

**VILLAGE OF EMPIRE  
PLANNING COMMISSION REGULAR MEETING  
TUESDAY, JUNE 6, 2023, AT 7 PM  
EMPIRE TOWNSHIP HALL  
10088 W. FRONT STREET**

**CALL MEETING TO ORDER**

**ROLL CALL**

**APPROVAL OF MINUTES –Regular Meeting 05/02/2023**

**TREASURER’S REPORT**

**ADDITIONS OR CHANGES TO THE AGENDA**

**CONFLICT OF INTEREST**

**CORRESPONDENCE**

**PUBLIC COMMENT**

**ZONING ADMINISTRATOR’S REPORT**

**UNFINISHED BUSINESS**

1. Sign Ordinance No. 142

**NEW BUSINESS**

**COMMITTEE REPORTS**

**PUBLIC COMMENT**

**PLANNING COMMISSION MEMBERS AND CHAIRPERSON COMMENTS**

**ADJOURNMENT**

Persons with questions or individuals with disabilities requiring auxiliary aids or services to effectively participate in the meeting should contact the Village of Empire Office at (231) 326-5466, PO Box 253, Empire, MI 49630, or at [deputyclerk@villageofempire.com](mailto:deputyclerk@villageofempire.com).

**EMPIRE VILLAGE PLANNING COMMISSION  
REGULAR MEETING MINUTES  
TUESDAY, MAY 2, 2023**

The Empire Village Planning Commission held a regular meeting on Tuesday, May 2, 2023, in the Empire Township Hall.

Schous opened the meeting at 7:00 PM.

ROLL CALL –Bacon, Chase, Schous and Stepanek present. Collins, Ellibee, Deering absent. Zoning Administrator Robert Hall was also present.

**APPROVAL OF MINUTES – Motion by Bacon, supported by Stepanek to approve April 4, 2023, regular meeting minutes as presented. AYES: 7, NO: 0. MOTION PASSED.**

ADDITIONS/CHANGES TO THE AGENDA – None.

CONFLICT OF INTEREST – None.

TREASURERS REPORT – Chase summarized the planning commission budget report. 3.9% of the budget has been used to date. Chase recommended presenting this report on a quarterly basis instead of monthly.

ZONING ADMINISTRATORS REPORT – Hall reviewed changes made to the Sign Ordinance in DRAFT V1. Hall has been reviewing mass gathering applications for the Michigan Outback Relay and the Asparagus Festival. Hall stated that applicants requesting to have their fee waived must get approval from Village Council and questioned if it could be done equitable manner. There has also been an inquiry of allowing a vendor at the beach. Bacon mentioned the Beach Park Deed which has language that restricts vendors.

PUBLIC COMMENTS & CORRESPONDENCE – Schous read a communication from Collins on the sign Ordinance. Stepanek read a communication regarding the development of New Neighborhood Phase 5 from Robert Foulkes.

**UNFINISHED BUSINESS**

Sign Ordinance No. 142

- Sign definitions should be grouped together in Article 2 (Definitions) for practicality.
- Attached temporarily or permanently to ground, a structure, or other signs; (Page 2)
- Mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way; except signs identifying the related business when the vehicle is being used in normal day-to-day operations of that business; (Page 2)
- Hot-air or gas-filled balloons or umbrellas. used for advertising. (Page 2)
- Consensus that a sign displayed in a window which is publicly visible should be counted as a sign. (No changes to definition of Sign, Page 2)

