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Subject: Sign ordinance for Zoning
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Attachments: [TRB 2024 DRAFT sign ordinance \(full\).pdf](#)
[Untitled attachment 00015.htm](#)

Members of the Planning Commission.

This is not submitted as something that is requested to be read at a PC meeting or public hearing. It is submitted for the possible benefit of PC members.

I will not repeat the extensive comments I provided last year on the PC's then draft, although much of the comments remain applicable. The PC has proposed some changes making its draft better but also left confusing/misplaced language in the existing ordinance.

First, I have a revised 2024 draft ordinance using my 2023 draft and accommodating the principal changes in the Planning Commission's current draft, as published in the handouts for your next meeting. I am not naive enough to expect any of you to thoroughly compare it to what you have done, but I have attached it for the curious, in case any of you conclude, after the public hearing, that you need to do more work.

Nevertheless, wording used in the PC's draft is unlikely to cause major harm, so long as the Zoning Administrator does not actually attempt to strictly enforce the proposed Ordinance, as written, in circumstances where there is no significant harm to the Village and the ZA takes care not to literally enforce provisions that would deny a property owner due process (e.g., removal of a sign without notice and an opportunity to respond, in the absence of an immediate threat to health or safety). The ZA will not have qualified immunity from civil liability for obvious due process violations, even if the ordinance were interpreted to authorize his conduct.

In an election year, it also will help if elected officials abstain from making demands on the ZA to selectively enforce provisions causing no substantial harm (and, thus, bringing unnecessary focus and attention to ambiguous/questionably worded provisions). It may become especially troubling that the PC's draft provides MORE opportunity for signs for occupants in GC and FS districts (e.g., large freestanding signs, wall signs, and banners—all with permits—in addition to signs not needing a permit) than it does for occupants of residential districts—who cannot obtain permits—to display support for more ideas, candidates and issues. The ordinance does not, on its face, prefer commercial messages over non-commercial messages, but the practical effect, if the ZA embarks on strict enforcement against occupants of residential districts, is that a residential occupant in residential districts is more restricted in the signs they can display than, e.g., the owners of Miser's Hoard, the Secret Garden or the owners of the unoccupied property at the west end of Front Street. If that imbalance does not play out with resulting inequitable application, it is unlikely that anyone will care too much about what is only potentially inequitable.

Regardless of the big picture, there are some issues that should be corrected:

A. The defined terms should not appear in the new §3.12.2.

Instead, Article 2 of the Zoning Ordinance should be amended to add any new defined

terms not already listed in Article 2.

B. Problems due to the change in the numbers of sections:

- If Part I of the Ordinance provides for the definitions to be added to Article 2 of the Zoning Ordinance), §3.12.2 might be reworded to merely recite that fact, in order that detailed review of the proposed subsections of 3.12's various subsection numbering be obviated.
- Regardless of retaining the current numbering of subsections of 3.12, references to "Section 6" in " §3.12.3(g).and §3.12.6(.g), are incorrect, because the old section 6 was changed to Section 5 in the PC's draft; and reference to "Sections 5, 9, and 10" in the introduction to 3.12.3(g) , is incorrect, because the old Section 5 was changed to Section 4 in the PC's draft).

C. Although most other confusing/nonsense provisions will do little harm, a few that are easy to correct include (using the Section numbers in the PC current draft) include:

- §10.a (dealing with calculating the allowed amount of display area—a term not used there but obviously intended--for a double-faced sign) belongs in the section for General Provisions, as it is intended to be applicable to all signs. Certainly, no one has, to my knowledge, explained why that concept is not equally applicable to all signs.
- §10.b, (Corner lots)
 - as written, the subsection has no purpose. Nothing otherwise PREVENTS signs from facing "both public streets" on a corner lot.
 - As written, the provision says NOTHING about the number of signs that can be placed on a Corner lot.
 - This is in addition to the potential confusion in using the phrase "both public streets"—the intended meaning of which, I assume, was not limited to a sign placed on an angle so that it can be read from both streets.
 - Note also that the defined term "Corner Lot Sign" is NEVER used in the ordinance.
 - I propose that the PC decide what it really intended and write something that actually conveys that meaning.
 - One suggestion is that, as reworded, it be a General Provision, not limited to particular districts. In that regard, note that uses in a PUD district include the same kinds of Dwellings that are allowed in residential districts. I refer you back to the big picture issue of inequitable treatment of core First Amendment Speech of an occupant of a residential district.
 - (Also, if the application is not expanded, it seems that signs, with permits, in an R/C district (for property > 30 acres) and signs for multi-business buildings might not be such as to justify a Corner Lot increase in the number allowed.)
- §3.12.3(g)
 - as written, this subsection is gibberish.
 - If the introductory portion were really what was intended (something that applies to all signs in any zoning district), it would be placed in §4 (General Provisions applying to all signs).
 - The real purpose (from the time the provision was first adopted) was to recognize that there are two ways to get approval for a sign permit:
 - by applying for a permit (as described in §3.12.3 a through 3.12.3.f); and,

