scheme for signs. After discussing the preliminary draft, the Planning Commission provided several comments and considerations for City staff and consultants to implement. After discussions with City staff and consultants, the City Attorney has provided the enclosed revised draft zoning amendment. While this draft implements much of the feedback from prior discussions, this draft is meant to capture the general framework of the recommended regulatory changes and serve as a guide for the discussion. Accordingly, there are several blanks within the draft that will allow the Planning Commission to discuss potential policy options. Based on the discussion at the meeting, the City Attorney will implement any feedback or revisions and bring a refined draft to the next Planning Commission meeting.

As you may recall, we tried to mirror the current sign regulations as closely as possible, and thus you will notice that some provisions are copied from the current sign regulations (e.g. freestanding signs, attached signs, banners, nonconforming signs, etc.). Much of the complexity with the current draft stems from trying to mirror the current sign regulations and from trying to regulate signs differently depending on particular zoning districts and the underlying use of the property.

Given the nuances of the current draft, we wanted to highlight some specific provisions and regulatory schemes and provide some discussion points to facilitate the Planning Commission's discussions:



GENERAL DISCUSSION QUESTIONS:

Think about what type of signs you see around the City, both in residential areas and non-residential areas. This may include temporary signs, large permanent signs, wall signs, window signs, neon signs, etc.

- (1) What signs are problematic? Why?
- (2) Where are those signs problematic? Why?
- (3) What signs should be allowed? Why?
- (4) Where should those signs be allowed? Why?

Additionally, note that the draft zoning amendment has many blanks. These provisions were left blank intentionally to facilitate discussion about what would be an appropriate standard. I have highlighted the blanks in the draft. Any discussion and consensus about appropriate standards to fill in these blanks would be very helpful to move towards a final draft.

BREAKDOWN OF SPECIFIC REGULATORY SCHEMES

Given the length and complexity of the proposed sign amendment, we wanted to provide a breakdown of specific regulatory schemes to narrow the discussion to specific topics. Below, we have dissected the proposed sign amendment based on specific zoning districts, uses, or types of signs.

I. SIGNS ALLOWED IN ALL ZONING DISTRICTS

The following signs would be allowed anywhere in the City without a permit. The only applicable distinctions are the underlying use of the property. For example, residential uses and non-residential uses are allowed to have a different number of flags. Similarly, residential uses are allowed to have off-premises temporary yard signs, but non-residential uses are only allowed to have off-premises temporary yard signs in specific circumstances where on-site services are being offered on the property.

NON-RESIDENTIAL USE. Any use of property that is not a “residential use,” as defined herein. The common areas of a multi-family dwelling unit (such as an apartment complex) or a housing development with multiple dwelling units shall be considered non-residential for purposes of allowable signage.

OFF-PREMISES SIGN. A sign that advertises an entity, business, person, activity, good, product, or service offered or existing elsewhere than upon the same lot where the sign is displayed.

ON-PREMISES SIGN. A sign that advertises the sale or lease of the property on which the sign is located or advertises an entity, business, person, activity, good, product, or service offered or existing upon the same lot where the sign is displayed.

ON-SITE SERVICE. Work or services that are performed on a particular property that are not typically offered on the particular property and are for the benefit of the particular property as opposed to the general public, including but not limited to, construction, landscaping, painting, pest control, interior improvements, moving services, and similar services.

RESIDENTIAL USE. A residential use shall include apartments, multiple-family dwellings, single-family attached dwellings, single-family detached dwellings, and two-family dwellings, as those terms are defined in Section 154.005.

TEMPORARY YARD SIGN. Any sign that is not constructed or intended for long term use or is not permanently attached to a building, window, or structure. A temporary yard sign is often double-faced and supported by metal legs or wooden post(s) anchored into a lawn or landscaped area with no permanent foundation. The sign face is typically made from lightweight materials such as corrugated plastic, cardboard, or wood, making it easy to install and remove.

The following signs do not require a permit and are permitted in all Zoning Districts within the City, subject to the following requirements and limitations:

(1) *Flags:*

- (a) For residential uses, each dwelling unit may display up to three (3) flags, not to exceed ____ square feet total. No more than one (1) flag may be attached to the dwelling unit or a related structure. No more than two (2) flags may be displayed per flagpole. Under no circumstances shall the total number of flags exceed three (3) flags.
- (b) For non-residential uses, each tenant may display one (1) flag per frontage, up to a maximum of _____ flags, and not to exceed 24

square feet in total sign area. Under no circumstances shall the total number of flags on a particular parcel exceed _____ flags.

- (c) For all flags, if the flags hang over a sidewalk or other pedestrian walkway, the bottom of the flag shall be no less than seven (7') feet from grade directly below the flag.
- (d) For all flags, any illumination shall not shine into neighboring structures, onto other signs, or have a light source that is visible from the public right-of-way.
- (e) All flagpoles must receive a zoning permit from the Zoning Administrator prior to installation. Applications shall specify the proposed location, setback, and height of the flagpole as well as any additional information requested by the City to determine compliance with the City Code. Flagpoles shall not exceed a height of twenty-five (25) feet or the maximum height of structures within the underlying zoning district, whichever is less. Flagpoles must be setback at least ten (10) feet from all property lines. No more than two (2) flags may be displayed per flagpole.

(2) *Temporary Yard Sign:*

- (a) Temporary yard signs may be displayed for a period not to exceed _____ within a calendar year unless otherwise stated in this Ordinance.
- (b) For residential uses and non-residential uses, each dwelling unit or tenant may display up to _____ on-premises temporary yard signs not to exceed six (6) square feet each.
- (c) For residential uses, up to two (2) off-premises temporary yard signs per dwelling unit or tenant, not to exceed six (6) square feet each. Off-premises temporary yard signs may not be displayed for a period of more than fifteen (15) days per month unless otherwise provided herein.
- (d) Notwithstanding any other provision herein, for residential and non-residential uses, if on-site services are being performed on a property (such as interior renovations, painting, or landscaping), the property may display up to _____ off-premises temporary yard signs, not to exceed

_____ square feet in total, which may be displayed during the period of time where such on-site service is occurring on the property.

- (e) All temporary yard signs must be located entirely on private property and shall not be erected or attached to a tree, utility pole, rock, or similar feature.
- (f) Temporary yard signs shall not be illuminated.
- (3) For residential uses and non-residential uses, each dwelling unit and/or tenant may display up to four (4) attached signs not to exceed two (2) square feet each.
- (4) Attached signs located on boat docks, not to exceed _____ square feet, that are attached to the dock.
- (5) Signs that comply with Section 154.022(K)(5).
- (6) Government-Installed signs or any sign required by law, or by regulation or administrative rule of a governmental entity, having appropriate jurisdiction.

2. PROHIBITED SIGNS IN ALL ZONING DISTRICTS

These signs are prohibited anywhere in the City, with specific exceptions. An example of an exception would be that a non-residential use is allowed to have off-premises temporary yard signs when on-site services are being conducted on the property (e.g. contractors, pest control, renovations, landscaping, etc.)

BILLBOARD. Any free-standing permanent sign on a parcel of land which does not include another principal structure.

FEATHER FLAG SIGN, WINDFEATHER SIGN. A flexible sign made of natural or synthetic material typically fastened on one long side to a flexible or non-flexible pole mounted on the ground, intended to move with the wind, not including flags as defined in this section.

PENNANT. Any lightweight plastic, fabric, or other material, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

- (A) Prohibited Signs. The following signs are prohibited in all zoning districts as they have a tendency to be distracting to motorists, cause visual blight, or otherwise negatively impact the public health, safety, and welfare within the City:

- (1) Any sign not expressly permitted.
- (2) Except as otherwise provided herein, off-premises temporary yard signs on properties with non-residential uses
- (3) Billboards.
- (4) Portable signs, including signs affixed to a vehicle or truck trailer where the sign area exceeds _____ square feet unless the vehicle or truck trailer is temporary parked for loading and unloading purposes for a period of time not to exceed _____ hours.
- (5) Signs within a public right-of-way except where expressly authorized in writing by the City or another appropriate authority for signs in the right-of-way.
- (6) Pennants, feather flag signs, windfeather signs, and portable signs.
- (7) Signs that create a traffic vision obstruction.
- (8) Any sign which revolves or has any visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement achieved by electrical, electronic, or mechanical means.
- (9) Any sign that obstructs free and clear vision; or at any location whereby reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device.
- (10) Any sign that includes flashing, blinking, moving illumination, internal illumination, or illumination that changes color or intensity.
- (11) Any sign that projects into any air space so as to interfere with public safety, including vehicular or pedestrian movement.

