

# PENINSULA TOWNSHIP

13235 Center Road, Traverse City

MI 49686

[www.peninsulatownship.com](http://www.peninsulatownship.com)

## Agricultural Advisory Committee Meeting

September 16, 2025, 2:00 p.m.

Township Hall

Minutes

1. Call to Order by Kroupa at 2:00

2. Pledge

3. Roll Call

**Present:** Heller, Kroupa, Hafeli, Gomez, Baldyga, Coggan, Bramer.

**Excused Absent:** Edmondson, Hemming, Gomez

4. Brief Citizen Comments (for agenda items only): none

5. Approve Agenda

Hafeli moved to approve as written with a second by Heller.

Motion passed by consensus

6. Conflict of Interest: none

7. Consent Agenda:

A. Approve meeting minutes:

1. Agricultural Advisory Committee Regular Meeting August 19, 2025

Baldyga moved to approve consent agenda with a second by Heller. Motion passed by consensus

8. Business:

A. Planning Commission, Town Board Updates:

- Farm Signage
- Amendment 201 Acreage Minimum
- Zoning Rewrite Subcommittee

**Kevin Beard, PC Representative:** for signage, waiting for language review back from lawyers and McKenna. Acreage minimum will be at the rewrite subcommittee in October. Still do not have an AAC representative on the rewrite subcommittee.

**Hafeli:** Hemming's suggestion of the Agriculture Bill of Rights to represent farmers at the rewrite?

**Beard:** need committee consensus to have it represent the committee.

**Hafeli:** can discuss in board comments at end of meeting.

**Sanders:** survey phone calls have started. Post cards will be mailed this week. Open until October 10. Can get printed copy of survey at township. Post card will have a unique number for each address.

B. Amendment 201 – Small Producer Subcommittee Update and Discussion

**Hafeli:** small producers in the community wanting to share their experiences and discuss solutions, willing to form a subcommittee. Open to others joining if interested.

**Jeff Kane and Molly Stretten introduced themselves with some background in their interest and experience as farmers on the peninsula with small acreage interested in processing.**

Committee discussed three representatives from the AAC is maximum participation in subcommittee to not require the open meetings act. Hafeli, Bramer and Hemming have expressed interest. Subcommittee will work on looking at realistic requirements for processing on acreage less than 40 as currently defined in 201. Baldyga referenced Right to Processing as already state defined and relevant to the work of the subcommittee.

C. Agritourism Subcommittee Update and Discussion

Hafeli reviewed memo in packet updated from last meeting of proposed agritourism definition. Asked for any input that could be added before sending to the PC [planning commission]. Emphasized that the document will continue to be shaped by committee and public input but in the interest of moving forward would like to move to next step at the PC level. Committee discussed the separate definition of agribusiness as distinguished in Long Lake Township ordinance. More review needed before making that distinction for Peninsula Township. Heller expressed concern that more time needed for review and understanding of agribusiness before sending to PC.

Hafeli moved to capture any additional feedback from this committee and include it in an updated draft memo to the planning commission with a second by Baldyga.

Hafeli: November is our next meeting. Have October to work through any final comments from the committee or community. I can include notes red line, keep it a working document. This is version five. I've tracked every version in red line. Let's keep it moving.

Coggan: our one change at this point is to revert back to just calling it agritourism [removing agribusiness reference.]

Roll call vote: yes – Bramer, Kroupa, Hafeli, Baldyga, Coggan. No – Heller. Motion passed by majority

Beard: anticipating PC will receive it at the October 7 meeting and refer to the ad hoc zoning rewrite committee. They can discuss it at [October] 14 meeting.

Hafeli: end of September, have a final document for packet materials in [PC] agenda.

9. Citizen Comments: none

10. Board Comments

Hafeli: Agricultural Bill of Rights; used to advocate for all farmers, for zoning rewrite to look at while drafting new language. "Agricultural land owners, farmers, have the right to grow crops for food, fiber and fuel. Farmers have the right to process raw crops into the final form used for food, fiber and fuel. Farmers have the right to sell their raw or unfinished product, either directly or indirectly, to the consumer. Farmers have the right to promote their products, including the agricultural experience, through signs, on site consumption, tours, farm to table dinners, farm stays, etc. Farmers have the right to be free of nuisance complaints pertaining to normal agricultural activities." Recommendation we provide a copy of this to the zoning rewrite subcommittee.