- as part of an approved site plan. (upon which a permit shall be issued). Anybody that can figure that out from the proposed wording (with “in addition to ... conditions shall apply to all signs ... except for ...no sign except ...shall be erected ...”) would have won a prize for diagramming complex (and nonsense) sentences in elementary school. I previously proposed a way to clarify. As revised to use your new numbering, this would delete 3.12.3(g) and begin 3.12.3 with :

- a. Unless listed in §3.12.5 (Signs not requiring a permit), no sign shall be erected, altered, relocated, posted, or reconstructed unless and until:
 - i. a completed application for a permit, on a form supplied by the Village of Empire, together with all plans and specifications has been submitted to the SEO; the application complies with all provisions of this Ordinance, including the application requirements described below in §3.12.3.c; and, a permit has been approved by the SEO; or
 - ii. the sign has been authorized as part of an approved site plan.

Upon approval of a permit application or such site plan approval, a required sign permit to erect, post, alter, relocate, or reconstruct the sign shall be issued by the SEO for such Permitted/Approved Sign.

- The defined term “Surface Sign”

- this should be changed to “Sign Surface” and its meaning be: “See Display Area”.

The confusion arose from the 2006 Zoning Ordinance which added the defined term and in which other types of signs were listed such as “Sign, Accessory”; “Sign, Identification” etc. Before 2006, the Sign part of the ZO and preceding police power Sign Ordinance had a defined term for “Display Area.” but not Sign Surface.

In 2006, the addition of commas (apparently) was in an attempt to put defined terms in an order so that terms describing types of signs started with the word “sign.” Someone preparing the 2006 version (or typing it) incorrectly thought that “Sign Surface” should also have a comma: “Sign, Surface.”

When the ordinance was supposed to be pulled out of Zoning, the commas were removed and the order of words for all of those terms were reversed (making sense for the other terms)—but it made nonsense of this term.

THERE IS NO SUCH THNG AS A “SURFACE SIGN.” It was always intended as “sign surface”—which meant the same thing as “display area.”

Search your proposed Ordinance for any use of “surface sign.” The only place those two words appear in that order are: the definition and in “Marquee Surface Sign”—which is a sign attached to or made a part of a marquee (and that term could delete “surface” and just be Marquee Sign.

D. The Repealer Part should be broader.

To eliminate the possible effect of there being an existing unrepealed section 3.12 of the Zoning Ordinance or Ordinance #141, I suggest that the Repealer Part be expanded to cover those possibilities:

“ Ordinance #142 of the Village of Empire Ordinances is hereby repealed. If Ordinance #141 was not previously repealed (as was intended in 2015), it is

hereby repealed, except that Ord #141's repeal of the previous section 3.12 of the Zoning Ordinance is not altered. If the previous Section 3.12 of the Village Zoning Ordinance was not previously repealed (as intended and voted on in September 2014), it is hereby repealed and replaced as provided herein."