- Surface Sign: That portion of a sign excluding its base, foundation and erection supports on which a message is displayed. ~~pertaining to a product, use, occupancy, function, service, or activity is displayed.~~ (Page 3)
- A sketch or scale drawing with the dimensions, specifications of the display area, ~~color,~~ method of construction, lighting and if applicable, method of attachment to the building or ground. (Page 4)
- SEO, Sign Enforcement Officer (Spell out the first-time it appears and make sure it is in definitions, Page 4).
- A sign permit shall be null and void if the sign has not been installed within ninety (90) days from the date of approval. *An extension of 90 days may be approved by the SEO.* (Page 4)
- ~~7) In addition to the limitations stated in Sections 5, 9 and 10, the following conditions shall apply to all signs in any use zoning district:~~
  - 1) ~~Except for the signs authorized without a sign permit pursuant to Section 6, no sign, except non-illuminated identification sign, shall be erected or altered until approved by the SEO or authorized by the Village of Empire Planning Commission as part of an approved site plan. After approval, the required sign permit shall be issued by the SEO.~~ (Page 4)
- ~~No sign shall be permitted for any business or service not available at that location. When a business is abandoned, the sign must be removed within thirty (30) days. A business shall be considered abandoned if determined by the Zoning Administrator to have been suspended or halted for a continuous period of one (1) year.~~ (Page 4)
- Stake or wire signs, other than those allowed in Section 6 4 Signs Not Requiring a Sign Permit. (Page 5)
- Signs posted near property boundaries, provided the sign surface does not exceed the maximum size of one (1) square foot. (Provide additional clarity, Page 5)
- ~~Land Use Per mit, land use permit~~ (Page 5)
- ~~10) Off-premise signs for businesses.~~ (Page 6)
- 6. Alteration or re-establishment of nonconforming signs. Any existing sign which, on the effective date of this Ordinance, does not at that time comply with all of the provisions of this Ordinance and any amendments, *shall not be changed to another type of sign which is not in compliance with this Ordinance.*
  - 1) ~~Be changed to another type of sign which is not in compliance with this Ordinance.~~
  - 2) ~~Be structurally altered so as to prolong the life of the sign or so to change the shape, size, type, or design of the sign.~~
  - 3) ~~Be re-established after the activity, business or usage to which it relates has been discontinued for a period of one (1) year.~~
  - 4) ~~Be re-established after damage or destruction, ordinary wear or obsolescence, if the estimated cost of the reconstruction or renovation exceeds fifty (50) percent of the replacement sign cost as determined by the Zoning Administrator.~~

- ~~5) Ever be placed, maintained, or displayed by someone other than the person who owned the premises on the date of adoption of the ordinance or ordinance amendment from which this Ordinance is derived.~~
- ~~6) Be supplemented by new additional signs. On parcels that contain a legal nonconforming sign, no new additional sign shall be erected until all such nonconforming sign or signs on the parcel are brought into compliance with this Ordinance.~~

- Sections 7 & 8, Zoning Districts and Permitted Sign Types need to be reformatted (Page 6 & 7)
- Kiosk language to be removed (Page 6)

PUBLIC COMMENT – None.

PLANNING COMMISSION MEMBERS AND CHAIRPERSON COMMENTS – None.

ADJOURNMENT – There being no further business, the meeting adjourned at 9:19 pm.

Alacia Acton, Recording Secretary

*These draft minutes will be considered for approval at the June 6, 2023, Village of Empire Planning Commission meeting.*

User: DSMITH  
 DB: Empire  
 PERIOD ENDING 05/31/2023

2023-24 YTD BALANCE ACTIVITY FOR  
 AMENDED BUDGET 05/31/2023 05/31/2023 MONTH

GL NUMBER	DESCRIPTION	2023-24 AMENDED BUDGET	YTD BALANCE 05/31/2023	ACTIVITY FOR MONTH 05/31/2023	AVAILABLE BALANCE	% BDT USED
Fund 101 - GENERAL FUND						
Dept 721 - PLANNING COMMISSION						
101-721-701	WAGES - PLANNING COMMISSION	4,300.00	935.00	275.00	3,365.00	21.74
101-721-702	WAGES - PLANNING SECY	1,100.00	200.00	100.00	900.00	18.18
101-721-715	PR TAX EXP - COMM PLANNING	400.00	86.83	28.66	313.17	21.71
101-721-726	SUPPLIES	100.00	219.46	0.00	(119.46)	219.46
101-721-730	POSTAGE	100.00	0.00	0.00	100.00	0.00
101-721-821	PROFESSIONAL	6,000.00	0.00	0.00	6,000.00	0.00
101-721-826	LEGAL FEES	1,500.00	0.00	0.00	1,500.00	0.00
101-721-860	TRANSPORTATION	0.00	0.00	0.00	0.00	0.00
101-721-900	PRINT & PUB	500.00	100.71	0.00	399.29	20.14
101-721-950	SEMINARS	500.00	0.00	0.00	500.00	0.00
101-721-955	DOES & MISC	100.00	0.00	0.00	100.00	0.00
Net - Dept 721 - PLANNING COMMISSION		(14,600.00)	(1,542.00)	(403.66)	(13,058.00)	

Fund 101 - GENERAL FUND:

TOTAL REVENUES	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	14,600.00	1,542.00	403.66	13,058.00	10.56	
NET OF REVENUES & EXPENDITURES	(14,600.00)	(1,542.00)	(403.66)	(13,058.00)	10.56	