Beard: formally adopted as a statement from the committee.

Hafeli moved to provide the farmer Bill of Rights to the zoning rewrite subcommittee with a second by Baldyga. Motion passed by consensus

11. Adjournment

Baldyga moved to adjourn at 2:54 p.m. with a second by Coggan. Motion approved by consensus

**From:** ERIN HAFELI getlightwell@gmail.com

**Subject:** Resignation from the Committee

**Date:** September 25, 2025 at 3:59 PM

**To:** John Kroupa john@peninsulacellars.com, Dave Edmondson edmondson1954@gmail.com, Agrivine agrivine@charter.net, Chris Baldyga chris@2lwinery.com, Jed Hemming janddhemming@hotmail.com, Raul Gomez graul40@gmail.com, Garrett Coggon gcoggon@gmail.com, Nancy Heller nancyrheller@gmail.com

**Cc:** Kevin Beard duneclimber55@yahoo.com, Maura Sanders supervisor@peninsulatownship.com



DO NOT REPLY TO ALL,

September 25, 2025

Dear Agricultural Advisory Committee,

I am writing to let you know that, after careful consideration, I have decided to step down from my role on the committee and as secretary. This was not an easy decision, as I have greatly valued the opportunity to contribute and to work alongside such dedicated individuals.

Over the past several months, I have realized that I have taken on more commitments than I can responsibly manage. In order to give my full attention to other pressing matters, I believe it is best for me to step aside at this time.

I am grateful for the chance to be part of the AAC and for all I have contributed in the process. Please know that I remain supportive of your important work and look forward to seeing the continued impact you will have in the community.

Thank you for your understanding.

With appreciation,

--

Erin Hafeli

## Outline for the Agricultural Advisory Committee Structure

- This will be an advisory committee appointed by the township board to provide input on issues facing production agriculture within Peninsula Township
- Appointment of 7-9 members with diverse farming backgrounds and interests
- Terms will be 3 years with the first appointments staggered between 2 and 3 years
- The committee will meet a minimum of 6 times per year w/ the day and time to be determined by what works best for the majority of committee members
- Non-voting members include: staff liaison = Planning and Zoning Director, one member of the planning commission, and one board member
- The role of staff is to prepare agendas and packets, conduct research and general support to the committee
- The role of planning commission and board liaison's is to report back to planning commission and board and provide input on pending township projects, etc.
- Meetings will be broadcast on YouTube and minutes taken (a recording secretary will be hired to support the committee)
- A chair, vice chair and secretary will be selected at the first regularly scheduled meeting to help facilitate meetings
- Bylaws will be drafted and adopted consistent with other boards and committees

## **Agritourism Ordinance Memo**

**To:** Peninsula Township Planning Commission  
**From:** Agricultural Advisory Committee  
**cc:** Peninsula Township Board  
**Date:** 9/30/25  
**Re:** Agritourism Ordinance

### **Introduction**

On behalf of the Peninsula Township Agricultural Advisory Committee (AAC), we respectfully submit the following recommendations for consideration by the Peninsula Township Planning Commission (PC), and Township Board (TB). We developed these guidelines as part of our ongoing charge to support and sustain agricultural character and preservation of open space on Old Mission Peninsula. It is the AAC's understanding that a new 'Agritourism Ordinance' could take immediate effect with Board Approval and thirty-days' notice. As such, and with a sense of urgency, we request that this ordinance recommendation go through the Planning Commission's public process, and a formal recommendation be made to the Board. These recommendations are intended to provide clarity, balance, and opportunity—supporting farm viability while ensuring that community values and land use objectives are upheld.

Agritourism has long been recognized across Michigan as a vital component of farm sustainability, offering farmers opportunities to diversify income while educating and engaging the public in the state's agricultural heritage. The Michigan Right to Farm Act (Public Act 93 of 1981) as amended, and the Michigan Agricultural Processing Act, Act 381 of 1998 as amended, established important protections for farming operations and processing, and subsequent guidance from the Michigan Department of Agriculture and Rural Development (MDARD) has acknowledged Agritourism as an accepted farm practice when conducted in ways consistent with Generally Accepted Agricultural and Management Practices (GAAMPs). There is no state or federal definition of Agritourism, but neighboring Long Lake Township ordinance has a good working example, and is included in this memo as an attached reference.