3. SIGNS ALLOWED IN RESIDENTIAL ZONING DISTRICTS

In addition to the signs allowed in “All Zoning Districts” as explained in Part I (above), the following signs would be allowed in residential zoning districts, which includes the R-1, R-2, and R-4 Zoning District. The general intent of this section is to allow specific types of signage for non-residential uses that are within residential zoning districts (e.g. bed and breakfast, houses of worship, common areas in apartment complexes). These signs require a permit from the Zoning Administrator.

- (1) For non-residential uses one (1) freestanding sign subject to the following requirements:
 - (a) The area of the freestanding sign cannot exceed 50% of the allowable area for a freestanding sign in a non-residential zoning district under Section 154.140(l)(1). (see *below*).
 - (b) The height of the freestanding sign cannot exceed 50% of the allowable area for a freestanding sign in a non-residential zoning district under Section 154.140(l)(1). (see *below*).
 - (c) The freestanding sign may only be illuminated via external illumination between the hours of 7:00 AM and 10:00 PM, so long as the external illumination complies with the requirements of this Ordinance.
- (2) For non-residential uses, one (1) attached sign that complies with the requirements in Section 154.140(l)(2) (see *below*) for attached signs in non-residential zoning districts.
- (3) For non-residential uses, one (1) banner that complies with the requirements in Section 154.140(l)(3) (see *below*) for banners in non-residential zoning districts.

4. SIGNS ALLOWED IN ALL NON-RESIDENTIAL ZONING DISTRICTS

In addition to the signs allowed in “All Zoning Districts” as explained in Part I (above), the following signs would be allowed in all non-residential zoning districts (which includes any district except for the R-1, R-2, and R-4 Zoning Districts). The general intent of this section is to align with the City’s current sign regulations to allow certain types of signs for businesses in non-residential districts (e.g. storefronts, restaurants, bars, etc.). These provisions are almost identical to the sign provisions in the current sign regulations. These signs would require a permit approved by the Zoning Administrator.

- (1) *Freestanding Signs*. Non-residential uses are permitted to have one freestanding sign per frontage. Said sign shall meet the following requirements:
 - (a) Total area of all freestanding signs for each lot shall not exceed 0.25 square feet per linear foot of property frontage on a public or private road up to 32 square feet.

- (b) Freestanding signs shall not exceed 12 feet in height from the grade of the sidewalk to the upper most point of the sign. If no sidewalk is present, then the measurement shall be taken to the grade of the nearest public or private road.
 - (c) Freestanding signs shall be located at least 5 feet from any property line.
 - (d) Freestanding signs shall be located at least 25 feet from any other freestanding sign.
 - (e) Freestanding signs shall be placed in a manner as to not create a traffic vision obstruction.
- (2) *Attached Signs.* Each non-residential use is permitted to have up to two wall signs per building frontage. Attached signs as defined in this chapter shall meet the following requirements:
- (a) The total area of all attached signage associated with a non-residential use shall not exceed 0.75 square feet per linear foot of building frontage. The maximum area of any sign visible from more than one street shall not exceed 0.75 square feet per linear foot of the largest building frontage and shall count as the signage for that frontage. If the building contains more than one business, then the frontage shall be limited to the building frontage of the tenant space facing a public street or primary entrance.
 - (b) Projecting and canopy signs shall be located such that there is a clear area of no less than seven feet below the lowest part of the sign and the sidewalk or ground surface below the sign and shall not project more than four feet from the building face to which it is attached.
 - (c) No attached sign shall be permitted to extend above the roofline of the building to which it is attached.
 - (d) No projecting or canopy sign shall be within 10 feet of another projecting or canopy sign.
 - (e) Signs carved into stone, concrete, or similar material, or made of bronze, aluminum, or other noncombustible material, provided such signs do not exceed 10 square feet in area and are an integral part of the structure.

- (3) *Banners*. Each non-residential use shall be permitted to display one banner at a time, and said banner shall meet the following requirements:
- (a) The banner shall be no larger than 16 square feet in area.
 - (b) The banner shall be located entirely on private property.
 - (c) The banner shall be displayed for no more than three 14-day periods between January 1 and December 31 of any year.
 - (d) The banner shall not be illuminated.
- (4) *Sandwich boards*. Each non-residential use shall be permitted to have one sandwich board subject to the following conditions:
- (a) The sandwich board shall not have an area greater than 6 square feet.
 - (b) The sandwich board may be located within the public right-of-way but shall not be placed in a manner that may obstruct the general flow of pedestrian traffic or in a manner that causes a vision obstruction.
 - (c) The sandwich board shall not be greater than 42 inches in height from grade.
 - (d) The sandwich board shall only be displayed when the business is open.
 - (e) The sandwich board shall not be illuminated.

5. NEON SIGNS

Neon signs are only allowed in non-residential zoning districts for non-residential uses. For example, neon signs could be allowed in any zoning district except for R-1, R-2, and R-4 for non-residential uses, such as bars, restaurants, storefronts, etc.

EXTERIOR NEON SIGN. A freestanding or attached neon sign.

INTERIOR NEON SIGN. A neon sign displayed in a window and intended to be viewed from the outside.

- (6) *Neon signs*. Each non-residential use shall be permitted to have _____ exterior neon sign that cannot exceed _____ square feet in total. Each

non-residential use shall be permitted to have _____ interior neon signs that cannot exceed _____ square feet in total. Neon signs may be illuminated in a manner that complies with the sign illumination requirements in this Ordinance.

6. MURALS

Murals are only allowed in non-residential zoning districts for non-residential uses. For example, murals could be allowed in any zoning district except for R-1, R-2, and R-4 for non-residential uses, such as bars, restaurants, storefronts, etc. Murals do not include advertisements. An advertisement cannot be approved as a mural. Although this definition draws a distinction based on the content of the mural, the application of this distinction is limited to prohibiting commercial speech in this limited context involving murals. Commercial speech is entitled to a lesser degree of constitutional protection compared to private expression (e.g. political signs), and thus it our opinion that this definition is permissible.

MURAL. A noncommercial work of art applied to or made integral with a wall surface. A “mural” shall not include a painted wall sign with words, letters, characters, or numbers intended to identify a business.

WALL SIGN. Any sign that is attached parallel to the wall. Wall sign does not include “murals,” as defined herein.

- (6) *Murals.* Each non-residential use shall be permitted to install _____ murals that cannot exceed _____ square feet. Murals must receive all necessary approvals to be installed, including approval from the City’s Historical District Commission.

ADDITIONAL OPTIONS: WINDOW OF INCREASED SIGNAGE

There was some discussion at prior meetings about a sign provision that would allow increased signage around the time of elections. For example, this provision may allow for an increased number of temporary yard signs for 60 days leading up to an election. However, these “event-based” provisions can be construed as implicitly content based. An alternative option would be to allow property owners to apply for increased signage (via a permit) during a particular window of time of their choosing. Courts have endorsed this option. Below is an example of such a provision for the Planning Commission to consider implementing into the draft zoning amendment:

Additional Signage Permit:

Subject to an additional sign permit being approved by the Zoning Administrator, a property owner may display up to _____ additional off-premises temporary yard signs, not to exceed _____ square feet of total temporary yard signage, for a period

of _____ consecutive days one time per year. The permit application must state the applicable time period for which the increased signage will be displayed. Any additional signage that is displayed pursuant to an additional signage permit must be removed before the expiration of the permit.

This provision is meant as an example. This concept could be expanded to other types of signs or limited to specific zoning districts or types of uses.

Hopefully the draft zoning amendment and related memorandum are helpful to facilitate the Planning Commission's discussion. We would be happy to implement any revisions or feedback that the Planning Commission may have.

CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN
ZONING ORDINANCE AMENDMENT

ORDINANCE NO. _____

At a meeting of the City Council of the City of Saugatuck, Allegan County, Michigan, held at the City of Saugatuck Hall on _____, 2025 at _____ p.m., City Council Member _____ moved to adopt the following ordinance, which motion was seconded by City Council Member _____.

An ordinance to amend the City of Saugatuck's Zoning Ordinance to update signage regulations to regulate signs in a content-neutral manner, and to promote the public health, safety, and welfare of the residents and visitors of the City of Saugatuck.