Explanation:

9/23/2014 Minutes of the VC record a unanimous vote to "remove" the Sign Ordinance from the Zoning Ordinance, so that Ord #141 will be a stand-alone ordinance for proposed revisions. The Village Records do not include a signed ordinance #141 repealing or deleting Section 3.12 of the Zoning Ordinance. An Unsigned Ord #141 contains a provision deleting various definitions from Section 2.02 of the Zoning Ordinance, repealing section 3.12 of the Zoning Ordinance, and amending subsection 7.11(6) of the Zoning Ordinance (concerning signs for a sexually oriented business). The Village does have a signed copy of Ordinance #142, which the 12/10/2015 VC minutes record as adopted that date and the Clerk's certification on the copy confirms that date, despite the first page of the Ordinance giving it a date of "7-29-15." The Signed Ord #142 does not expressly repeal the unsigned Ordinance #141 or repeal §3.12 of the Zoning Ordinance. In 2019, an amendment (signed 1/22/2019) replaced the 2015 Ord #142. Again, there was no reference to the (unsigned) Ord #141 or section 3.12 of the Zoning Ordinance.

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**VILLAGE OF EMPIRE
LEELANAU COUNTY, MICHIGAN**

Ordinance No __ (Signs)

AN ORDINANCE TO AMEND THE VILLAGE OF EMPIRE ZONING ORDINANCE, BY ADDING DEFINITIONS AND CERTAIN SIGN REGULATIONS REPEALING ALL SIGN REGULATIONS IN CONFLICT WITH THIS ORDINANCE

THE VILLAGE OF EMPIRE ORDAINS:

Part I. Article 2 of the Village of Empire Zoning Ordinance is amended to add/amend 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.

***Alley Sign:** A sign that is located facing an alley, identified by the Village as such.

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 Sign:** A sign the **Display Area/Sign Surface** of which is printed or displayed upon cloth or other flexible material..

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 sign surface. 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.

****Display Area:** The entire space on a sign used for lettering and symbols on one vertical plane. This has the same meaning as “sign surface.”

***Dispensing Device/structure:** A device/structure limited to a single purpose—dispensing items. A display that names the contents of the device is not a sign. (For example, a news rack dispenses newspapers or magazines and is a dispensing device. A structure containing portable propane gas “bottles,” which can be removed from the device by lifting a lid or opening a gate is a dispensing device. A soda pop vending machine is a dispensing device. A container of bags of ice for sale is a dispensing device.)

****Flag:** A Banner Sign attached to a staff or pole.

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 displays a street address.

***Required Identification Sign:** An Identification Sign that displays a street address on structures, as required by County Ordinance, or the Michigan Building Code (if applicable).

****Illuminated Sign:** A Sign that may be rendered visible during all or part of the period from sunset to sunrise by means of: (a) an internal light source (“**directly illuminated sign**”); or (b) an exterior light source directed on to, or in the vicinity of the Sign (“**indirectly illuminated Sign**”).

***Kiosk/Bulletin Board:** A structure (less than 8 sq ft in total display area) in a publicly viewable location used for temporarily posting/displaying information for the public on more than one topic/item. The display can be on a freestanding structure or a wall.

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

****Marquee Sign:** A sign attached to or made part of a marquee, on the face—not above—the marquee.

***Mansard Roof:** A roof which has multiple sloping sides, each of which becomes steeper halfway down.

***Mansard Roof Sign:** A sign placed on the steeper part of a Mansard Roof. See **Roof Sign** and **Wall Sign** for more information.

****Multi-Business Building/Plaza:** Those structures that contain more than one unit, with units leased to separate enterprises as tenants, and the units may have a common entrance or multiple entrances. This includes similar structures where the units are established by separate ownership, instead of leases (e.g., condominium ownership, with common areas under common ownership).

****Prior Nonconforming Sign:** Any sign that was displayed before the effective date of this Ordinance, which sign is displayed on or after the effective date of this Ordinance, as amended, and which does not comply with all of the provisions of this Ordinance and any amendments. Such a sign may be referred to as a Non-conforming Sign.

***A Valid Prior Nonconforming Sign** is such a sign that was on display and complied with all Empire Village Sign regulations in effect immediately before such effective date. Such a sign may be referred to as a Valid Nonconforming Sign.

***An Invalid Prior Nonconforming Sign** is such a sign that was on display and did not comply with such Sign regulations in effect immediately before such effective date. Such a sign may be referred to as an Invalid Nonconforming Sign.

***Permitted or Approved Sign:** A Sign that requires a permit (or has been issued a permit) by the SEO).

****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 parked and visible from the public right-of-way;
- Menu and sandwich boards;
- Searchlight stand; and
- Hot-air or gas-filled balloons or umbrellas.

