

OFFICE

**VILLAGE OF EMPIRE  
PLANNING COMMISSION SPECIAL MEETING  
THURSDAY, AUGUST 1, 2024, AT 3 PM  
VILLAGE BUILDING  
11518 S LACORE ROAD**

**CALL MEETING TO ORDER**

**ROLL CALL**

**CONFLICT OF INTEREST**

**CORRESPONDENCE**

**UNFINISHED BUSINESS**

1. Zoning Ordinance Section 3.12: Signs

**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).

As each of us has said - many for years - this sign ordinance is a sticky wicket. While there were some smaller issues (formatting primarily) to correct (that comes later in the discussion), the big issues the raised:

1. Flags and banners
2. Fee waiver
3. Clarification "permitted" (not meaning to allow, but requiring a permit)
4. Clarification of Section heading (Section 8)
5. Additional explanations for certain sections (clarifying, not rewriting).

We had a pretty simple set of goals in relation to signs:

1. We wanted to prevent a "line" of flags/banners all long M-22 or Front Street.
2. We also wanted to increase the number of temporary signs for certain limited periods (this was a nod to the Supreme Court ruling and free of speech (separate from the content issue).
3. We needed to comply with the Supreme Court ruling regarding content - if you have to read a sign, then you are focusing on content.

The Village Council noticed the following:

We have a definition of banner, flag sign and sign. The last sentence of the definition of sign includes the following statement: **The following are not signs: (1) flags; (2) architectural features; (3) tombstones and other memorial markers.**

However, the definition of a Temporary Sign that follows includes "a display, sign, banner, flag or device intended for a limited period of time.

Further, in the permitted signs, Section 9 (the table) uses the phrase Banner Signs (which is really not correct, as the definition is Banner, not Banner sign) is listed as a sign requiring a permit! Is that based on size, somehow?

Are banners temporary signs (not requiring a permit)? Or must one obtain a permit, based on size (24 square feet or larger)?

The goal was to prevent a line of flag signs or banners along the commercial corridors.

If we agree to the language in the definition of signs, then flags (or banners) are allowed because they are not signs. **That means they would no longer qualify as temporary signs (requiring them to be removed after a certain amount of time (see current Section 5 g) which states "temporary signs are to be removed fifteen business days following abandonment or obsolescence as determined by the SEO."** We will not have achieved anything related to our goal. (Except that a banner sign that is permitted has some controls on it - which may be what we thought might solve the problem).

Our intent was not to ban flags (MSU, Detroit Lions, Open, etc.), on flag poles (private homes or public property). But....

#### **Other sticky wickets:**

A. Section 3f. This is about waiving the permit fee for public service and non-profit agencies. The Village Council has had multiple discussions about waiving fees for mass gatherings for non-profits. Is it

appropriate to leave that up to the SEO, or should there be some level of consistency between Police Power Ordinance and Zoning Ordinances and waivers?

B. Section 8 title: "Signs allowed in Zoning Districts." The Council felt that as it is written, it doesn't make sense. It could be 'signs allowed and approved' or 'signs allowed' or 'signs approved.' It just needed clarification.

C. There are two issues with PUD's and signs. Currently, the only PUD's in Empire are residential. Yet, Section 8d has the following: The first statement is true for any residential area: Signs allowed are: any sign not requiring a permit. The next sentence suggests, there may be an instance where a PUD is commercial. Section 9 is even more confusing related to Corner Lots and Permitted signs. Again, the Village PUD's are residential, single family dwellings - why is this in the "permitted sign section"?

Here are the additional comments that are more housekeeping related.

1. Purpose. The question was asked why was the Purpose section so long? The short answer is that purpose statement was written by our attorney. The last section was wonky. Modified for greater clarity (given it is all legal ease).

2. For consistency, the definition should be Banner Sign (to match the permitted sign table).

3. The letter designations in Section 2 (Definitions) were incorrect. The corrected copy, attached, has the lettering a-x.

4. Will provide the VC with the Fee Schedule referring to the cost of a sign permit. (Section 3 refers to a fee).

5. For clarity, add the following to General Provisions (Section 4). (These all come from other sections)

a. (From 3g). "Except for signs authorized without a sign permit pursuant to Section 5, no 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." (Rationale: this explains "why one has to get a permit.")

b. (From 5g) "Temporary signs are to be removed fifteen (15) business days following abandonment or obsolescence as determined by the SEO".

c. (from 9a) "Sign size limits are based on size type. If a sign is a double-faced sign, only one side shall be used in calculating compliance with the total allowable square footage."

6. Section 4b. Need to clarify for the VC that it is the Zoning Administrator (ZA) who determines the abandonment of a building. This caused some confusion because the ZA can also be Sign Enforcement Officer (SEO). I think the statement in Section 4b is correct as is.