CITY OF SAUGATUCK, ALLEGAN COUNTY, ORDAINS:

SECTION 1. AMENDMENT TO ZONING ORDINANCE, SECTION 154.140: The City of Saugatuck Zoning Ordinance, Section 154.140 is amended to revise the regulations and definitions ~~purpose statement and certain definitions~~ applicable to signage within the City. Section 154.140 shall now read as follows:

(A) Purpose. The purpose of this ~~Section Article~~ is to regulate signs within the City of Saugatuck (the "City") in a content-neutral manner to protect the health, safety and general welfare, to protect property values, and to protect the character of the various neighborhoods in the City. This ~~Section Article~~ intends to make the City attractive to residents, visitors, commercial, and professional businesses while maintaining a sustainable economy through an appropriate signage program. The elements of this program will:

- (1) Recognize that the proliferation of signs is 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 potential for accidents.
- (2) Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
- (3) Enable the public to locate goods, services, and facilities without excessive difficulty and confusion by restricting the placement of signs.
- (4) Prevent placement of signs which will conceal or obscure signs of adjacent uses.
- (5) Preserve and improve the aesthetics and character 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.

- (6) Provide regulations that focus on the time, place, manner, and physical characteristics of signs, but not the content of signs in accordance with the First Amendment of the United States Constitution.

(B) Definitions. For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

—ABANDONED SIGN. A sign that is not operated or properly maintained for a period of thirty (30) days or longer. The following conditions shall be considered as the failure to operate or properly maintain a sign:

(1) A sign that displays advertising for a product or service which is no longer available.

(2) A sign that displays advertising for a business which is no longer licensed.

(3) A sign that is blank.

(4) A sign that is in disrepair as determined by the Zoning Administrator, including but not limited to, signs that are missing portions of the display, have chipped or dilapidated paint or other components, or otherwise have fallen into disrepair.

(5) A sign that advertises a business that no longer has a certificate of occupancy or that is no longer doing business on the parcel where the sign is located, if the business was originally located on that parcel.

(6) A sign for a purpose for which the purpose has lapsed. A sign that has ceased to be used, and the owner intends no longer to have used it for the display of sign copy, or any sign not repaired or maintained properly.

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BANNER. A temporary flexible sign directly mounted to a building, or a support on a building, or between two poles made of natural or synthetic material, not including flags as defined in this section.

BILLBOARD. Any free-standing permanent sign on a parcel of land which does not include another principal structure. ~~Such sign shall be established as a principal use~~

FEATHER FLAG SIGN, WINDFEATHER SIGN. A flexible sign made of natural or synthetic material typically fastened on one long side to a flexible or non-flexible pole mounted on the ground, intended to move with the wind, not including flags as defined in this section.

FLAG. A piece of fabric ~~of distinctive~~ that is hung from a pole, a bracket, or attached to the side of a building.

MURAL. A noncommercial work of art applied to or made integral with a wall surface. A "mural" shall not include a painted wall sign with words, letters, characters, or numbers intended to identify a business

NEON SIGNS.

(1) **EXTERIOR NEON SIGN.** A freestanding or attached neon sign, ~~displayed on the exterior of a building.~~

(2) **INTERIOR NEON SIGN.** A neon sign displayed ~~in a within four feet of a~~ window and intended to be viewed from the outside.

NON-RESIDENTIAL USE. Any use of property ~~except for single family residential dwellings~~ that is not a “residential use,” as defined herein. The common areas of a multi-family dwelling unit (such as an apartment complex) or a housing development with multiple dwelling units shall be considered non-residential for purposes of allowable signage.

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OFF-PREMISES SIGN. A sign ~~that which~~ advertises ~~directs attention to~~ an entity, business, person, activity, good, product, or service ~~business, property, or service~~ offered or existing elsewhere than upon the same lot where the sign is displayed.

ON-PREMISES SIGN. A sign that advertises the sale or lease of the property on which the sign is located or advertises an entity, business, person, activity, good, product, or service offered or existing upon the same lot where the sign is displayed.

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ON-SITE SERVICE. Work or services that are performed on a particular property that are not typically offered on the particular property and are for the benefit of the particular property as opposed to the general public, including but not limited to, construction, landscaping, painting, pest control, interior improvements, moving services, and similar services. ~~—ON-PREMISE SIGN: A sign which directs attention to an entity, business, property, or service offered or existing upon the same lot where the sign is displayed.~~

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PENNANT. Any lightweight plastic, fabric, or other material, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERMANENT SIGN. Any sign constructed of durable materials, secured on a structure or property, and intended to exist for the duration of time that the use or occupant is located on the premises.

PORTABLE SIGNS. Any sign designed to be moved easily and not permanently attached to the ground or other permanent structure, including but not limited to: flashing A-frames, searchlights, beacons, balloons, umbrellas, trailers, wheeled or non-wheeled carts, or signs inside, on, or against parked vehicles, including but not limited to signs affixed to a vehicle or truck trailer.

RESIDENTIAL USE. ~~A property that contains one or more attached or detached single family residential dwelling units~~ A residential use shall include apartments, multiple-family dwellings, single-family attached dwellings, single-family detached dwellings, and two-family dwellings, as those terms are defined in Section 154.005.

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SANDWICH BOARD SIGN. A temporary free standing sign constructed in such a manner as to form an “A” or a tent-like shape, hinged or not hinged at the top, each angular face held at an appropriate distance by a supporting member.

SIGN. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trademarks, logos or pictures, or combination thereof, intended to be used to attract attention to or convey information about a person, place, business, firm, profession, or association.

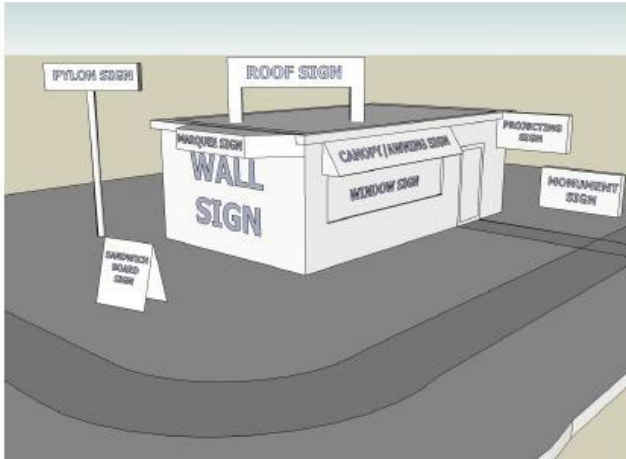
SIGN AREA. The smallest area within a three or four sided polygon or circle enclosing the display surface of the sign including all letters, characters, and delineations that differentiate it from the background against which it is placed. **SIGN AREA** shall not include the structural supports for free standing signs. Where a sign has two faces, placed back to back, and are of equal size, the area of the two faces shall be considered as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the sign area.

SIGN, ATTACHED. A permanent sign which is either painted or attached to the exterior wall of a building, including on a canopy/awning, a sign hanging under a canopy/awning, or on the exterior of a window.

- (1) **CANOPY/AWNING SIGN.** A fabric canopy or awning with all or any part used as a sign.
- (2) **PROJECTING SIGN.** A double-faced sign attached at an angle or perpendicular to the wall of a building.
- (3) **ROOF SIGN.** Any sign erected and constructed wholly on or over the roof of a building, supported by the roof structure.
- (4) **WALL SIGN.** Any sign that is attached parallel to the wall. Wall sign does not include "murals," as defined herein. ~~or painted on the wall of a building.~~
- (5) **WINDOW SIGN.** A sign painted on, or attached directly to, the exterior surface of a glass window or door.
- (6) **MARQUEE SIGN.** A changeable message sign either freestanding or attached to a building. Also known as a **MESSAGE BOARD**.

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SIGN, FREESTANDING. A permanent sign which is not attached to a building or any other structure and is set permanently in the ground with posts or base.

- (1) **PYLON SIGN.** A freestanding sign affixed permanently in the ground and supported by a single or double post(s).
- (2) **MONUMENT SIGN.** A freestanding sign affixed directly to a masonry or other base without a support post.

TEMPORARY YARD SIGN. Any sign that is not constructed or intended for long term use or is not permanently attached to a building, window, or structure. A temporary yard sign is often double-faced and supported by metal legs or wooden post(s) anchored into a lawn or landscaped area with no permanent foundation. The sign face is typically made from lightweight materials such as corrugated plastic, cardboard, or wood, making it easy to install and remove.