## Village of Empire Deputy Clerk

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**From:** Terry Bacon <trbacon48@gmail.com>  
**Sent:** Wednesday, May 31, 2023 1:25 PM  
**To:** pjschous@yahoo.com; johnpcollins4@gmail.com; phildeering@icloud.com; Robert Chase; s.stepanek@villageofempire.com; mellibee24@gmail.com; Bacon Maggie  
**Cc:** za@villageofempire.com; Clerk Deputy; Derith Smith  
**Subject:** Update on Comments on Planning Commission draft Sign Ordinance (as shown in May minutes)

After I completed and sent my earlier submitted Comments, I saw that the PC minutes from May are on-line, with intended changes from the PC draft my comments were addressing. The minutes were not on-line when I started the process, although I was aware of some subjects. So, here is an update on some comments, focusing on the changes you have already addressed.

1. **Definition of Portable Sign**—PC decided to delete the “except ...” clause. See p 9 of my comments, to the effect that this clause might be retained (with slight revision) as an exception to the definition, not just the category. There is a value to allowing a business to have a display on a vehicle that is used in the ordinary course of business, even though the vehicle may, at times, be parked.

The PC’s proposal is not to prohibit that but merely to count that as a “sign,” apparently one needing a permit. What “lot” or property is such a sign to be attributed to, when counting the allowed number of signs (or total sq footage)? The vehicle moves around. When parked on a service call on your driveway at YOUR home, has that become a sign that YOU are responsible for (as to number and sq footage). (If a portable sign needs a permit, then I guess that vehicle can never park or even drive through residential districts, which do not allow signs needing permits? Driving it to locations, the driver of the vehicle is providing service as part of a business (rather than the vehicle merely being something to hold the sign), which would not seem to create the kind of concern that merits regulation—as the village has long understood.

Better to keep something (I suggested one way to word it, but others may have a better idea). Perhaps the point that should be made goes back to the issue of parking it in a way (and over time) that makes it obvious that it is being used in place of a wall sign or freestanding sign. That can have proof issues, but not insurmountable ones.

Does the PC intend to bar service company vehicles, from outside of Empire, entering into Empire because they have a sign, without a permit, on their vehicles? What’s next? Gates and passes to enter the village? (“Papers please! We need to see a permit for the sign on that Harriger’s Construction vehicle.”)

2. Is the above deletion (that included deleting the “**for advertising purposes**” phrase and the one for balloons and umbrellas “**used for advertising**” based on the thought that Empire **cannot** limit signs based on the purpose of the sign? I would be interested to know the basis for that belief. As explained in my comments, purpose and content are not the same thing, although they can certainly be related. See my comments at pp 22 (top of page). I am open to be corrected on this point, if someone has some authority to the contrary. It is my understanding that commercial speech may be regulated in situations and to an extent that non-commercial speech cannot. *City of Austin v Reagan Nat’l Advertising of Austin, LLC*, 596 US \_\_\_ (2022) is just one recent example (allowing restriction on off-premises advertising). NMCOC did, in 2017 recommend deleting “non-advertising” from the section dealing with historically designated places, but NMCOC provided no explanation or authority for that recommendation. And NMCOC did not suggest deleting “non-advertising” from the 2015 Ordinance’s §6.3 (warnings), 6.4 (boundary signs), or the definition of Portable Signs. In 2019, the County PC did not object to the definition of Portable Sign (with its language about advertising purpose) in either the County’s April or July review.

3. Although **window signs** can be regulated, I continue to believe that the primary goal is a limitation on signs on commercially used properties, not residential properties. Since residential properties cannot have signs requiring a permit, **what part of the section for signs not requiring a permit allows window signs in a residence?** (e.g., “Welcome” or “Happy Holidays” or “The Second Amendment Must be Honored” or any of a number of other similar messages.) One might even return to a stated **purpose** in the existing **and draft ordinance** (subjecting “the use and erection of all **outdoor** signs and media” to regulation), a purpose which the PC has left untouched—just ignored.

4. It is good that the PC wants to match the scope of the **definition of “Sign” with the scope of the definition of “Surface Sign”**—but the match should be the other way around. Change the definition of “Sign” back to similar to what it was for every year from at least 2001-2019, when it was vastly broadened without a good reason (or thorough explanation of the consequences). The PC also overlooked—as I explained—that the draft ordinance NEVER uses the term “Surface Sign.” The term used is “Sign Surface.” (This is being pointed out by someone who wrote “LaRue” when I meant “LaCore.”)

