

**VILLAGE OF EMPIRE
PLANNING COMMISSION REGULAR MEETING
TUESDAY, MAY 2, 2023, AT 7 PM
EMPIRE TOWNSHIP HALL
10088 W. FRONT STREET**

CALL MEETING TO ORDER

ROLL CALL

APPROVAL OF MINUTES –Regular Meeting 04/04/2023

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.

**EMPIRE VILLAGE PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, APRIL 4, 2023**

The Empire Village Planning Commission held a regular meeting on Tuesday, April 4, 2023, in the Empire Township Hall.

Schous opened the meeting at 7:00 PM.

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

APPROVAL OF MINUTES – **Motion by Chase, supported by Ellibee to approve March 7, 2023, regular meeting minutes as presented. AYES: 7, NO: 0. MOTION PASSED.**

ADDITIONS/CHANGES TO THE AGENDA – Schous added Village Email to New Business.

CONFLICT OF INTEREST – None.

TREASURERS REPORT – No report submitted.

ZONING ADMINISTRATORS REPORT – March 2023 ZA Report was reviewed. Hall assembled and distributed an informational packet on signs. Hall mentioned the Village Sign Ordinance conflicts with the Zoning Ordinance. He also recommended a training opportunity, Breaking the Zoning Code, that is being held in Gaylord on May 9th.

PUBLIC COMMENTS & CORRESPONDENCE – None.

UNFINISHED BUSINESS

Sign Ordinance No. 142

The sign ordinance is currently a police power ordinance and should be placed in Section 3.12 of the Village Zoning Ordinance once completed. The importance of not regulating content was discussed. The planning commission talked over areas of focus to address; signs by district, size, quantity, time limits, flags, definitions of the various signs, including temporary signs. Members discussed the possibility of allowing a total of 4 signs, which would include flags.

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.~~

Section 6, 1) ~~Two (2) non-illuminated signs per property not to exceed sixteen (16) each square feet of sign surface.~~ *Four (4) temporary non-illuminated signs per property not to exceed four (4) square feet each of sign surface.*

Hall recommended putting the ordinance into a table format by district. The ordinance as is reads now skips around and is hard to follow. Hall will present a new format for the next meeting.

Recreation Plan Update

Motion by Bacon, supported by Chase, to table the Recreation Plan. AYES: 7, NO: 0. MOTION PASSED.

NEW BUSINESS

Election of Officers

Motion by Chase, supported by Bacon, to elect the following slate of officers for the 2023-24 year: Schous as Chair, Collins as Vice Chair, Chase as Treasurer, Ellibee as Secretary. AYES: 7, NO: 0. MOTION PASSED.

Zoning Ordinance

Members discussed the process of adopting a new zoning ordinance. Steps include Leelanau County review and holding a public hearing prior to making a recommendation to Village Council. Once the Sign Ordinance is complete, a more thorough review of the Zoning Ordinance can be done.

COMMITTEE AND VILLAGE COUNCIL REPORTS – None.

PUBLIC COMMENT – None.

PLANNING COMMISSION MEMBERS AND CHAIRPERSON COMMENTS – None.

ADJOURNMENT – There being no further business, the meeting adjourned at 8:43 pm.

Alacia Acton, Recording Secretary

These draft minutes will be considered for approval at the May 2, 2023, Village of Empire Planning Commission meeting.

Village of Empire Deputy Clerk

From: John Collins <johnpcollins4@gmail.com>
Sent: Sunday, April 30, 2023 9:55 AM
To: Peter Schous; Empire Village
Cc: John Collins IV; Maggie Bacon
Subject: SIGN ORDINANCE COMMENT

PETER, I HAVE TO ATTEND THE TRAVERSE CITY PLANNING COMMISSION MTG TUESDAY NIGHT SO WILL NOT BE IN ATTENDANCE AT OUR MEETING. THIS IS THE LAST TIME AND I WILL BE IN ATTENDANCE GOING FORWARD.

I LOOKED AT THE DRAFT ORDINANCE DISTRIBUTED AND A CHANGE SUBMITTED LAST MONTH HAS NOT BEEN MADE.

I AGAIN RECOMMEND:

UNDER SECTION 6. SIGNS NOT REQUIRING A SIGN PERMIT:

ADD A NUMBER 8. "ANY SIGN INSTALLED AND MAINTAINED BY THE VILLAGE SUCH AS BANNER SIGNS"

I AM COPYING MAGGIE SINCE I HAVE PREVIOUSLY DISCUSSED THIS WITH HER.

THANKS,

JOHN

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.~~¹

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.

¹ Per PC minutes of April 4th, 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.~~² Four temporary non-illuminated signs per property not to exceed four (4) square feet each of sign surface.

² Per PC minutes of April 4th, 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 signs³. 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.

³ 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.

[INSERT SIGN / DISTRICT CHART HERE?]

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**⁴ 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

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