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~~**SECTION 2. AMENDMENT TO ZONING ORDINANCE, SECTION 154.141:** The City of Saugatuck Zoning Ordinance is amended to revise the sign regulations in Section 154.141, which shall now read as follows:~~

~~**A. Statement of purpose.** The purpose of this chapter is to regulate permanent and temporary signs in a manner that maintains the protection of the city's appearance and the general welfare of the public~~

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~~B.(C)~~ **Regulation of sign requirements.** All signs shall be subject to the following regulations to be enforced by the Zoning Administrator~~Zoning Administrator~~, unless otherwise provided in this chapter. ~~(see § 154.022(K)(5), § 154.022(L)(4)).~~

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~~C.(D)~~ **Sign permit procedure.** ~~All signs requiring a permit under this Ordinance. All proposed permanent signs shall obtain a sign permit from be subject to prior~~Except as provided herein, a sign permit shall be obtained from approval by the Zoning Administrator Zoning Administrator prior to installation of the any sign. All applications for approval of proposed signs shall indicate size, type, materials, structural supporting devices, and type of illumination (if any). A scale drawing of the proposed sign shall be provided with all applications. If the application is made by the building tenant, the same must have written permission for the proposed sign from the building owner. Sign approval shall be valid for a period of one year. If the approved sign is not installed within that period, a new application must be submitted.

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~~D.(E)~~ **General Standards:**

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(1) *Sign illumination.* The illumination of permanent signs shall be subject to the following regulations:

(a) ~~Except for neon signs, A~~all externally lit signs shall be designed so that the light source shall not be visible from the public right-of-way. ~~;~~

~~(b) All internally lit signs shall be designed such that the source of the lighting is not visible from the public right-of-way; and~~

~~(c) No sign shall contain lights which flash, change color or intensity.~~

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(2) *Historic district.* Permanent signs located within the historic district shall require approval from the Historic District Commission before installation.

(3) Compliance with building codes. All signs shall comply with the building and electrical codes of the city. Underground wiring shall be required for all illuminated signs, or signs requiring electrical connections which are not attached to a building.

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~~(3)(4)~~ Sign Maintenance and Abandonment. All signs shall be properly maintained in good condition. A sign that has fallen into disrepair or has become an abandoned sign as determined by the Zoning Administrator must be repaired, properly maintained, or removed within thirty (30) days of notice being sent informing owner of the noncompliant sign conditions. Failure to remove or repair an abandoned sign shall be considered a violation of this Ordinance.

~~E.(F)~~ **Prohibited Signs.** The following signs are prohibited in all zoning districts as they have a tendency to be distracting to motorists, cause visual blight, or otherwise negatively impact the public health, safety, and welfare within the City:

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(1) Any sign not expressly permitted.

~~(1)(2)~~ Except as otherwise provided herein, off-premises temporary yard signs on properties with non-residential uses

~~(2) Signs that incorporate flashing or moving lights.~~

(3) Billboards.

(4) Portable signs, including signs affixed to a vehicle or truck trailer where the sign area exceeds _____ square feet unless the vehicle or truck trailer is temporary parked for loading and unloading purposes for a period of time not to exceed _____ hours.

(5) Signs within a public right-of-way except where expressly authorized in writing by the City or another appropriate authority for signs in the right-of-way.

(6) Pennants, feather flag signs, windfeather signs, and portable signs ~~as defined in § 154.140 of the Zoning Ordinance.~~

~~(7) Signs that create a traffic vision obstruction.~~

~~(7)~~

~~(8) Temporary signs that exceed 28 feet in height from grade.~~

~~(9)(8)~~ Any sign which revolves or has any visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement achieved by electrical, electronic, or mechanical means.

~~(10)(9)~~ Any sign that obstructs free and clear vision; or at any location whereby reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device.

~~(11)(10) Any sign that includes flashing, blinking, moving illumination, internal illumination, or illumination that changes color or intensity. Any sign that includes flashing, blinking, or moving illumination.~~

~~(12) Any sign that projects into any air space so as to interfere with public safety, including vehicular or pedestrian movement.~~

~~(13) Abandoned signs, which shall be removed within thirty (30) days of the abandonment of the use of the premises, the time that the sign lapses into disrepair, or the time when the owner no longer intends to use the sign.~~

~~(11)~~

F.(G) Signs Permitted in All Districts

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The following signs do not require a permit and are permitted in all Zoning Districts within the City, subject to the following requirements and limitations:

(1) *Flags:*

(a) For residential uses, each dwelling unit may display up to three~~one (3+)~~ flags ~~per dwelling unit~~~~per lot~~, not to exceed ____ square feet, ~~is allowed total. No more than one (1) flag may be attached to the dwelling unit or a related structure. No more than two (2) flags may be displayed per flagpole. Under no circumstances shall the total number of flags exceed three (3) flags.~~

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(b) For non-residential uses, each tenant may display one (1) flag per frontage ~~or one (1) flag per commercial tenant business~~, up to a maximum of ~~two (2) flags~~, and not to exceed 24 square feet in total sign area. Under no circumstances shall the total number of flags on a particular parcel exceed flags.

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(c) For all flags, if the flags hang over a sidewalk or other pedestrian walkway, the bottom of the flag shall be no less than seven (7') feet from grade directly below the flag.

(d) For all flags, any illumination shall not shine into neighboring structures, onto other signs, or have a light source that is visible from the public right-of-way.

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(e) ~~(d)~~ All flagpoles must receive a zoning permit from the Zoning Administrator prior to installation. Applications ~~for permits~~ shall specify the proposed location, setback, and height of the flagpole as well as any additional information requested by the City to determine compliance with the City Code. Flagpoles shall not exceed a height of twenty-five (25) feet or the maximum height of structures within the underlying zoning district, whichever is less. Flagpoles must be setback at least ten (10) feet from all property lines. No more than two (2) flags may be displayed per flagpole.

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(2) *Off-Premise Temporary Yard Sign:*

(a) Temporary yard signs may be displayed for a period not to exceed _____ within a calendar year unless otherwise stated in this Ordinance.

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(b) For residential uses and non-residential uses, For residential uses, each dwelling unit or tenant may display up to _____ on-premises temporary yard signs ~~per dwelling unit~~ not to exceed six (6) square feet ~~each in total~~.

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~~(a)~~ each tenant may display

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(b) ~~For thirty (30) days before and seven (7) days after any local, state, or federal election, a residential use or non-residential use may have up to _____ signs, not to exceed _____ square feet in total.~~

(c) ~~For non-residential uses, a total of one (1) off-premise temporary sign, not to exceed _____ square feet.~~

(c) ~~For off-premises temporary signs, up to _____~~ For residential uses ~~Up, up to two (2) off-premises temporary yard signs per dwelling unit or tenant, not to exceed six (6) square feet each. Off-premises temporary yard signs may not be displayed for a period of more than fifteen (15) days per month unless otherwise provided herein.~~

(d) ~~Notwithstanding any other provision herein, for residential and non-residential uses, if an active building permit is issued for either a non-residential or residential use or if landscaping work is occurring on-site services interior or exterior work is are being performed on thea property (such as interior renovations, painting, or landscaping), the parcel-property may contain display up to _____ additional-off-premises temporary yard signs, not to exceed _____ square feet in total, which may be displayed during the period of time where such on-site service is occurring on the property.~~

(e) All ~~off-premise~~ temporary yard signs must be located entirely on private property and shall not be erected or attached to a tree, utility pole, rock, or similar feature.

(f) ~~Off-premise temporary signs shall not create a pedestrian obstruction or a traffic vision obstruction~~

~~(g)(f)~~ ~~Off-premise~~ Temporary yard signs shall not be illuminated.

~~(3) On-Premise Temporary Signs:~~

(a) ~~For residential uses, no more than two (2) temporary on-premise signs, not to exceed six (6) square feet.~~

(b) ~~For non-residential uses, no more than _____ temporary on-premise sign, not to exceed _____ square feet.~~

(c) ~~All on-premise temporary signs must be located entirely on private property and shall not be erected or attached to a tree, utility pole, rock, or similar feature.~~

(d) ~~On-premise temporary signs shall not create a pedestrian obstruction or a traffic vision obstruction~~

(e) ~~On-premise temporary signs shall not be illuminated.~~

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~~(4)~~(3) For residential uses and non-residential uses, each dwelling unit and/or tenant may display up to four (4) attached signs not to exceed two (up to 2) square feet each.

~~(5)~~(4) Attached signs located on boat docks, not to exceed _____ square feet, that are attached to the dock.

~~(6)~~(5) Signs that comply with Section 154.022(K)(5).

~~(7)~~(6) Government-Installed signs or any sign required by law, or by regulation or administrative rule of a governmental entity, having appropriate jurisdiction.