In addition, I have pointed out other aspects of the Sign definition that need attention. Comments, pp 10-15, including

- useful exceptions to the definition (labels, instructions, dispensing devices, small commemorative plaques, maybe required street addresses, if not otherwise made expressly exempt),
- clarifying that “public visibility from out of doors” should be narrowed to “identifiable visibility from a public street or alley”
- Art

5. I agree with deleting “color” as a required part of a sign permit application, but why continue to require a “sketch or scale drawing,” when the dimensions, specifications of the display area, method of construction, lighting and, if applicable, method of attachment to the building or ground would be sufficient and not content-based?

6. Getting rid of the confusing part of proposed §3.12.2.7 is good, but I am concerned that the PC may have “thrown the baby out with the bath water” by deleting all aspects. As explained in my comments (at p 19), there may be a valid point in the midst of that confusing subsection: an alternative way to obtaining a sign permit, other than an application for a permit—authorization by the PC as part of an approved site plan.

Perhaps the PC realizes that such an alternative no longer exists under the Site Plan Approval provisions of the Zoning Ordinance (or Special Use Permits)? I confess ignorance on the subject. A “Dollar Store” may not need to obtain PC approvals, in the site plan process at least, for any sign structures that the owner might want to erect? One might wonder why a site plan must include all proposed uses or structures, **including signs**? If the ZA review of a site plan is to certify that it contains all elements required by the Zoning Ordinance, I guess that will not really certify compliance with the sign provisions added to the Zoning Ordinance? And the PC’s determination of compliance with the Zoning Ordinance will not include the sign provisions in that ordinance? Someone can go through that whole approval process only to later learn that a proposed sign—included in the site plan papers—will not be permitted after all? (The requirement that the PC or ZA must find that “the proposed site plan complies with all applicable provisions of this Ordinance” will actually mean “except for sign regulations?” And the seeming treatment that the size of a sign is something to be addressed in site plan approval is just a mirage?) If all of that is no longer a “thing,” then the PC’s decision to remove all of §3.12.2.7 is correct. The permit application section can be simplified. Otherwise a portion should be retained as an alternative to a sign permit application, although it may need to be changed to reflect who does what in site plan approval.

7. If the restriction on off-premise advertising is to be eliminated, why must signs still be removed within 30 days of abandonment of a business? Isn’t that just a content-based regulation? And does the Village really look forward to the following Billboards on the Zimmerman property? “Empire Residents Prefer Marijuana Edibles from Lume, in Honor, 12 miles south of here. You Will Too!” “Patronize Honor’s Dollar Stores!”

8. Where in section 4, does the PC’s draft **expressly** allow stake or wire signs? (Or can **any** sign allowed without a permit be a stake or wire sign?)

9. What “property” boundaries can have nearby signs of ≤1 sq ft? Lots? Tax parcels? Lots of record?

10. The change to the nonconforming sign section is reasonable—if the regulation is all put into the zoning ordinance—but, wouldn’t it be better to put what is retained into that section of the zoning ordinance? And, as mentioned in my comments, that section of the Zoning Ordinance probably needs to make it clear that the general standards for nonconforming structures/uses (being equally or more appropriate, not reducing the value of adjacent premises, needing to retain the character of abutting premises) cannot be applied based on content of a sign.

11. Removing kiosk from the R/C district has a benefit, but what about the Village’s kiosk? Where is the PC addressing that kiosk—or is it to be treated a just another freestanding sign.

12. Nowhere has the PC made provision for customary flags (on poles, or house flags on staffs attached to the side of a house, or decorative small garden flags) or banners (flag without a pole/staff) on residentially used properties. Since residential districts only allow signs not needing a permit, what category in the PC draft allows a 3 x 5 ft flag (on a pole, on a staff, or simply as a banner)?

13. Changing the order of sections, as was proposed at the PC at some point, makes sense. I suggest:

Definitions (in general Zoning section for that, if all put back into Zoning)

- 3.12.1 Purpose—as I have suggested it be modified)
- 3.12.2 General Provisions (including exemptions, prohibited signs, and some provisions moved here from elsewhere in the draft)
- 3.12.3 Signs allowed in Zoning Districts
- 3.12.4 Signs Not Needing Permits
- 3.12.5 Permit Applications for Signs needing permits
- 3.12.6 Permitted Sign Types, Dimensions, Table of Requirements
- 3.12.7 (nonconforming signs—if only to cross reference the general zoning section, as amended)
- 3.12.8 Administration, Inventories; Inspection
- 3.12.9 Conflict and Interpretation—reference to general zoning section, if all added to Zoning
- 3.12.10 Severability
- 3.12.11 Savings

Separate provisions for effective date, adoption, publication.