### **Proposed 'Agritourism' Integration in current Peninsula Township Zoning Ordinance**

#### **ARTICLE III – DEFINITIONS - Section 3.2 Definitions:**

**[ADD] Agritourism:** *An activity conducted on a working farm or agricultural property that is intended to involve members of the public. Agritourism includes activities including but not limited to U-pick operations, harvest festivals, farm tours, educational workshops, experiences utilizing on-site farm products including processed products, on-farm sales, farmstands, farm markets, farmers markets, farm-to-table gatherings, cooking classes using farm products including processed products, corn mazes, hay rides, nightly rental farm stays, classes and tours, horseback riding, small farm animal meet-and-greets, wildlife viewing, farmland art and photography, and food or beverage service related to on-site products including processed products.*

## ARTICLE VI – ZONING DISTRICTS

*Section 6.7.2 Uses Permitted by Right in the A-1 Agricultural District:*

**[ADD new subsection (Agritourism)]:** Agritourism activities accessory to a principal farm operation, subject to compliance with the performance standards in Article VII, Section 7.2.

*Section 6.7.3 Uses Permitted by Special Use Permit:*

**[ADD new subsection (Agritourism)]:** Agritourism operations that include any of the following shall require a Special Use Permit:

- Events hosting more than 250 people
- Permanent or semi-permanent structures for event (however temporary tents and high tunnels will be exempted from SUP requirement)
- Appropriate parking facilities to support gathering, field parking permitted in accordance with GAAMPs so long as parking is not in the right of way

## ARTICLE VII – SUPPLEMENTARY REGULATIONS

*Add Section 7.2.10: Agritourism Performance Standards*

### Section 7.2.10 Agritourism Performance Standards

Agritourism activities permitted by right or by special use permit shall comply with the following standards:

- (a) Agritourism shall be accessory to an active farm operation; financial metrics shall not be used as the basis of determining subordination.
- (b) Hours of operation shall follow MLCC rules for hours, unless otherwise approved.
- (c) Adequate off-street parking must be provided. No parking shall occur within the public right-of-way.
- (d) Traffic and noise impacts shall be mitigated to protect adjacent residential uses.
- (e) Signage must comply with Article VII, Section 7.11 (Signs). *\*May be updated with new Sign Ordinance\**
- (f) Outdoor amplified sound is prohibited unless in accordance with Peninsula Township Noise Ordinance No. 40 *\*May be updated with adoption of pending Peninsula Township Noise Ordinance 61\**
- (g) Waste disposal and sanitation facilities shall comply with applicable health codes.
- (h) Food service shall comply with all County and State regulations.
- (i) Fire Chief sign off confirming proposed activity meets fire code standards.

## ARTICLE VIII – USES AUTHORIZED BY SPECIAL USE PERMIT

*Section 8.7.2 Miscellaneous Special Uses:*

**[ADD new item (I)]:**

(I) Agritourism operations that exceed the limitations for permitted accessory uses in the A-1 District.

## Table of Zoning Conflicts and Recommendations

Ordinance Section	Title	Current Status / Conflict	Proposed Markup or Recommendation
<b>Article III, Section 3.2 (Page 3)</b>	Definitions	<i>No definition for "Agritourism" currently exists.</i>	Add definition of Agritourism as provided above. Also clarify related terms like "Farm Stand," "Retail Farm Processing Facility," and "Tasting Room."
<b>Section 6.7.2 (Page 47)</b>	A-1 Agricultural District – Uses Permitted by Right	Permits only traditional agriculture; accessory commercial uses (e.g., retail, tours) not clearly allowed.	Amend to include: "Agritourism activities accessory to active farm operations, including U-pick, educational tours, farm stays, and direct sales, subject to standards in Article VII."
<b>Section 6.7.3 (page 53)</b>	Uses Permitted by Agritourism Event Permit in A-1	Does not include Agritourism as a special use.	Add: "Agritourism activities exceeding thresholds in Section 7.2 (e.g., event size, traffic, food service) may require an Agritourism Event Permit."
<b>Section 7.2.1 – 7.2.5 (Page 70+)</b>	Supplementary Use Regulations	No guidance for traffic, parking, or noise from farm-based visitor events.	Add new subsection: "Agritourism Performance Standards," covering: hours, parking, signage, noise, traffic, restroom facilities, and lighting.
<b>Section 8.7.2 (Page 148)</b>	Miscellaneous Special Uses	Does not include Agritourism.	Add "Agritourism operations exceeding accessory use scale" as a Miscellaneous Special Use. Include examples: wedding barns, large seasonal events.