7. The letter designations for Section 6 (Prohibited Signs (were incorrect). The corrected copy, attached, has the lettering a-i.

8. Section 9. Permitted Sign Types, Allowable Dimensions and Specific Requirements. It became clear, in the Council discussion that the word "permitted" was thought to be "allowed" instead of "that for which a permit is required." Would the PC agree that an additional statement under Section 9 could be: "A permitted sign is a sign for which a permit is required and obtained."

9. Section 10. A question came up about "Sanctions" in the Heading: Administration, Annual Inspection; Enforcement; Sanctions. (Maybe the paragraph should include....."In the case of a sign that poses an immediate danger to the public health or safety, the sanction shall be the removal of the sign by the Village or its employees immediately and without notice.

VILLAGE OF EMPIRE  
LEELANAU COUNTY, MICHIGAN

Minutes of a regular meeting of the Village Council of the Village of Empire, Leelanau County, Michigan, held at the Empire Township Hall located at 10088 W. Front St., Empire, Michigan, on the \_\_\_ day of \_\_\_\_\_, 2024, at \_\_\_\_\_ p.m. Local Time.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following ordinance was offered by \_\_\_\_\_ and supported by \_\_\_\_\_.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE VILLAGE OF EMPIRE BY ADDING SECTION 3.12: SIGNS AND TO REPEAL ALL ORDINANCES IN CONFLICT HERewith

**Part I.** The Village of Empire ordains: Article 3 of the Zoning Ordinance of the Village of Empire is hereby amended by the amendment of Section 3.12, which shall be read in its entirety as follows:

**Section 3.12 – Signs**

**1. Purpose.**

- a) This section is intended to regulate the size, number, location, and manner of display of signs in the Village to carry out the following purposes:
  - i) To protect and further the health, safety and welfare of Village residents, property owners, and travelers caused by signs which obstruct vision, distract, disorient, or confuse drivers or pedestrians, or are improperly secured or constructed.
  - ii) To conserve and enhance community character by reducing visual clutter which can arise due to excessive or unregulated signage, temporary signage, or other signage which is improperly located or unreasonably distracting.
  - iii) To promote uniformity in the size, number and placement of signs within each zoning district.
  - iv) To promote the economic viability of commercial areas by minimizing visual clutter and allowing for proper placement of signs to safely direct motorists to their destination; to allow businesses the opportunity to use

- v) the signage permitted to them to advertise their businesses and to direct customers to their businesses.
- vi) To promote the use of signs that are safe, aesthetically pleasing, compatible with their surroundings, and legible in the circumstances in which they are seen.
- vii) To carry out these purposes in a manner that is content neutral by regulating the size, number, location and other physical aspects of signs without respect to their content, except as the content may relate to the location of the sign for regulatory purposes or conveys information essential for safety purposes.
- viii) To respect the rights recognized by the courts for residents to use signage on their premises to express their viewpoints or personal messages, with additional opportunities during limited seasons, by regulating the number, size and location of signs, without reference to the message the occupant of the premises may choose to convey.
- ix) To recognize that signs with messages which change automatically by electronic or mechanical means by their nature pose a greater risk of motorist distraction due to the changing nature of the sign, message, or graphics, as opposed to a static sign, the distinction being similar to the distinction between a painting and a television set. It is recognized, however, that in limited sizes and locations, such signs serve a valuable purpose of providing up to date information, requiring a balancing of the impact of such signs with their benefits.
- x) To recognize that directional signage and traffic control signs such as street signs, stop signs, signs within commercial or institutional sites which direct traffic or identify facilities for the disabled, address signs or which identify historic or public service sites, serve an important function of promoting traffic safety by avoiding driver confusion and promoting the safe flow of traffic, and allowing ready location in emergency situations. In addition, it is recognized that such signs are often placed by governmental entities that are not subject to local zoning.
- xi) To require that signs of significant size and substantial construction obtain a permit to assure compliance with the ordinance and codes, while recognizing the administrative burden of requiring permits for certain small and non-permanent signs outweighs the benefit of prior permitting.

The regulations contained in this ~~chapter~~ **section** involve a determination by the Village that the rights of sign owners to convey a message must be balanced against the public right to be free of signs which unreasonably compete for attention, distract drivers and pedestrians, or produce confusion. It is recognized that sign regulations must afford businesses a reasonable opportunity to communicate. It is also determined, however, that oversized, projecting, distracting, clutter, or crowded signs can lead to pedestrian and driver confusion,

disorientation, and distraction and endanger the public health, safety and welfare. To lessen such adverse consequences, reasonable limitations and restrictions are appropriate with respect to the placement, construction, size, type, and design of signs in location of buildings and uses and the availability of other means of communication. based on the location, uses, and availability of other means of communication.