Notwithstanding the above, a sign mounted on a vehicle is not considered a Portable Sign, when the vehicle is being used, as a vehicle, in normal day-to-day operation of that vehicle. In addition, a Portable Sign that meets the definition of a “Temporary Sign” is both.

****Projecting Sign:** A Sign attached to or erected on the exterior wall or surface of a building, which can be moved to project 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. A Mansard Roof sign shall be considered a wall sign.

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

****Sign:** An outside structure, including its base, foundation and erection supports, upon which is displayed, with a Display Area greater than one (1) square foot, any words, letters, figures, emblems, symbols, designs, or trademarks by which any message (in words, symbols or image) is afforded identifiable visibility (i.e. legibly readable) from a public street or alley, which message is on behalf of and for the benefit of any product, place, activity, or person. The following are not signs: (1) architectural features; (2) tombstones and other memorial markers; and (3) Dispensing Device/Structure (a defined term).

***Sign Structure** As used in the definition of “Sign,” structure means anything constructed or erected from several parts, the use of which requires location on the ground or attachment to something which is attached to the ground.

****Sign Surface:** That portion of a sign excluding its base, foundation and erection supports on which message is displayed. This means the same thing as “Display Area.”

***Stake/Wire Sign:** A sign made of corrugated plastic, corrugated cardboard, polycoated cardboard, aluminum (or similar materials) and supported by nothing more substantial than metal/wire/plastic braces/stakes that may be placed into or through the material and into the ground in a manner such that the braces/stakes can be removed by manually lifting the sign out of the ground.

****Temporary Sign:** A sign without permanent foundation, the sign surface of which is made of a material not suitable for permanent display out-of-doors, and which can be detached, manually, from its foundation (whether that be the ground or something else).

****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. A Mansard Roof Sign is considered to be a Wall Sign.

***Wayfinding Sign:** A Sign erected, displayed or maintained by the Village, other than typical traffic control Signs (Stop, Yield, Speed Limit, Street Names, One-Way, etc.), intended to aid in directing traffic/visitors (including bicyclists and pedestrians) to buildings/areas of interest, without promoting a commercial transaction with any specific for-profit businesses.

Part II. Article 3 of the Village of Empire Zoning Ordinance is hereby amended to add the following sign regulations as Section 3.12.

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 the health, safety and welfare of Village residents, property owners, and travelers from harm 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 signs which are improperly located or unreasonably distracting;
- (iii) 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 permitted signs to advertise their businesses and to direct customers to their businesses.
- (iv) 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.
- (v) To carry out these purposes in a manner that is content neutral, except as the content may relate to the location of the sign for regulatory purposes or conveys information essential for safety purposes.
- (vi) To respect the rights recognized by the courts for residents to display signs on their premises to express their viewpoints or personal messages, by regulating without reference to the message the occupant of the premises may choose to convey.
- (vii) 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;

recognizing, 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.

(viii) 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; recognizing, in addition, that such signs are often placed by governmental entities that are not subject to local zoning.

(ix) 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, non-permanent signs outweighs the benefit of prior permitting.

b) The regulations contained in this Section involve a determination by the Village that the rights of sign owners must be balanced against the public right to be free of signs which unreasonably compete for attention, distract drivers and pedestrians, or produce confusion. To lessen adverse consequences, reasonable limitations and restrictions are appropriate with respect to the placement, construction, size, type, and design of signs, considering the availability of other means of communication.

2. General Provisions: The following regulations shall apply to all **Signs**:

a) **The following Persons are jointly and severally, responsible for compliance** with regulations in this Ordinance with respect to a sign(s) erected, displayed and/or maintained on a lot, including any regulation that applies to a sign as part of all of the signs on such lot and the obligation to remove a sign if so required by the ordinance:

(i) A person(s) who erects, displays, and/or maintains sign(s) on such lot;

(ii) A person(s) who is the owner or Lessee of all or the part of such lot on which the sign(s) is displayed or required to be displayed; and

(iii) A person on whose behalf or for whose benefit a sign is displayed on such lot.