I apologize for burdening some of you with more, but I didn’t want to overlook good things or ignore possible problems in time for anyone, so disposed, to read them before your meeting.

Terry Bacon  
trbacon48@gmail.com



Village of Empire  
11518 S. LaCore Street | P.O. Box 253  
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[Village of Empire \(leelanau.gov\)](http://leelanau.gov)

231-326-5353

[za@villageofempire.com](mailto:za@villageofempire.com)

**STAFF REPORT**  
**May 2023**

*This report is meant to provide a snapshot of activity, typically for the previous reporting period. The intended distribution channel is from the ZA to the Planning Commission, and then via the Planning Commission liaison to the Village Council. While it will not detail every interaction, it will provide a synopsis of planning and zoning related activity that is taking place.*

**Office Activity:**

- Initial Land Division ‘proposal’ – met with property owners’ agent – no fee tendered – no action taken
- Working on update to sign ordinance for incorporation into zoning ordinance
- Verifying new signage for Blarney Castle Oil Company – ‘new building façade and canopy’
- Continuous communication with Mass Gathering applicants’ re: Sleeping Bear Marathon / Michigan Outback Relay – Leelanau County Emergency Management
- Miscellaneous inquiries regarding residential accessory building placement
- Inquiry regarding commercial expansion in Gateway Corridor

**Land Use Permit (zoning) Activity**

PERMIT #	TYPE	ZONE	PARCEL ID #	NAME(last)	NAME(first)	- BLDR	SITE ADDRESS / LOCATION
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**Legend: ND=New Dwelling RA=Residential Accessory RAD=Residential ADdition**  
(others to be included specific to the Village of Empire)

**Planning and Zoning -**

**Training Opportunity** – (discount rate through September 1<sup>st</sup>?) – possible reimbursement through your municipal insurance provider: Zoning Board of Appeals Certificate course (six modules / online) Search: MSUE, Zoning Board of Appeals Certificate in your favorite search engine.

Sincerely,

Robert (Bob) Hall  
Village of Empire – Zoning Administrator





## Village of Empire Deputy Clerk

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**From:** Robert Hall <za@villageofempire.com>  
**Sent:** Friday, June 2, 2023 10:19 AM  
**To:** Alacia Acton  
**Cc:** Robert Hall  
**Subject:** SIGN ORDINANCE

PLEASE FORWARD TO PC MEMBERS

Dear PC members,

While working on the proposed sign ordinance edits for incorporation back into the zoning ordinance (which is where the regulations belong) I couldn't help but to think that we're trying to reinvent or even micro-'word-smith' a document that may be better left to a professional planner. While I certainly pride myself on interpretation and administration techniques, I do not wish to complicate matters by producing another version that does not suit the specific needs of the Village.

As I am unable to be in attendance at your meeting on the 6th of June I wanted to ask for / recommend more specific direction. I would not have anticipated any final action at this meeting and being as you do not meet again until September, perhaps another plan of attack (such as engaging a planner or legal counsel) now that the bulk of the thought process is complete, would be a better use of resources to assemble a final product. Of course, I will provide whatever support services that I am able.

Thank you for your understanding and direction to move this work forward.

Bob

Robert (Bob) Hall

**Village of Empire**

**Zoning Administrator**

11518 S. LaCore Street - P.O. Box 253  
Empire, Michigan 49630-0253

231-326-5466

[za@villageofempire.com](mailto:za@villageofempire.com)

[Visit the Village of Empire website](#)

Village of Empire  
Leelanau County, Michigan  
Ordinance NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE VILLAGE OF EMPIRE ZONING ORDINANCE EFFECTIVE NOVEMBER 10, 2006 BY ADDING CERTAIN SIGN REGULATIONS AND DEFINITIONS DEEMED APPROPRIATE FOR THE PRESERVATION OF THE GENERAL HEALTH, SAFETY, AND WELFARE OF THE VILLAGE OF EMPIRE AND TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH

THE VILLAGE OF EMPIRE ORDAINS:

**Section 1.** Article 2 of the Village of Empire zoning ordinance is hereby amended to add the following Definitions:

**Accessory Sign:** A sign that is not for a principal use of the property on which it is located, including warning signs.

**Animated Sign:** A sign that uses movement, spins or changes of lighting to depict action or create a special effect or scene.

**Awning/Canopy Sign:** A sign that is part of or attached to the surface of an awning/canopy.

**Banner:** A sign printed or displayed upon cloth or other flexible material, excepting national, state, or municipal flags.