G.(H) Signs in Residential Zoning Districts:

Unless otherwise provided in this Ordinance~~In addition to the signs permitted pursuant to Section 154.141(F),~~ the following signs shall be permitted ~~in the~~ all residential Zoning Districts (R-1, R-2, and R-4 Zoning Districts) within the City, subject to the following restrictions and a sign permit being approved by the Zoning Administrator: ÷

(1) For non-residential uses, one (1) freestanding sign subject to the following requirements: [Insert Residential District Specific Regulations If Applicable]

(a) The area of the freestanding sign cannot exceed 50% of the allowable area for a freestanding sign in a non-residential zoning district under Section 154.140(I)(1).

(b) The height of the freestanding sign cannot exceed 50% of the allowable area for a freestanding sign in a non-residential zoning district under Section 154.140(I)(1).

(c) The freestanding sign may only be illuminated via external illumination between the hours of 7:00 AM and 10:00 PM, so long as the external illumination complies with the requirements of this Ordinance.

(2) For non-residential uses, one (1) attached sign that complies with the requirements in Section 154.140(I)(2) for attached signs in non-residential zoning districts.

(3) For non-residential uses, one (1) banner that complies with the requirements in Section 154.140(I)(3) for banners in non-residential zoning districts.

H.(I) Signs in All Non-Residential Zoning Districts:

In addition to the signs permitted pursuant to Section 154.141(F)~~Unless otherwise provided in this Ordinance,~~ the following signs shall be permitted for all non-residential uses in ~~the~~ all non-residential Zoning Districts (including any district except for the R-1, R-2, and R-4 Zoning

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Districts) within the City, subject to the following restrictions and a sign permit being approved by the Zoning Administrator:

- (1) *Freestanding Signs.* Non-residential uses are permitted to have one freestanding sign per frontage. Said sign shall meet the following requirements:
 - (a) Total area of all freestanding signs for each lot shall not exceed 0.25 square feet per linear foot of property frontage on a public or private road up to 32 square feet. ~~and~~
 - (b) Freestanding signs shall not exceed 12 feet in height from the grade of the sidewalk to the upper most point of the sign. If no sidewalk is present, then the measurement shall be taken to the grade of the nearest public or private road. ~~and~~
 - (c) Freestanding signs shall be located at least 5 feet from any property line. ~~and~~
 - (d) Freestanding signs shall be located at least 25 feet from any other freestanding sign. ~~and~~
 - (e) Freestanding signs shall be placed in a manner as to not create a traffic vision obstruction. ~~and~~
- (2) *Attached Signs.* Each non-residential use is permitted to have up to two wall signs per building frontage. Attached signs as defined in this chapter shall meet the following requirements:
 - (a) The total area of all attached signage associated with a non-residential use shall not exceed 0.75 square feet per linear foot of building frontage. The maximum area of any sign visible from more than one street shall not exceed 0.75 square feet per linear foot of the largest building frontage and shall count as the signage for that frontage. If the building contains more than one business, then the frontage shall be limited to the building frontage of the tenant space facing a public street or primary entrance. ~~and~~
 - (b) Projecting and canopy signs shall be located such that there is a clear area of no less than seven feet below the lowest part of the sign and the sidewalk or ground surface below the sign and shall not project more than four feet from the building face to which it is attached. ~~and~~
 - (c) No attached sign shall be permitted to extend above the roofline of the building to which it is attached. ~~and~~
 - (d) No projecting or canopy sign shall be within 10 feet of another projecting or canopy sign. ~~and~~

- (e) Signs carved into stone, concrete, or similar material, or made of bronze, aluminum, or other noncombustible material, provided such signs do not exceed 10 square feet in area and are an integral part of the structure.
- (3) *Banners*. Each non-residential use shall be permitted to display one banner at a time, and said banner shall meet the following requirements:
 - (a) The banner shall be no larger than 16 square feet in area.
 - (b) The banner shall be located entirely on private property.
 - (c) The banner shall be displayed for no more than three 14-day periods between January 1 and December 31 of any year.
 - (d) The banner shall not be illuminated.
- (4) *Sandwich boards*. Each non-residential use shall be permitted to have one sandwich board subject to the following conditions:
 - (a) The sandwich board shall not have an area greater than 6 square feet.
 - (b) The sandwich board may be located within the public right-of-way but shall not be placed in a manner that may obstruct the general flow of pedestrian traffic or in a manner that causes a vision obstruction.
 - (c) The sandwich board shall not be greater than 42 inches in height from grade.
 - (d) The sandwich board shall only be displayed when the business is open.
 - (e) The sandwich board shall not be illuminated.

(5) *Neon signs*. Each non-residential use shall be permitted to have exterior neon sign that cannot exceed square feet in total. Each non-residential use shall be permitted to have interior neon signs that cannot exceed square feet in total. Neon signs may be illuminated in a manner that complies with the sign illumination requirements in this Ordinance.

(6) *Murals*. Each non-residential use shall be permitted to install murals that cannot exceed square feet. Murals must receive all necessary approvals to be installed, including approval from the City's Historical District Commission.

I.(J) Existing Non-Conforming Signs:

- (1) The intent of this section is to permit the continuance of a lawful use of any sign existing at the time of the effective date of this section, although the sign or supporting structure may not conform with the provisions of this section. Further, it is the intent that non-

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conforming signs and structures be gradually eliminated upon their natural deterioration.

- a. Every permanent legally existing sign which does not conform to the height, size, area, or location requirements of this subchapter as of the date of the adoption of this section, is hereby deemed to be non-conforming.
- b. Alteration, erection, replacement, or enlargement of signs. No person, firm, corporation, partnership, or other legal entity shall alter, replace, or enlarge the faces, supports, or other parts of existing non-conforming signs except in accordance with this section. Non-conforming signs, however, may be repaired, repainted, or otherwise maintained.

(2) *Accidental destruction of Non-Conforming Sign:*

- a. If a non-conforming sign is destroyed, it may be replaced, provided that it is not enlarged in size or dimension. If the sign is located in the public right-of-way, the sign may not be replaced without the approval of the Zoning Board of Appeals for a sign permit.
- b. For the purpose of this section, a non-conforming sign is destroyed if damaged to an extent that the cost of repairing it to its former state or replacing it with an equivalent sign equals or exceeds the value of the damaged sign prior to the damage.

(3) A non-conforming sign may be diminished in size or dimension, or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming.

(4) *Permanent signs in the public right-of-way or in city parks:*

- a. All existing non-conforming signs, supports, and structures located in the public right-of-way may continue to occupy the right-of-way until such time that they are accidentally destroyed, removed, or become non-functional. These signs shall not be replaced without approval of the Planning Commission for a sign permit, the City Council for a revocable license, and the Historic District Commission if located in the Historic District.

~~b. Any new permanent signs within the public right of way shall obtain City Council approval prior to erection. Signs shall not create a traffic vision obstruction, pedestrian traffic obstruction, or prevent the general accepted use of the public right of way.~~

J. Administration and enforcement:

(K)

~~(1) Administration. The Zoning Administrator shall administer and enforce this section and shall have the right to enter and inspect periodically all properties during the process of~~

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the work. He or she shall inspect the construction at least once upon completion of the work to insure compliance with this section. A violation of this chapter shall constitute a nuisance per se.

~~(2) Interpretation/appeal. The Zoning Administrator shall have the authority to render binding interpretations of provisions of this section and shall administer the same. An aggrieved party may appeal any interpretation/determination made by the Zoning Administrator in writing to the Zoning Board of Appeals within 21 days of any such determination/interpretation. The Zoning Board of Appeals may waive the requirements and standards of this section if the proposed sign:~~

~~(a) Does not create a pedestrian or vehicle traffic obstruction or hazard;~~

~~(b) Is not permanent in nature;~~

~~(c) Does not create glare or nuisance to neighboring properties;~~

~~(d) Is consistent with the character of the city; and~~

~~(e) Is consistent with the city's master plan.~~

~~(1) Revocation of permit. The Zoning Administrator shall have the authority to revoke any permit issued pursuant to this section if the requirements of the permit and the provisions of this section are being violated, and in such case shall have the power to issue a stop-work order. An aggrieved party may appeal within 21 days of any such determination/interpretation.~~

~~(1)~~

SECTION 2. AMENDMENT TO ZONING ORDINANCE, SECTION 154.141: The City of Saugatuck Zoning Ordinance is amended to repeal the sign regulations in Section 154.141. Section 154.141 will be held in reserve.