### Next Steps

The AAC respectfully requests that the PC place this matter on its upcoming agenda for discussion on October 7, 2025, and initiate the process necessary to formally consider adoption of the proposed Agritourism Ordinance. Following PC review, we ask that a recommendation be forwarded to the TB for prompt action. Given the alignment with state law, the prevalence of Agritourism throughout Michigan, and the immediate need for clarity within our zoning framework, we believe that early adoption of these provisions will provide both certainty for farmers and confidence for the community.

## LONG LAKE TOWNSHIP ZONING ORDINANCE

SECTION 4.24 AGRI-TOURISM AND AGRI-BUSINESS [This Section has been amended by Ordinance #157, adopted November 10, 2016, effective November 27, 2016]

1. Intent. This section is intended to allow agri-business and agri-tourism uses as part of farm operations in the Township in order to promote the following:

- a. Preservation of agricultural uses and the agricultural sector in the Township and in the region.
- b. Retention of large tracts of land for land preservation and to sustain current-day and future farming opportunities.
- c. Allow for agriculturally-related business opportunities to make agricultural pursuits economically viable.
- d. Promote a multi-jurisdictional agricultural district and agri-business hub along the M-72 corridor.
- e. Provide for food security for our region.
- f. Conformance with all applicable laws, including but not limited to the Michigan Right to Farm Act, Act 93 of 1981 as amended, and the Michigan Agricultural Processing Act, Act 381 of 1998 as amended, and with the Generally Accepted Agricultural and Management Practices (GAAMPS) promulgated by the Michigan Commission of Agriculture and Rural Development.

2. Agri-business/agri-tourism Uses Permitted by Right. The following uses are permitted by right in association with a farm anywhere that agricultural uses are allowed under this Ordinance.

- a. Storage, retail or wholesale marketing, or processing of agricultural products or value-added agricultural products provided that the fifty percent rule is observed.
- b. Cider mills (non-alcoholic) selling product, with or without a tasting room, derived from crops provided that the fifty percent rule is observed.
- c. Seasonal you-pick fruits and vegetable operations.
- d. Food sales/processing, processing of fruits or produce provided that the fifty percent rule is observed.
- e. Seasonal outdoor mazes of agricultural origin such as straw bales or corn.

3. Agribusiness/agri-tourism Uses Permitted Following Conditional Use Approval. In addition to the uses in Paragraph 2 above, the following uses are permitted in the LB, GB, LDR, AG, or CR districts following conditional use approval provided that all standards of this Section 4.24 and the underlying zoning districts as listed and conditional use standards of Article 19 are met.

a. Cider mills (alcoholic), distilleries, breweries, or wineries selling product, in a tasting room, where the 50 percent rule is observed.

b. Small event venues, open air or within an enclosed building, designed for use by fewer than 200 persons.

4. M-72 Agribusiness Overlay. The M-72 Agribusiness Overlay includes all properties located within the AG zoning district with a minimum of 2 acres of land and minimum of 200 feet of frontage on M-72. In addition to the uses in Paragraph 2 above, the following uses are permitted within the M-72 Agribusiness Overlay following conditional use approval:

a. Small event venues, open air or within an enclosed building, designed for use by fewer than 200 persons

b. Cider mills (alcoholic), distilleries, breweries, or wineries selling product, in a tasting room, where the 50 percent rule is observed.

c. Restaurants or cafes with maximum seating capacity of 100 and no drive through service.

d. Agriculturally related tourist overnight accommodations (i.e., tourist work camps or dude ranch experiences)

e. Agriculturally related retailers such as a saddlery shop, feed store, or similar uses as approved by the Planning Commission.

f. Large event venues, open air or within an enclosed building, designed for use by over 200 persons but no more than 400 persons, provided that due to the location, buffers provided, hours of operation, access, and proposed lighting and sound amplification, there will be minimal impact upon neighboring properties.