A person within (ii) or (iii) is not responsible for a sign having been displayed in violation of this Ordinance, however, if such person shows, by clear and convincing evidence, that such person:

- was unaware of the existence of the sign, until notified by the Sign Enforcement Officer (SEO) of an asserted violation;
- thereafter, made a good faith effort to remove the sign or bring it into compliance;
- promptly notifies the SEO that the sign is unauthorized by the person; and
- gives the SEO whatever authority the person has (if any) to remove the sign.

b) **All signs shall comply with** all applicable federal, state and other local law or regulation and shall not be located so as to cause a nuisance or safety hazard.

c) **Required Identification Signs.**

A Required Identification Sign is within the exemption provided in §3.12.2(g)(ii)(a), but a street address that is directly illuminated shall not be treated as a Required Identification Sign, unless a statute, County Ordinance or state or county regulation requires a street address to be directly illuminated.

- d) **Signs must be maintained** in good condition and not allowed to become dilapidated.
- e) **When a business on a lot is abandoned**, signs on the lot, other than a Required Identification 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.
- f) **No sign shall be erected or maintained unless** it complies with this Ordinance or is expressly exempted.
- g) **Signs Exempt from Compliance with this Ordinance:**
 - (i) Express exemptions may exist by reason of the definition of a sign.
 - (ii) In addition, whether or not the following may be within or excluded from the literal definition of a sign or otherwise expressly exempted from one or more particular regulations, the following are exempt from compliance with this ordinance (other than §§3.12.2.(a)-(f)) and shall not be considered in determining whether any other signs on a lot are or are not in compliance:
 - (a) Signs/images/messages that are required, by a government entity, to be displayed. (If the requirement ceases, so does the exemption.)
 - (b) any Flag:
 - (i) attached (by staff) to a building or on a separate pole with its own foundation, and, if the lot is less than three (3) acres, the display area/sign surface of such Flag does not exceed 16 sq ft, and no single dimension of the Display Area is > 5 ft; provided that this exemption does not apply (regardless of the number of streets the lot faces) to more than two (2) such Flags on a lot used primarily for commercial/industrial purposes; or
 - (ii) on a separate pole with its own foundation, and, if the lot is greater than three (3) acres, the display area of such Flag does not exceed 60 sq ft, and no single dimension of the Display Area is > 10 ft; provided that this exemption is limited to one (1) such Flag per lot (regardless of the number of streets the lot faces); or
 - (iii) the Display Area of which is not more than four (4) sq ft.
 - (c) A sign (including a kiosk/bulletin board) erected, displayed and/or maintained by a governmental entity in the performance of the entity's governmental role on behalf of the public as a whole, rather than the entity's proprietary role with respect to the property on which a sign is displayed.
 - (d) A Wayfinding Sign, as that term is defined in this Ordinance.
- (h) **Prohibited Signs** The following Signs are prohibited:

- (i) Signs imitating warning signals. No Sign shall display intermittent lights resembling the flashing lights customarily used in traffic Signals or in police, fire, ambulance, or rescue vehicles.
 - (ii) Revolving, moving, animated, mechanical, electronic simulated motion, and flashing Signs, except for rotating/revolving barbershop poles.
 - (iii) Signs located in, projected into, or located overhead a village street, highway, public right-of-way or dedicated public easement, unless the sign's location has been expressly authorized by the agency having jurisdiction over that right-of-way, including a permit issued by the Village (if the Village has such jurisdiction) which permit expressly authorizes such location.
 - (iv) Signs higher than eight (8) feet, measured from ground level, except for projecting signs, Wall Signs (including Mansard Roof Signs), and Banner Signs having a permit expressly authorizing display at a height above eight (8) feet from ground level. In no event shall any sign attached to a building extend above the building's roof line.
 - (v) A Sign which is part of a canopy or an awning.
 - (vi) Stake/wire Sign, other than as allowed in Section 4 Signs Not Requiring a Sign Permit.
 - (vii) Roof Signs other than Mansard roof signs (which are considered as wall signs).
 - (viii) Bench Signs
- i) **Double-Faced Signs.**

If a sign is a double-faced sign, only one side of the Sign Surface shall be used in calculating compliance with the square footage of Display Area or number of signs.
 - j) **Number of Signs on Lots to be Based on public streets the lot faces.**