~~(3) Assistance of building inspector or engineer. The Zoning Administrator may seek the advice and assistance of the City Building Inspector or such licensed engineer as he or she may designate if he or she feels it necessary to assure compliance with this section, and the Building Inspector or licensed engineer shall render such assistance when requested to do so.~~

~~(4) Stop work orders. Upon notice from the Zoning Administrator that any use being conducted or that any work or construction is being done contrary to the provisions of this section, such use or work shall cease immediately. The stop work order shall be in writing and shall be given to the owner of the property involved (as shown on the most recent property tax bill). Any person who shall continue to work on and/or construct a structure, land or building or use it after having been served with a stop work order, except such work as that person is~~

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~~expressly directed by the city to perform to remove a violation, shall be in violation of this section.~~

~~K. Penalties:~~

- ~~(1) Any person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provision of this section shall be responsible for a municipal civil infraction and shall be punished by a civil fine in accordance with § 10.22, Chapter 10 of this code, and shall be liable for payment of the costs of prosecution in an amount of not less than \$9 and not more than \$500.~~
- ~~(2) Each day that a violation continues to exist shall constitute a distinct and separate offense and shall make the violator liable for the imposition of fines for each day.~~
- ~~(3) The foregoing penalties shall be in addition to the abatement of the violating condition and injunctive or other relief which may be ordered by the court as prescribed by the laws of the state for the abatement of a public nuisance or the violation of a city ordinance designated as a municipal civil infraction.~~

SECTION 3. AMENDMENT TO ZONING ORDINANCE, SECTION 154.022(L)(4): The City of Saugatuck Zoning Ordinance, Section 154.022(L) is amended to read as follows. The remainder of Section 154.022(L) shall remain the same unless expressly amended herein.

- (4) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation except for signs that comply with the signage regulations in this Chapter.

SECTION 4. AMENDMENT TO ZONING ORDINANCE, SECTION 154.022(K)(5): The City of Saugatuck Zoning Ordinance, Section 154.022(K) is amended to read as follows. The remainder of Section 154.022(K) shall remain the same unless expressly amended herein.

- (5) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home business, except for signs that comply with all provisions of the signage requirements in this Chapter. No over-the-counter retail sales or other sales of merchandise or products shall be conducted upon the premises except for incidental products related to the home business or those goods actually produced on the premises.

SECTION 95. SEVERABILITY: Should a court of competent jurisdiction find any provision, clause, or portion of this ordinance amendment to be invalid, the balance or remainder of this ordinance amendment shall remain valid and in full force and effect and shall be deemed “severable” from the portion, clause, or provision deemed to be invalid by the court.

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| **SECTION ~~640~~. REPEAL:** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. Specifically, Section 150.30 of the City Code is hereby repealed.

| **SECTION ~~744~~. EFFECTIVE DATE:** This Ordinance shall take effect seven (7) days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

Holly Anderson
City of Saugatuck, Mayor

CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN

ZONING ORDINANCE AMENDMENT

ORDINANCE NO. _____

At a meeting of the City Council of the City of Saugatuck, Allegan County, Michigan, held at the City of Saugatuck Hall on _____, 2025 at _____ p.m., City Council Member _____ moved to adopt the following ordinance, which motion was seconded by City Council Member _____.

An ordinance to amend the City of Saugatuck's Zoning Ordinance to update signage regulations to regulate signs in a content-neutral manner, and to promote the public health, safety, and welfare of the residents and visitors of the City of Saugatuck.

CITY OF SAUGATUCK, ALLEGAN COUNTY, ORDAINS:

SECTION 1. AMENDMENT TO ZONING ORDINANCE, SECTION 154.140: The City of Saugatuck Zoning Ordinance, Section 154.140 is amended to revise the regulations and definitions applicable to signage within the City. Section 154.140 shall now read as follows:

(A) Purpose. The purpose of this Section is to regulate signs within the City of Saugatuck (the "City") in a content-neutral manner to protect the health, safety and general welfare, to protect property values, and to protect the character of the various neighborhoods in the City. This Section intends to make the City attractive to residents, visitors, commercial, and professional businesses while maintaining a sustainable economy through an appropriate signage program. The elements of this program will:

- (1) Recognize that the proliferation of signs is 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 potential for accidents.
- (2) Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
- (3) Enable the public to locate goods, services, and facilities without excessive difficulty and confusion by restricting the placement of signs.
- (4) Prevent placement of signs which will conceal or obscure signs of adjacent uses.
- (5) Preserve and improve the aesthetics and character 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.

- (6) Provide regulations that focus on the time, place, manner, and physical characteristics of signs, but not the content of signs in accordance with the First Amendment of the United States Constitution.

(B) Definitions. For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED SIGN. A sign that is not operated or properly maintained for a period of thirty (30) days or longer. The following conditions shall be considered as the failure to operate or properly maintain a sign:

- (1) A sign that displays advertising for a product or service which is no longer available.
- (2) A sign that displays advertising for a business which is no longer licensed.
- (3) A sign that is blank.
- (4) A sign that is in disrepair as determined by the Zoning Administrator, including but not limited to, signs that are missing portions of the display, have chipped or dilapidated paint or other components, or otherwise have fallen into disrepair.
- (5) A sign that advertises a business that no longer has a certificate of occupancy or that is no longer doing business on the parcel where the sign is located, if the business was originally located on that parcel.
- (6) A sign for a purpose for which the purpose has lapsed.

BANNER. A temporary flexible sign directly mounted to a building, or a support on a building, or between two poles made of natural or synthetic material, not including flags as defined in this section.

BILLBOARD. Any free-standing permanent sign on a parcel of land which does not include another principal structure.

FEATHER FLAG SIGN, WINDFEATHER SIGN. A flexible sign made of natural or synthetic material typically fastened on one long side to a flexible or non-flexible pole mounted on the ground, intended to move with the wind, not including flags as defined in this section.

FLAG. A piece of fabric that is hung from a pole, a bracket, or attached to the side of a building.

MURAL. A noncommercial work of art applied to or made integral with a wall surface. A “mural” shall not include a painted wall sign with words, letters, characters, or numbers intended to identify a business

NEON SIGNS.

- (1) ***EXTERIOR NEON SIGN.*** A freestanding or attached neon sign.

(2) **INTERIOR NEON SIGN.** A neon sign displayed in a window and intended to be viewed from the outside.

NON-RESIDENTIAL USE. Any use of property that is not a “residential use,” as defined herein. The common areas of a multi-family dwelling unit (such as an apartment complex) or a housing development with multiple dwelling units shall be considered non-residential for purposes of allowable signage.

OFF-PREMISES SIGN. A sign that advertises an entity, business, person, activity, good, product, or service offered or existing elsewhere than upon the same lot where the sign is displayed.

ON-PREMISES SIGN. A sign that advertises the sale or lease of the property on which the sign is located or advertises an entity, business, person, activity, good, product, or service offered or existing upon the same lot where the sign is displayed.

ON-SITE SERVICE. Work or services that are performed on a particular property that are not typically offered on the particular property and are for the benefit of the particular property as opposed to the general public, including but not limited to, construction, landscaping, painting, pest control, interior improvements, moving services, and similar services.

PENNANT. Any lightweight plastic, fabric, or other material, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERMANENT SIGN. Any sign constructed of durable materials, secured on a structure or property, and intended to exist for the duration of time that the use or occupant is located on the premises.

PORTABLE SIGNS. Any sign designed to be moved easily and not permanently attached to the ground or other permanent structure, including but not limited to: flashing A-frames, searchlights, beacons, balloons, umbrellas, trailers, wheeled or non-wheeled carts, or signs inside, on, or against parked vehicles, including but not limited to signs affixed to a vehicle or truck trailer.

RESIDENTIAL USE. A residential use shall include apartments, multiple-family dwellings, single-family attached dwellings, single-family detached dwellings, and two-family dwellings, as those terms are defined in Section 154.005.

SANDWICH BOARD SIGN. A temporary free standing sign constructed in such a manner as to form an “A” or a tent-like shape, hinged or not hinged at the top, each angular face held at an appropriate distance by a supporting member.