**Changeable Copy Sign:** A sign or a portion of a sign with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance.

**Corner Lot Sign:** Signs placed facing both public streets on corner lots.

**Display Area:** The entire space used for lettering and symbols on one vertical plane.

**Flag Sign:** Any cloth or bunting attached to a staff.

**Flashing Lighted Sign:** An illuminated sign that intermittently and repeatedly flashes on and off, and/or creates an illusion of a flow of lights.

**Freestanding or Ground Sign:** A sign supported by permanent uprights or braces in the ground.

**Identification Sign:** A sign that identifies a building or street address.

**Illuminated Sign:** A sign rendered visible during the period from sunset to sunrise by means of an internal light source or by means of an exterior light source directed on to, or in the vicinity of the sign.

**Marquee Sign:** A permanent overhang or roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the buildings, and are generally designed and constructed to provide protection from the weather.

**Marquee Surface Sign:** A sign attached to or made part of a marquee.

**Multi-Business Plaza:** Those structures that contain more than one enterprise, leased under separate ownership, and may have a common entrance or multiple entrances.

**Nonconforming Sign:** Any existing sign on the effective date of this Ordinance, as amended, which does not at that time comply with all of the provisions of this Ordinance and any amendments.

**Portable Sign/Trailer Sign/Sandwich Board:** A sign that is designed to be transported, including but not limited to signs:

- With a chassis or support constructed without wheels;
- Designed to be transported by trailer or wheels;
- Converted A- or T-frame signs;
- Attached temporarily or permanently to ground, a structure, or other signs;
- Mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in normal day-to-day operations of that business;
- Menu and sandwich boards;
- Searchlight stand; and
- Hot-air or gas-filled balloons or umbrellas used for advertising.

**Projecting Sign:** A sign attached to or erected on the exterior wall or surface of a building, which projects twelve (12) inches or more from the wall or surface.

**Roof Sign:** A sign mounted on or over the roof of a building and is wholly or partially supported by the building. Mansard roof signage shall be considered wall signage for the purpose of calculating allowable footage.

**Sign Enforcement Officer (SEO):** The Zoning Administrator or such other person as shall be designated by the Village Council.

**Sign:** A structure, including its base, foundation and erection supports upon which is displayed any words, letters, figures, emblems, symbols, designs, or trademarks by which any message or image is afforded public visibility from out of doors.

**Surface Sign:** That portion of a sign excluding its base, foundation and erection supports on which message is displayed pertaining to a product, use, occupancy, function, service, or activity is displayed.

**Temporary Sign:** A display sign, banner, flag, or device intended for a limited period of display, ~~associated with a temporary event, and is without permanent foundations. or attached to the exterior of a building.~~<sup>1</sup>

**Wall Sign:** A sign that is affixed to or placed flat against the exterior wall or surface of a building or structure, with no portion projecting more than twelve (12) inches from the building or structure wall.

**Section 2.** Article 3 of the Village of Empire zoning ordinance is hereby amended to add the following sign regulations to Section 3.12:

**1. Purpose:** This Ordinance is intended to preserve the desirable character of the Village of Empire, as well as to recognize the need for certain signage to promote safe traffic flow and pedestrian safety. At the same time, the Village of Empire recognizes that excessive signage may create a less than desirable atmosphere. The use and erection of all outdoor signs and media shall be subject to all state and local codes and statutes, in addition to the provisions of this Ordinance.

**2. Permit Application:** The following application requirements shall apply to all signs requiring a permit pursuant to the provisions of this Ordinance.

- 1) Application for a permit, on a form supplied by the Village of Empire, shall be required to erect, alter, or reconstruct a sign, unless otherwise noted. The completed application, together with all plans and specifications, shall be submitted to the SEO. Approval shall not be given until the application complies with all provisions of this Ordinance. If the application is approved, a permit to erect, alter, relocate, or post the sign shall be issued.
- 2) A non-refundable permit fee shall be submitted with the application. Fees for sign permits shall be established, from time to time, by resolution of the Village Council and shall be remitted to the Village.
- 3) The application shall contain or have attached the following:
  - a) Name, address, and telephone number of owner, where the sign is to be erected and the owner of the sign.
  - b) Location of building, structure, or lot where the sign is to be attached or erected.