Except as listed below, to the extent any subsection of Section 3.12 limits the number of signs (or number of particular types of signs) on a lot, such limits are to be applied, separately, to each side of the lot facing a public street, unless the limitation expressly addresses lots facing multiple streets. The exceptions are:

 - (i) limitation in the table of subsection 3.12.6 for separate signs for individual businesses within a Multi-Business Building/Plaza; and
 - (ii) restriction on signs (in a R/C district) on a lot > 30 acres .
 - k) **Temporary Sign must be removed** from a lot within fifteen (15) days following notice to the lot owner/lessee that the SEO has reasonably determined that such temporary sign is obsolete or abandoned. If a shorter time is specified for a type of Temporary Sign that is a Permitted/Approved sign, that shorter time controls for that type of sign.
 - l) **Substitution.**

The content of a sign may be substituted and such substitution will not affect whether the sign is Permitted or Allowed.

3. Signs Allowed in Zoning Districts: Signs not requiring a permit are allowed on a lot in any Village zoning district. Additional Permitted/Approved Signs are allowed on lots, as follows:

1) In General Residential (GR), Mixed Residential (MR), and Village Residential (VR) Districts; within a PUD, Front Street (FS), Gateway Corridor (GC) and Light Industrial (LI) Districts, if the Lot is used for residential purposes (including dwelling ownership or rental); and in a R/C district, if the property is not over thirty acres.

None.

2) In Front Street (FS), Gateway Corridor (GC), Light Industrial (LI) and PUD Districts, if the lot is not used for residential purposes (including dwelling ownership and rental).

Approved signs in accordance with subsection 3.12.6.

3) Recreation/Conservation (RC) District for property of over thirty acres.

Only signs in accordance with §3.12.6's table for Freestanding Signs and kiosks.

4. Signs Not Requiring a Sign Permit:

a) The following types of signs may, without a sign permit, be placed on a lot in any zoning district unless expressly limited in a particular subsection of this §3.12.4. The list is cumulative and does not limit the number or size of such signs, except as expressly specified.

(i) Four temporary signs per lot not to exceed six (6) square feet each of sign surface; provided that such signs are not directly illuminated and are not Banners addressed in subsection 3.12.4(a)(vii).

(ii) Signs approved by state, county, township or village agencies to give proper directions or to safeguard the public, provided the Sign Surface, per sign, does not exceed sixteen (16) square feet.

(iii) Accessory Signs that warn the public of dangerous conditions and unusual hazards, including but not limited to, road hazards, high voltage, fire danger, explosives, and severe visibility; provided the Sign Surface, per sign, does not exceed sixteen (16) square feet. Such a warning sign may be directly illuminated, if necessary for safety.

(iv) One sign (per street frontage) marking an historically significant place, building or area (if sanctioned by a national, state, township, village or local historical organization); provided the sign surface of each sign does not exceed the maximum allowed size of sixteen (16) square feet.

(v) Signs required by federal or state agencies in connection with an approved federal or state grant program application, with respect to the lot, if the grant program application is also approved by the Village, including approval in a site plan or land use permit;

(vi) Banners suitable for display as Flags (if on a staff) attached to a residential building.

(vii) Other Banners temporarily attached to a residential building. The display area, time of display and time for removal found in subsection 6's table for Banners apply to these.

- b) Section 3.12.2 (General Provisions) applies to signs not requiring a permit, unless the contrary is expressly provided.
- c) Unless expressly incorporated into a particular subsection of §3.12.4(a), restrictions and requirements in §3.12.6 do not apply to signs that do not require a permit.
- d) A sign meeting the requirements of any subsection in §3.12.4(a) shall not be counted toward any numerical limitations for signs on a lot, in any other section of this Ordinance or any other subsection in §3.12.4(a), unless the limitation is found in §3.12.2 or §3.12.4(e).
- e) Other than as found in §3.12.2's General Provisions and §3.12.4(a)(vii) (for certain Banners), the only number, size or other requirements for a sign allowed in §3.12.4(a) are: signs — other than warning signs allowed in §3.12.4(a)(iii)— may be directly-illuminated, if and only if displayed on a building's window and:
 - (i) not more than 2 are displayed on a single lot, with the maximum Sign Surface of each such Sign being 4 sq ft;
 - (ii) the direct illumination commences not earlier than the later of 7 am or 1 hour before sunrise;
 - (iii) the direct illumination ceases not later than the earlier of 11 pm or 6 hours after sunset; and
 - (iv) the display complies with any other applicable Village Ordinance regulating lighting.