5. Standards and Requirements. All agribusiness and agri-tourism uses regulated under this Section 4.24 are subject to the following conditions as applicable

a. Parking shall be provided based on the capacity of the activity or the retail floor space in compliance with Section 25.4.

b. Parking for agri-tourism or agri-business uses may be located on a grass or gravel area for seasonal uses such as road side stands, you-pick operations and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand or other visible marking. Parking to be located on the same parcel as the agritourism or agri-business use. Parking shall not be located in any required setback area.

c. Signs associated with an agri-tourism or agri-business use shall be in conformance with Section 21.4.

d. The applicant shall secure and maintain all required state and local permits.

e. Outdoor event venues including such elements as, but not limited to, tents, restrooms, and parking areas shall provide a minimum 100 foot buffer from any residentially zoned or used property.

f. Newly constructed buildings or additions to existing buildings housing an agri-business or agri-tourism use shall be set back a minimum of 50 feet from any property line of an adjacent parcel in residential use or zoned residentially.

g. The Planning Commission may limit the hours of operation for any use approved under this Section in consideration of adjacent land uses.

h. Landscaping may be required to buffer any proposed parking areas or outdoor public use areas including, but not limited to mechanical equipment, outdoor storage, trash dumpsters, etc. from adjacent residentially zoned or used properties.

6. Accessory Uses Permitted. The following accessory uses may be permitted in conjunction with any approved agribusiness or agri-tourism use:

a. Value-added agricultural products or activities such as education tours or processing facilities, etc.

b. Bakeries selling baked goods containing produce grown in observance of the 50% rule

c. Petting farms, animal display, and pony rides

d. Wagon, sleigh and hayrides

e. Nature trails

f. Open air or covered picnic area with restrooms

g. Educational classes, lectures, seminars

h. Historical agricultural exhibits

i. Kitchen facilities for processing items for sale

j. Retailing of non-agriculturally related products such as antiques or crafts, packaged food or beverages, gifts, or other similar products, limited to twenty-five percent (25%) of gross sales



# Memorandum

**TO:** Peninsula Township Planning Commission  
**FROM:** Christopher Khorey, AICP  
 Ethan Senti  
**SUBJECT:** Guide to Draft Sign Ordinance  
**DATE:** November 12, 2025

Below, please find a summary of the proposed key policies in the updated Peninsula Township Sign Ordinance. The current draft of the Sign Ordinance has a number of comments and redline revisions from both McKenna and the Township's attorneys, which are important context for the Planning Commission. This memo is intended to summarize the key recommendations to guide commission feedback.

## TYPES OF SIGNAGE

In order to comply with *Reed v. Gilbert*, the draft sign ordinance defines signs based on duration and location, rather than content (with the exception of distinguishing between on-premises and off-premises signs, which is allowable according to the Township's attorneys). Therefore, the draft sign ordinance uses the following terms to define types of signs. The terms are "mixed and matched" to designate types of signage (i.e. "Temporary Off-Premises Ground Pole Sign" or "Seasonal On-Premises Wall Sign").

- **On-Premises:** A sign that relates to the use or purposes of the lot it located on.
- **Off-Premises:** A sign that does *not* relate to the use or purpose of the lot it is located on.
  
- **Short Term:** A sign in place for 3 days or less.
- **Temporary:** A sign in place for 30 days or less.
- **Seasonal:** A sign in place for one or both of two seasons:
  - Summer Season: From April 1st through October 31<sup>st</sup>, to be removed by November 8th of any given year.
  - Holiday Season: From November 15th through January 31<sup>st</sup>, to be removed by February 8th.
- **Permanent:** A sign in place indefinitely.
  