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<sup>1</sup> Per PC minutes of April 4<sup>th</sup>, 2023

- c) Position of the sign in relation to nearby buildings or structures.
  - d) A sketch or scale drawing with the dimensions, specifications of the display area, color, method of construction, lighting and if applicable, method of attachment to the building or ground.
  - e) Name of person, firm, or corporation erecting the sign.
  - f) Any Leelanau County construction permit required and issued for the sign.
  - g) Other details the SEO shall require establishing conformance with this Ordinance.
- 4) Issuance of a sign permit in no way indicates any responsibility by the Village of Empire for structural adequacy of a sign or the right to construct the sign.
  - 5) A sign permit shall be null and void if the sign has not been installed within ninety (90) days from the date of approval.
  - 6) Public service and non-profit agencies must apply for a permit, but the fee may be waived by the SEO.
  - 7) In addition to the limitations stated in Sections 5, 9 and 10, the following conditions shall apply to all signs in any use zoning district:
    - a) Except for the signs authorized without a sign permit pursuant to Section 6, no sign, except non-illuminated identification sign, shall be erected or altered until approved by the SEO or authorized by the Village of Empire Planning Commission as part of an approved site plan. After approval, the required sign permit shall be issued by the SEO.

**3. General Provisions:** The following regulations shall apply to all signs:

- 1) Signs must be constructed of durable materials, maintained in good condition, and shall not be allowed to become dilapidated.
- 2) No sign shall be permitted for any business or service not available at that location. When a business is abandoned, the sign must be removed within thirty (30) days. A business shall be considered abandoned if determined by the Zoning Administrator to have been suspended or halted for a continuous period of one (1) year.

**4. Signs Not Requiring a Sign Permit:** The following signs may be placed in any zoning district without a sign permit, provided such signs comply with all applicable federal or state law or regulation and are located to not cause a nuisance or safety hazard:

- 1) ~~Two (2) non-illuminated signs per property not to exceed sixteen (16) each square feet of sign surface.~~<sup>2</sup> Four temporary non-illuminated signs per property not to exceed four (4) square feet each of sign surface.

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<sup>2</sup> Per PC minutes of April 4<sup>th</sup>, 2023

- 2) Signs erected or approved by state, county or village agencies when necessary to give proper directions or to safeguard the public.
- 3) Accessory signs erected by any organization, person, firm or corporation that is needed to warn the public of dangerous conditions and unusual hazards including but not limited to road hazards, high voltage, fire danger, explosives, and severe visibility.
- 4) Signs posted near property boundaries, provided the sign surface does not exceed the maximum size of one (1) square foot.
- 5) Signs marking a historically significant place, building or area when sanctioned by a national, state, township, village or local historical organization provided the sign surface does not exceed the maximum allowed size of sixteen (16) square feet or the maximum size allowed in the zoning district whichever is less.
- 6) Signs required by federal or state agencies in connection with federal or state grant programs that have been approved in conjunction with a valid site plan or land use permit.
- 7) Temporary signs may be removed by the Village after fifteen (15) days following abandonment or obsolescence as determined by the SEO.

**5. Prohibited Signs.** The following signs are prohibited:

- 1) A sign not expressly permitted is prohibited.
- 2) Signs imitating warning signals are prohibited. No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles.
- 3) Revolving, moving, animated, mechanical, electronic simulated motion, and flashing signs are prohibited, except for rotating/revolving barbershop poles.
- 4) Signs within a village street or highway right-of-way are prohibited. No signs (except those established and maintained by the village, township, county, state, or federal governments) are to be located in, projected into, or located overhead within a public right-of-way or dedicated public easement, unless the sign has been issued a permit by the agency having jurisdiction over that right-of-way.
- 5) Signs higher than eight (8) feet, measured from ground level are prohibited, except for projecting signs and signs fully attached to the face of a building.
- 6) A sign which is part of a canopy or an awning.
- 7) Stake or wire signs, other than those allowed in Section 6 Signs Not Requiring a Sign Permit.
- 8) Bench signs.
- 9) Mansard roof signs shall be considered as wall signage.

10) Off-premise signs for businesses.

**6. Alteration or re-establishment of nonconforming signs<sup>3</sup>.** Any existing sign which, on the effective date of this ordinance, does not at that time comply with all of the provisions of this ordinance and any amendments shall not:

- 1) Be changed to another type of sign which is not in compliance with this Ordinance.
- 2) Be structurally altered so as to prolong the life of the sign or so to change the shape, size, type, or design of the sign.
- 3) Be re-established after the activity, business or usage to which it relates has been discontinued for a period of one (1) year.
- 4) Be re-established after damage or destruction, ordinary wear or obsolescence, if the estimated cost of the reconstruction or renovation exceeds fifty (50) percent of the replacement sign cost as determined by the Zoning Administrator.
- 5) Ever be placed, maintained, or displayed by someone other than the person who owned the premises on the date of adoption of the ordinance or ordinance amendment from which this Ordinance is derived.
- 6) Be supplemented by new additional signs. On parcels that contain a legal nonconforming sign, no new additional sign shall be erected until all such nonconforming sign or signs on the parcel are brought into compliance with this Ordinance.