5. Permitted/Approved Signs; Application:

- a) Unless listed in §3.12.4 (Signs not requiring a permit), no sign shall be erected, altered, relocated, posted, or reconstructed unless and until:
 - (i) a completed application for a permit, on a form supplied by the Village of Empire, together with all plans and specifications has been submitted to the SEO; the application complies with all provisions of this Ordinance, including the application requirements described below in §3.12.5(c); and, a permit has been approved by the SEO; or
 - (ii) the sign has been authorized as part of an approved site plan.

Upon approval of a permit application or such site plan approval, a required sign permit to erect, post, alter, relocate, or reconstruct the sign shall be issued by the SEO for such Permitted/Approved Sign.
- b) The limitations stated in sections 3.12.2, and 3.12.6 apply to all Permitted/Approved Signs.
- c) The following application requirements shall apply to all signs requiring a permit pursuant to the provisions of this Ordinance.
 - (i) 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.
 - (ii) The application shall contain or have attached the following:

- (a) Name, address, and telephone number of persons described in §3.12.2(a), with respect to the sign to be erected.
 - (b) Location of building, structure, or lot where the sign is to be attached or erected.
 - (c) Position of the sign in relation to nearby buildings or structures.
 - (d) A scale drawing with the outer dimensions, specifications of the display area, method of construction, lighting and if applicable, method of attachment to the building or ground.
 - (e) Any Leelanau County construction permit required and issued for the sign.
 - (f) Other details the SEO shall require establishing conformance with this Ordinance, including the purpose—as relevant to §3.12.6’s table requirements (for Portable Signs and Banners)—but not the content, of the sign.
- 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) days from the date a permit is issued. An extension of 90 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.

6. Sign Types, Dimensions and Specific Requirements for Permitted/Approved Signs:

Sign Type	Max Sign Surface Area and other size limitations	Other Regulations
Either Freestanding Sign or marquee sign (one or other) If facing an alley, see below for Alley Sign. If a multiple business/Plaza entrance sign, see below for that category, which will control. See below as to Kiosk/bulletin board	24 square feet. In R/C district property > 30 acres, each freestanding sign must have sign surface of ≤12 sq ft, except that each side of a 4-sided kiosk may have 8 sq ft of sign surface. see Multi-business building/Plaza Entrance sign, allowing max of 48 sq ft. See application of Individual businesses in multi-business building	The number of freestanding signs shall not exceed 1 sign/100 ft lot along M-22 in GC district or 1 sign/50 ft lot in GC and FS district. This is in addition to a kiosk/bulletin board In R/C district property > 30 acres, there may be ≤ 2 freestanding identifying signs and one four-sided kiosk.
Illuminated sign	24 square feet	Directly illuminated Signs may be illuminated only during hours of operation. As for Indirectly illuminated signs, see Zoning Ordinance provisions (§3.11) regulating Outdoor Lighting.

Sign Type	Max Sign Surface Area and other size limitations	Other Regulations
Projecting sign	20 square feet	Maximum projection allowed shall be five (5) feet from a building; and with a maximum height of fifteen (15) feet.
Kiosk/bulletin board	in R/C district, property > 30 acres, max sign surface of 4-sided kiosk is 32 sq ft; otherwise max sign surface of 8 sq ft.	These may be freestanding or a wall sign.
Portable sign	2 feet wide by 4 feet height (8 square feet). Signs transported by trailer or wheels: 4 feet height by 8 feet length (32 square feet).	If the purpose of the Sign is to be in connection with a specific event, the Sign may be displayed only for up to fourteen (14) days prior to the event; and must be removed within three (3) days after the event.
Banner sign	24 square feet	If the purpose of the Sign is to be in connection with a specific event, the Sign may be displayed only for up to fourteen (14) days prior to the event; and must be removed within three (3) days after the event.
Wall sign see below if facing an alley. See below for separate signs for individual businesses in a multi-business building. See above re Kiosk/bulletin board	32 square feet See above re kiosk/bulletin board	1 sign/street facade, not to exceed 32 square feet. If multiple businesses within the building share a common Wall sign, they shall share the total 32 square feet max Sign Surface.
Alley sign (either as a freestanding sign or a wall sign, including a kiosk/bulletin board)	4 square feet	1 sign/alley facade. If multiple businesses within a building, they share the 4 sq. ft
Multi-Business Building/Plaza entrance sign	48 square feet	All businesses within a common structure/plaza will share a common Freestanding entrance Sign.