**2. Definitions. As used in this Ordinance, the following words shall have the meanings:**

- a) **Accessory Sign:** A sign that is not for a principal use of the property on which it is located, including warning signs.
- b) **Animated Sign:** A sign that uses movement, spins, or changes of lighting to depict action or create a special effect or scene.
- c) **Awning/Canopy Sign:** A sign that is part of or attached to the surface of an awning/canopy.
- d) **Banner Sign:** A sign printed or displayed upon cloth or other flexible material, except national, state, or municipal flags.
- e) **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.
- f) **Corner Lot Sign:** Signs placed facing both public streets on corner lots.
- g) **Display Area:** The entire space used for lettering and symbols on one vertical plane.
- h) **Flag Sign:** Any cloth or bunting attached to a staff.
- i) **Flashing Lighted Sign:** An illuminated sign that intermittently and repeatedly flashes on and off and/or creates an illusion of a flow of lights.
- j) **Freestanding or Ground Sign:** A sign supported by permanent uprights or braces in the ground.
- k) **Identification Sign:** A sign that identifies a building or street address.
- l) **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.
- m) **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.

- n) **Marquee Surface Sign:** A sign attached to or made part of a marquee.
- o) **Multi-Business Plaza:** Those structures that contain more than one enterprise, leased or owned, and may have a common entrance or multiple entrances.
- p) **Nonconforming Sign:** Any existing sign on the effective date of this Ordinance, as amended, which does not at that time comply with all the provisions of this Ordinance and any amendments.
- q) **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 to ground, a structure, or other signs.
  - Mounted on the exterior of a vehicle and visible from the public right-of-way.
  - Menu and sandwich boards.
  - Searchlight stand; and
  - Hot-air or gas-filled balloons or umbrellas.
- r) **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.
- s) **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.
- t) **Sign Enforcement Officer (SEO):** The Zoning Administrator or such other person as shall be designated by the Village Council.
- u) **Sign:** A structure, including its base, foundation and erections supports upon which is displayed any words, letters, figures, emblems, symbols, designs, or trademarks by which any message or image is afforded public visibility out of doors. **The following are not signs: (1) Flags; (2) architectural features; (3) tombstones and other memorial markers.**
- v) **Surface of a sign:** The portion of the sign excluding its base, foundation and erection supports on which a message is displayed.
- w) **Temporary sign:** A display sign, banner, flag, or device intended for a limited period of display.
- x) **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.

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

- a) 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.
- b) 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.
- c) The application shall contain or have attached the following:
  - i) Name, address, and telephone number of the owner, where the sign is to be erected, and the owner of the sign.
  - ii) Location of building, structure, or lot where the sign is to be attached or erected.
  - iii) Position of the sign in relation to nearby buildings or structures.
  - iv) A sketch or scale drawing with the dimensions, specifications of the display area, method of construction, lighting, and, if applicable, method of attachment to the building or ground.
  - v) Name of person, firm, or corporation erecting the sign.
  - vi) Any Leelanau County construction permit required and issues for the sign.
  - vii) Other details the SEO shall require establishing conformance with this Ordinance.
- d) 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.
- e) A sign permit shall be null and void if the sign has not been installed within ninety (90) business days from the date of approval. An extension of ninety (90) business days may be approved by the SEO.
- f) Public service and non-profit agencies must apply for a permit, but the fee may be waived by the SEO.
- g) ~~In addition to the limitations stated in Sections 5, 9 and 10 4, 8, and 9 the following conditions shall apply to all signs in any use zoning district:~~
  - i) Except for the signs authorized without a sign permit pursuant to Section 5, 6, no 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. (Modify and move to 4d) - remove reference to Section 6).

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

- a) Signs must be constructed of durable materials, maintained in good condition, and shall not be allowed to become dilapidated.
- b) When a business is abandoned, the sign must be removed within thirty (30) business 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.
- c) Temporary signs are to be removed fifteen (15) business day following abandonment or obsolescence as determined by the SEO.
- d) Except for the signs authorized without a sign permit pursuant to Section 5, no 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. (This provides clarity as to why one gets or does not obtain a permit: - don't need it, need it or it is part of a site plan).
- e) Sign size limits are based on size type. If a sign is a double-faced sign, only one side shall be used in calculating compliance with the total allowable square footage.

**5. 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:

- a) Four (4) non-illuminated signs per property not to exceed six (6) square feet each of sign surface.
- b) Signs erected or approved by the state, county, or village agencies when necessary to give proper directions or to safeguard the public.
- c) 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.
- d) Signs posted near property boundaries, provided the sign surface does not exceed the maximum size of one (1) square foot.
- e) Signs marking a historically significant place, building or area when sanctioned by a notional, 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.
- f) 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.
- ~~g) Temporary signs are to be removed by the Village after fifteen (15) business days following abandonment or obsolescence as determined by the SEO. (move to Section 4c)~~

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

- a) A sign not expressly permitted is prohibited.
- b) 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.
- c) Revolving, moving, animated, mechanical, electronic simulated motion, and flashing signs are prohibited, except for rotating/revolving barbershop poles.