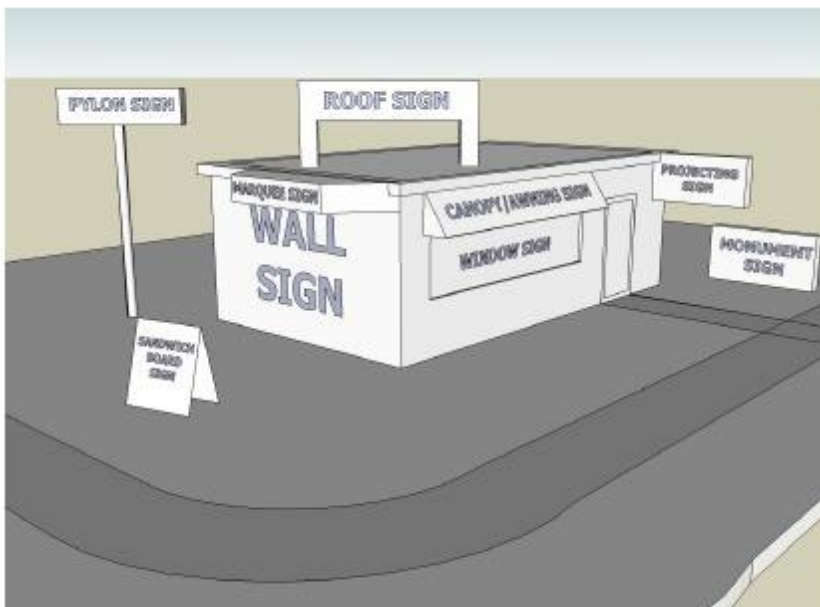
SIGN. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trademarks, logos or pictures, or combination thereof, intended to be used to attract attention to or convey information about a person, place, business, firm, profession, or association.

SIGN AREA. The smallest area within a three or four sided polygon or circle enclosing the display surface of the sign including all letters, characters, and delineations that differentiate it from the background against which it is placed. **SIGN AREA** shall not include the structural supports for free standing signs. Where a sign has two faces, placed back to back, and are of equal

size, the area of the two faces shall be considered as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the sign area.

SIGN, ATTACHED. A permanent sign which is either painted or attached to the exterior wall of a building, including on a canopy/awning, a sign hanging under a canopy/awning, or on the exterior of a window.

- (1) **CANOPY/AWNING SIGN.** A fabric canopy or awning with all or any part used as a sign.
- (2) **PROJECTING SIGN.** A double-faced sign attached at an angle or perpendicular to the wall of a building.
- (3) **ROOF SIGN.** Any sign erected and constructed wholly on or over the roof of a building, supported by the roof structure.
- (4) **WALL SIGN.** Any sign that is attached parallel to the wall. Wall sign does not include “murals,” as defined herein.
- (5) **WINDOW SIGN.** A sign painted on, or attached directly to, the exterior surface of a glass window or door.
- (6) **MARQUEE SIGN.** A changeable message sign either freestanding or attached to a building. Also known as a **MESSAGE BOARD**.



SIGN, FREESTANDING. A permanent sign which is not attached to a building or any other structure and is set permanently in the ground with posts or base.

- (1) **PYLON SIGN.** A freestanding sign affixed permanently in the ground and supported by a single or double post(s).
- (2) **MONUMENT SIGN.** A freestanding sign affixed directly to a masonry or other base without a support post.

TEMPORARY YARD SIGN. Any sign that is not constructed or intended for long term use or is not permanently attached to a building, window, or structure. A temporary yard sign is often double-faced and supported by metal legs or wooden post(s) anchored into a lawn or landscaped area with no permanent foundation. The sign face is typically made from lightweight materials such as corrugated plastic, cardboard, or wood, making it easy to install and remove.

(C) Regulation of sign requirements. All signs shall be subject to the following regulations to be enforced by the Zoning Administrator, unless otherwise provided in this chapter.

(D) Sign permit procedure. Except as provided herein, a sign permit shall be obtained from the Zoning Administrator prior to installation of any sign. All applications for approval of proposed signs shall indicate size, type, materials, structural supporting devices, and type of illumination (if any). A scale drawing of the proposed sign shall be provided with all applications. If the application is made by the building tenant, the same must have written permission for the proposed sign from the building owner. Sign approval shall be valid for a period of one year. If the approved sign is not installed within that period, a new application must be submitted.

(E) General Standards:

- (1) *Sign illumination.* The illumination of permanent signs shall be subject to the following regulations:
 - (a) Except for neon signs, all externally lit signs shall be designed so that the light source shall not be visible from the public right-of-way.
- (2) *Historic district.* Permanent signs located within the historic district shall require approval from the Historic District Commission before installation.
- (3) *Compliance with building codes.* All signs shall comply with the building and electrical codes of the city. Underground wiring shall be required for all illuminated signs, or signs requiring electrical connections which are not attached to a building.
- (4) *Sign Maintenance and Abandonment.* All signs shall be properly maintained in good condition. A sign that has fallen into disrepair or has become an abandoned sign as determined by the Zoning Administrator must be repaired, properly maintained, or removed within thirty (30) days of notice being sent informing owner of the noncompliant sign conditions. Failure to remove or repair an abandoned sign shall be considered a violation of this Ordinance.

(F) Prohibited Signs. The following signs are prohibited in all zoning districts as they have a tendency to be distracting to motorists, cause visual blight, or otherwise negatively impact the public health, safety, and welfare within the City:

- (1) Any sign not expressly permitted.
- (2) Except as otherwise provided herein, off-premises temporary yard signs on properties with non-residential uses
- (3) Billboards.
- (4) Portable signs, including signs affixed to a vehicle or truck trailer where the sign area exceeds [REDACTED] square feet unless the vehicle or truck trailer is temporary parked for loading and unloading purposes for a period of time not to exceed [REDACTED] hours.
- (5) Signs within a public right-of-way except where expressly authorized in writing by the City or another appropriate authority for signs in the right-of-way.
- (6) Pennants, feather flag signs, windfeather signs, and portable signs.
- (7) Signs that create a traffic vision obstruction.
- (8) Any sign which revolves or has any visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement achieved by electrical, electronic, or mechanical means.
- (9) Any sign that obstructs free and clear vision; or at any location whereby reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device.
- (10) Any sign that includes flashing, blinking, moving illumination, internal illumination, or illumination that changes color or intensity.
- (11) Any sign that projects into any air space so as to interfere with public safety, including vehicular or pedestrian movement.

(G) Signs Permitted in All Districts

The following signs do not require a permit and are permitted in all Zoning Districts within the City, subject to the following requirements and limitations:

- (1) *Flags*:
 - (a) For residential uses, each dwelling unit may display up to three (3) flags , not to exceed [REDACTED] square feet total. No more than one (1) flag may be attached to

the dwelling unit or a related structure. No more than two (2) flags may be displayed per flagpole. Under no circumstances shall the total number of flags exceed three (3) flags.

- (b) For non-residential uses, each tenant may display one (1) flag per frontage, up to a maximum of [REDACTED] flags, and not to exceed 24 square feet in total sign area. Under no circumstances shall the total number of flags on a particular parcel exceed [REDACTED] flags.
- (c) For all flags, if the flags hang over a sidewalk or other pedestrian walkway, the bottom of the flag shall be no less than seven (7') feet from grade directly below the flag.
- (d) For all flags, any illumination shall not shine into neighboring structures, onto other signs, or have a light source that is visible from the public right-of-way.
- (e) All flagpoles must receive a zoning permit from the Zoning Administrator prior to installation. Applications shall specify the proposed location, setback, and height of the flagpole as well as any additional information requested by the City to determine compliance with the City Code. Flagpoles shall not exceed a height of twenty-five (25) feet or the maximum height of structures within the underlying zoning district, whichever is less. Flagpoles must be setback at least ten (10) feet from all property lines. No more than two (2) flags may be displayed per flagpole.

(2) *Temporary Yard Sign:*

- (a) Temporary yard signs may be displayed for a period not to exceed [REDACTED] within a calendar year unless otherwise stated in this Ordinance.
- (b) For residential uses and non-residential uses, each dwelling unit or tenant may display up to [REDACTED] on-premises temporary yard signs not to exceed six (6) square feet each.
- (c) For residential uses, up to two (2) off-premises temporary yard signs per dwelling unit or tenant, not to exceed six (6) square feet each. Off-premises temporary yard signs may not be displayed for a period of more than fifteen (15) days per month unless otherwise provided herein.
- (d) Notwithstanding any other provision herein, for residential and non-residential uses, if on-site services are being performed on a property (such as interior renovations, painting, or landscaping), the property may display up to [REDACTED] off-premises temporary yard signs, not to exceed [REDACTED] square feet in total, which may be displayed during the period of time where such on-site service is occurring on the property.

- (e) All temporary yard signs must be located entirely on private property and shall not be erected or attached to a tree, utility pole, rock, or similar feature.
- (f) Temporary yard signs shall not be illuminated.
- (3) For residential uses and non-residential uses, each dwelling unit and/or tenant may display up to four (4) attached signs not to exceed two (2) square feet each.
- (4) Attached signs located on boat docks, not to exceed square feet, that are attached to the dock.
- (5) Signs that comply with Section 154.022(K)(5).
- (6) Government-Installed signs or any sign required by law, or by regulation or administrative rule of a governmental entity, having appropriate jurisdiction.