Sign Type	Max Sign Surface Area and other size limitations	Other Regulations
Separate Signs for Individual businesses within a Multi-Business Building/Plaza	<p>The combined maximum sign surface for all businesses is the building length, in feet, facing a public street multiplied by 1 foot.</p> <p>The maximum sign surface for an individual business is the lesser of 12 sq ft or the quotient when the combined maximum sign surface is divided by the number of businesses.</p>	<p>stated as formulas:</p> <p>TSS (sq ft) = BL (ft) x 1 ft</p> <p>ISS is the lesser of 12 sq ft or ISS^c</p> <p>ISS^c sq ft = TSS (sq ft) / U</p> <p>where</p> <p>BL = Building length, in feet, facing a public street</p> <p>TSS = total sign surface for signs for all businesses in building</p> <p>U = number of units/businesses in building</p> <p>ISS^c = calculated max sign surface for individual business.</p> <p>ISS = Max sign surface for a sign allowed to an individual business</p>

7. Nonconforming Signs.

Alteration or change in a Prior Valid Nonconforming sign is governed by Section 3.02 of this Zoning Ordinance, except that the standards applicable to a change in use (§3.02.2.F) or expansion or enlargement (§3.02.6) may not be applied based on the content of the sign as it existed or as proposed; but a change in use to an otherwise unlawful content is prohibited.. Nothing in this §3.12.7 bars a Prior Valid Nonconforming Sign that displays a commercial message from having the message changed to a lawful noncommercial message.

8. Administration; Inventory; Enforcement; Sanctions.

a. The SEO, or designee, shall administer and enforce the provisions of this Ordinance. The SEO shall create an inventory of Permitted signs on Lots used for commercial/ industrial purposes and take reasonable steps to update such an inventory on a yearly basis. The SEO may make inspections of signs as the SEO deems reasonable, to aid in enforcement of this Ordinance.

b. 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 to the sign or building when a sign is removed under this Ordinance.

Part III: Repealer

Ordinance #142 of the Village of Empire Ordinances is hereby repealed. If Ordinance #141 was not previously repealed (as was intended), it is hereby repealed. If the previous Section 3.12 of the Village Zoning Ordinance was not previously repealed (as intended and voted on in September 2014), it is hereby repealed and replaced as provided herein.

Part IV. 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 V. Savings Clause

All rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved. The only rights preserved, however, are for signs:

- a) validly established and displayed; or
- b) for which a permit has been issued and the structure of the sign exists or has begun substantial construction at the time this Section 3.12 is effective.

If any such sign does not conform to the provisions of this ordinance, as enacted or amended, the sign is deemed a Valid Prior Nonconforming sign.

Part VI. Effective Date

The provisions of this Ordinance are ordered to take effect at the time prescribed by law.

Part VII. Adoption

This Ordinance was duly adopted by the Village of Empire Council at its regular/special 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 the time period prescribed by law.

Sue Palmer, President, Village of Empire

Derith Smith, Clerk, Village of Empire

Adoption date:
Publication date:
Effective date:

CERTIFICATION

I, Derith Smith, the Clerk for Village of Empire, Leelanau County, Michigan, do hereby certify that the foregoing is a true and complete copy of this Ordinance adopted by the Village of Empire Council at a regular meeting held on _____ . The following members of the Village of Empire Council were present at the meeting:

The Ordinance was adopted by the Village of Empire Council with ___ members of the Council voting in favor a n d ___ voting against.

A copy of the Ordinance or a summary thereof was published in _____ o n _____

Derith Smith, Clerk, Village of Empire