- d) 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, projected onto, 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.
- e) 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.
- f) A sign which is part of a canopy or an awning.
- g) Stake or wire signs, other than those allowed in Section 6 5: Signs Not Requiring a Sign Permit.
- h) Bench Signs.
- i) Mansard roof signs shall be considered as wall signage.

7. **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 provisions of this Ordinance and any amendments shall not be changed to another type of sign which is not in compliance with this Ordinance.

8. **Signs Allowed in Zoning Districts.**

- a) **General Residential (GR), Mixed Residential (MR), and Village Residential (VR) Districts.** Only signs not requiring a permit shall be allowed.
- b) **Commercial-Residential (CR) Gateway Corridor (GC), Front Street District (FS) and Light Industrial (LI) Districts.** Any sign not requiring a permit, and approved permitted signs in accordance with Section 10.9.
- c) **Recreation/Conservation (RC) District.** Any sign not requiring a permit. Also, for nature areas consisting of over thirty (30) acres in the R/C District, may have on the property not more than two (2) identifying signs, each not to exceed twelve (12) square feet and not more than eight (8) feet in height. One (1) thirty- two (32) foot kiosk is also allowed with a height limitation of eight (8) feet.

**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- 9

9. **Permitted Sign Types, Allowable Dimensions and Specific Requirements**

A permitted sign is a sign for which a permit is required and obtained.

~~a) 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.  
(move to Section 4 (General Provisions))~~

b) **Corner Lots.** Signs may be placed facing both public streets on corner lots within the Gateway Corridor (GC) and Front Street Corridor (FSC), Light Industrial (LI) District, and Planned Unit Development (PUD) Districts. All other requirements of this Ordinance must be met.

Sign Type	Max Sign Surface Area	Other Regulations
Either freestanding or marquee sign	24 square feet	Number of freestanding signs shall not exceed 1 sign / 100-foot lot in the Gateway Corridor or Front Street district. Maximum height allowed is 8 feet.
Identification sign	4 square feet	
Illuminated sign	24 square feet	Signs may be illuminated only during the hours of operation by a direct light source. Light source shall be shielded and downward directed. No direct rays or glare from the light sources shall be visible from a public right-of-way or from an abutting property.
Projecting sign	20 square feet	Maximum projection allowed is 5 feet from a building; not to extend over a public sidewalk, street, or alley; shall not exceed to height of a building's roof line; and with a maximum height of 15 feet.
Portable sign or	2 feet wide by 4 feet high. Signs on wheels 4 feet high by 8 feet high	If intended to direct attention to a specific event, may be displayed for up to 14 days prior, and must be removed within 3 days after the event.
Banner sign	24 square feet	May be displayed 2 weeks prior to an event and removed within 3 days following an event.
Wall sign	32 square feet	1 sign / building. If multiple businesses are within a building, they shall share the total 32 square feet.
Alley sign	4 square feet	1 sign / street façade. If multiple businesses are within a building, they shall share the total 4 square feet.
Multiple business / plaza entrance sign	48 square feet	All businesses with a common structure will share a common entrance sign.
Individual businesses within a multiple business building	1 square foot / lineal feet building length	The total lineal street frontage divided by the number of business units within a building, not to exceed 12 square feet / business. Signs shall comply with all other provisions of this Ordinance.

**10. Administration; Annual Inspection; Enforcement; Sanctions.** The SEO, or designee 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 saction shall be the removal of the sign by the Village or its employees as they may shall 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 of the sign or building when a sign is removed under this Ordinance.

**Part II: Repealer**

Signs – Ordinance #142 of the Village of Empire Code of Ordinances is hereby repealed.

**Part III: 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.

**Part IV: 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.

**Part V: 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.

**Part VI: Adoption**

This Ordinance was duly adopted by the Village of Empire Council at its regular meeting called and held on the \_\_\_ day of \_\_\_\_\_, 2024.

**Part VII: 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) days after adoption.

AYES:           Members: \_\_\_\_\_

NAYS:           Members: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

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Sue Palmer, President  
Village of Empire

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Derith Smith, Clerk  
Village of Empire

STATE OF MICHIGAN )

) ss.

COUNTY OF LEELANAU )

I, the undersigned, the duly qualified and acting Clerk of the Village of Empire, Leelanau County, Michigan (the "Village"), do hereby certify that the foregoing is a true and copy of an ordinance adopted by the Village Council at a regular meeting on the \_\_\_\_ day of \_\_\_\_\_, 2024, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed my official signature on this \_\_\_\_ day of \_\_\_\_\_, 2024.

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Derith Smith, Clerk  
Village of Empire