**7. Signs Allowed in Zoning Districts:** The following signs are allowed in the specified Village zoning districts, subject to a sign permit:

**1) Residential (R), Mixed Residential (MR), and Village Residential (VR) Districts**

Only signs not requiring a permit shall be allowed.

**2) Commercial-Residential (CR) and Light Industrial (LI) Districts**

Any sign not requiring a permit, and approved signs in accordance with Sections 9 and 10.

**3) Recreation/Conservation (RC) District**

Any sign not requiring a permit. Also, for nature areas consisting of over thirty (30) acres in the *RIC* district, may have on the property not more than two (2) identifying signs, each not to exceed 12 square feet and not more than 8 feet in height. One (1) 32 square foot kiosk is also allowed with a height limitation of 8 feet.

**4) Planned Unit Developments (PUD)**

Any sign not requiring a permit. Commercial uses within a PUD, shall be allowed approved signs in accordance with Section 10.

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<sup>3</sup> Conflict w/Article 3, Section 6 [Is this intentional?]

**8. Permitted Sign Types, Allowable Dimensions and Specific Requirements:**

1) **Allowable number and total square footage of signage by district:**

- Residential Districts (GR, MR, VR)      2 signs – 8 square feet
- Commercial-Residential District      2 signs – 32 square feet
- Light Industrial      2 signs – 24 square feet
- Recreation / Conservation      2 signs – 24 square feet
- PUD      2 signs - 24 square feet

2) **Sign size limits based on sign type.** If a sign is a double-faced sign, only one side shall be used in calculating compliance with the total allowable square footage.

**Corner lots.** Signs may be placed facing both public streets on corner lots within the Commercial-Residential (CR), Light Industrial (LI) Districts, and Planned Unit Developments (PUD) districts. All other requirements of this Ordinance must be met.

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**[INSERT SIGN / DISTRICT CHART HERE?]**

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**Section 3. Administration; Annual Inspection; Enforcement; Sanctions.** The SEO, or de- signee, shall administer and enforce the provisions of this Ordinance. The SEO shall inspect signs on a yearly basis. In the case of a sign that poses an immediate danger to the public health or safety, the Village or its employee may remove the sign immediately and without notice. Neither the Village nor any of its employees shall be held liable for any damage of the sign or building when a sign is removed under this Ordinance.

**Section 4. Severability**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. Should any part, clause, sentence, paragraph or section of this Ordinance be



found invalid or unconstitutional for any reason by any court of competent jurisdiction, any such decision shall not affect the validity of the remainder of this Ordinance.

**Section 5. Conflict and Interpretation**

The standards and provisions of this Ordinance shall be interpreted as being the minimum requirements necessary to uphold the purposes of this Ordinance. Whenever this Ordinance imposes a higher standard than that required by other regulations, ordinances, or rules, or by easements, covenants or agreements, the provisions of this Ordinance shall govern. When the provisions of any other statute impose higher standards the provisions of such statutes shall govern. When it is alleged by a petitioner that there is an error in interpretation of this Ordinance by the SEO or the designee, the Village Council shall review such an appeal, provided that a written appeal is filed within thirty (30) days of the decision of the SEO or designee. The concurring vote of a majority of the ~~Village Council~~ **Zoning Board of Appeals**<sup>4</sup> shall be necessary to reverse any interpretation of this Ordinance by the SEO or designee.

**Section 6. Savings Clause**

All proceedings pending and rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

**Section 7. Effective Date**

The provisions of this Ordinance are ordered to take effect thirty (30) days after publication (as the full text or as a summary thereof) in a newspaper of general circulation in the Village of Empire.

**Section 8. Adoption**

This ordinance was duly adopted by the Village of Empire Council at a regular / special meeting called and held on the \_\_\_\_ day of \_\_\_\_\_, 2023.

**Section 9. Publication**

The Village Clerk shall cause this Ordinance or summary of this Ordinance to be published in a newspaper of general circulation within Village of Empire within thirty (~~30~~ **14**) days after adoption.

Adoption date: \_\_\_ / \_\_\_ / 2023

<sup>4</sup> Unless the Village Council is acting as the ZBA per PA 110 of 2006 (as amended), Section 125.3601(2)