(H) Signs in Residential Zoning Districts:

Unless otherwise provided in this Ordinance, the following signs shall be permitted in all residential Zoning Districts (R-1, R-2, and R-4 Zoning Districts) within the City, subject to the following restrictions and a sign permit being approved by the Zoning Administrator:

- (1) For non-residential uses one (1) freestanding sign subject to the following requirements:
 - (a) The area of the freestanding sign cannot exceed 50% of the allowable area for a freestanding sign in a non-residential zoning district under Section 154.140(I)(1).
 - (b) The height of the freestanding sign cannot exceed 50% of the allowable area for a freestanding sign in a non-residential zoning district under Section 154.140(I)(1).
 - (c) The freestanding sign may only be illuminated via external illumination between the hours of 7:00 AM and 10:00 PM, so long as the external illumination complies with the requirements of this Ordinance.
- (2) For non-residential uses, one (1) attached sign that complies with the requirements in Section 154.140(I)(2) for attached signs in non-residential zoning districts.
- (3) For non-residential uses, one (1) banner that complies with the requirements in Section 154.140(I)(3) for banners in non-residential zoning districts.

(I) Signs in All Non-Residential Zoning Districts:

Unless otherwise provided in this Ordinance, the following signs shall be permitted for all non-residential uses in all non-residential Zoning Districts (including any district except for the R-1, R-2, and R-4 Zoning Districts) within the City, subject to the following restrictions and a sign permit being approved by the Zoning Administrator:

- (1) *Freestanding Signs*. Non-residential uses are permitted to have one freestanding sign per frontage. Said sign shall meet the following requirements:
 - (a) Total area of all freestanding signs for each lot shall not exceed 0.25 square feet per linear foot of property frontage on a public or private road up to 32 square feet.
 - (b) Freestanding signs shall not exceed 12 feet in height from the grade of the sidewalk to the upper most point of the sign. If no sidewalk is present, then the measurement shall be taken to the grade of the nearest public or private road.
 - (c) Freestanding signs shall be located at least 5 feet from any property line.
 - (d) Freestanding signs shall be located at least 25 feet from any other freestanding sign.
 - (e) Freestanding signs shall be placed in a manner as to not create a traffic vision obstruction.
- (2) *Attached Signs*. Each non-residential use is permitted to have up to two wall signs per building frontage. Attached signs as defined in this chapter shall meet the following requirements:
 - (a) The total area of all attached signage associated with a non-residential use shall not exceed 0.75 square feet per linear foot of building frontage. The maximum area of any sign visible from more than one street shall not exceed 0.75 square feet per linear foot of the largest building frontage and shall count as the signage for that frontage. If the building contains more than one business, then the frontage shall be limited to the building frontage of the tenant space facing a public street or primary entrance.
 - (b) Projecting and canopy signs shall be located such that there is a clear area of no less than seven feet below the lowest part of the sign and the sidewalk or ground surface below the sign and shall not project more than four feet from the building face to which it is attached.
 - (c) No attached sign shall be permitted to extend above the roofline of the building to which it is attached.

- (d) No projecting or canopy sign shall be within 10 feet of another projecting or canopy sign.
 - (e) Signs carved into stone, concrete, or similar material, or made of bronze, aluminum, or other noncombustible material, provided such signs do not exceed 10 square feet in area and are an integral part of the structure.
- (3) *Banners*. Each non-residential use shall be permitted to display one banner at a time, and said banner shall meet the following requirements:
- (a) The banner shall be no larger than 16 square feet in area.
 - (b) The banner shall be located entirely on private property.
 - (c) The banner shall be displayed for no more than three 14-day periods between January 1 and December 31 of any year.
 - (d) The banner shall not be illuminated.
- (4) *Sandwich boards*. Each non-residential use shall be permitted to have one sandwich board subject to the following conditions:
- (a) The sandwich board shall not have an area greater than 6 square feet.
 - (b) The sandwich board may be located within the public right-of-way but shall not be placed in a manner that may obstruct the general flow of pedestrian traffic or in a manner that causes a vision obstruction.
 - (c) The sandwich board shall not be greater than 42 inches in height from grade.
 - (d) The sandwich board shall only be displayed when the business is open.
 - (e) The sandwich board shall not be illuminated.
- (5) *Neon signs*. Each non-residential use shall be permitted to have [REDACTED] exterior neon sign that cannot exceed [REDACTED] square feet in total. Each non-residential use shall be permitted to have [REDACTED] interior neon signs that cannot exceed [REDACTED] square feet in total. Neon signs may be illuminated in a manner that complies with the sign illumination requirements in this Ordinance.
- (6) *Murals*. Each non-residential use shall be permitted to install [REDACTED] murals that cannot exceed [REDACTED] square feet. Murals must receive all necessary approvals to be installed, including approval from the City's Historical District Commission.

(J) Existing Non-Conforming Signs:

- (1) The intent of this section is to permit the continuance of a lawful use of any sign existing at the time of the effective date of this section, although the sign or supporting structure may not conform with the provisions of this section. Further, it is the intent that non-conforming signs and structures be gradually eliminated upon their natural deterioration.
 - a. Every permanent legally existing sign which does not conform to the height, size, area, or location requirements of this subchapter as of the date of the adoption of this section, is hereby deemed to be non-conforming.
 - b. Alteration, erection, replacement, or enlargement of signs. No person, firm, corporation, partnership, or other legal entity shall alter, replace, or enlarge the faces, supports, or other parts of existing non-conforming signs except in accordance with this section. Non-conforming signs, however, may be repaired, repainted, or otherwise maintained.
- (2) *Accidental destruction of Non-Conforming Sign:*
 - a. If a non-conforming sign is destroyed, it may be replaced, provided that it is not enlarged in size or dimension. If the sign is located in the public right-of-way, the sign may not be replaced without the approval of the Zoning Board of Appeals for a sign permit.
 - b. For the purpose of this section, a non-conforming sign is destroyed if damaged to an extent that the cost of repairing it to its former state or replacing it with an equivalent sign equals or exceeds the value of the damaged sign prior to the damage.
- (3) A non-conforming sign may be diminished in size or dimension, or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming.
- (4) *Permanent signs in the public right-of-way or in city parks:*
 - a. All existing non-conforming signs, supports, and structures located in the public right-of-way may continue to occupy the right-of-way until such time that they are accidentally destroyed, removed, or become non-functional. These signs shall not be replaced without approval of the Planning Commission for a sign permit, the City Council for a revocable license, and the Historic District Commission if located in the Historic District.

(K) Administration and enforcement:

- (1) *Revocation of permit.* The Zoning Administrator shall have the authority to revoke any permit issued pursuant to this section if the requirements of the permit and the

provisions of this section are being violated, and in such case shall have the power to issue a stop-work order.

SECTION 2. AMENDMENT TO ZONING ORDINANCE, SECTION 154.141: The City of Saugatuck Zoning Ordinance is amended to repeal the sign regulations in Section 154.141. Section 154.141 will be held in reserve.

SECTION 3. AMENDMENT TO ZONING ORDINANCE, SECTION 154.022(L)(4): The City of Saugatuck Zoning Ordinance, Section 154.022(L) is amended to read as follows. The remainder of Section 154.022(L) shall remain the same unless expressly amended herein.

- (4) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation except for signs that comply with the signage regulations in this Chapter.

SECTION 4. AMENDMENT TO ZONING ORDINANCE, SECTION 154.022(K)(5): The City of Saugatuck Zoning Ordinance, Section 154.022(K) is amended to read as follows. The remainder of Section 154.022(K) shall remain the same unless expressly amended herein.

- (5) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home business, except for signs that comply with all provisions of the signage requirements in this Chapter. No over-the-counter retail sales or other sales of merchandise or products shall be conducted upon the premises except for incidental products related to the home business or those goods actually produced on the premises.

SECTION 5. SEVERABILITY: Should a court of competent jurisdiction find any provision, clause, or portion of this ordinance amendment to be invalid, the balance or remainder of this ordinance amendment shall remain valid and in full force and effect and shall be deemed “severable” from the portion, clause, or provision deemed to be invalid by the court.

SECTION 6. REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. Specifically, Section 150.30 of the City Code is hereby repealed.

SECTION 7. EFFECTIVE DATE: This Ordinance shall take effect seven (7) days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

Holly Anderson
City of Saugatuck, Mayor