- **Ground Monument Sign:** A freestanding sign with a base that is equal or greater in width to the sign.
- **Ground Pole Sign:** A freestanding sign with a pole or other base that is narrower in width than the sign.
- **Wall Sign:** A sign attached to a wall.
- **Marquee/Canopy/Awning Sign:** A sign attached to a marquee, canopy, or awning.
- **Roof Sign:** A sign attached to a roof.
- **Window Sign:** A sign attached to a window.
  
- **Illuminated Sign:** A sign that is internally or externally lit.
- **Flashing Sign:** A sign that includes motion or animation.



The following special types of signs are included in the draft ordinance with their own specific rules:

- **Entrance Way Sign:** A sign at the entrance to a residential neighborhood.
- **Flag:** A non-rigid fabric sign.
  - Maximum Number per Lot: 6
  - Maximum Number Attached to Building 1:
  - Maximum Number Per Flagpole: 2
  - Maximum Flagpole Height: 25 feet
  - Minimum Flagpole Setback: 10 feet
- **Incidental Sign:** A small sign intended to be read by people on-site.
  - Shall not exceed 2 square feet in area.
  - No limit on the number.
- **Ingress/Egress Sign:** A small sign located adjacent to entrance/exit/circulation drives.
  - Shall not exceed 2 square feet in area and 3 feet in height.
  - No limit on the number.

The following types of signs are defined in order to prohibit them Township-wide:

- **Electronic Message Sign:** A sign that includes motion or animation.
- **Pennant Sign:** A string of small flags.
- **Portable Message Sign:** A temporary sign on wheels.
- **Sandwich Board Sign:** A temporary "a-frame" sign.

### DRAFT SIGNAGE REGULATIONS

The following table denotes where signs are permitted:

	A-1	C-1	R-1A/B/C/D
<b>On-Premises</b>			
Short Term	1 Per Lot	1 Per Lot	1 Per Lot
Temporary	Up to 6 Per Lot	Up to 6 Per Lot	Up to 6 Per Lot
Seasonal	Up to 20 sq. ft.	Not Permitted	Not Permitted
Permanent	Entranceway Sign Wall Sign (1 per building) Ingress/Egress Incidental Ground Monument or Ground Pole (1 per lot) Window (1 per window)	Entranceway Sign Wall Sign (1 per building) Ingress/Egress Incidental Ground Monument (1 per lot) Window (1 per window)	Wall Signage or Freestanding Signage not to exceed 6 sq. ft. Entranceway Sign Ingress/Egress Incidental
<b>Off-Premises</b>			
Short Term	Not Permitted	Not Permitted	Not Permitted
Temporary	1 per lot	1 per lot	1 per lot
Seasonal	Up to 20 sq. ft.	Not Permitted	Not Permitted
Permanent	Not Permitted	1 per lot	Not Permitted



The following table summarizes the allowable size of signage:

	A-1	C-1	R-1A/B/C/D
<b>On-Premises</b>			
Short Term	6 square feet	6 square feet	6 square feet
Temporary	6 square feet	6 square feet	6 square feet
Seasonal	20 square feet	Not Permitted	Not Permitted
Permanent	Entranceway Sign: 9 sq. ft.  Wall Sign (1 per building): 30 sq. ft.  Ingress/Egress: 2 sq. ft.  Incidental: 2 sq. ft.  Ground Monument or Ground Pole: 20 sq. ft.  Window: 3 sq. ft.	Entranceway Sign: 9 sq. ft.  Wall Sign (1 per building): 30 sq. ft.  Ingress/Egress: 2 sq. ft.  Incidental: 2 sq. ft.  Ground Monument: 30 sq. ft.  Window: 3 sq. ft.	Wall Sign OR Freestanding Sign: 6 sq. ft.  Entranceway Sign: 9 sq. ft.  Ingress/Egress: 2 sq. ft.  Incidental: 2 sq. ft.
<b>Off-Premises</b>			
Short Term	Not Permitted	Not Permitted	Not Permitted
Temporary	6 square feet	6 square feet	6 square feet
Seasonal	20 square feet	Not Permitted	Not Permitted
Permanent	Not Permitted	30 sq. ft.	Not Permitted

### ITEMS REQUIRING PLANNING COMMISSION DISCUSSION

During the November 10<sup>th</sup> Zoning Rewrite Committee meeting, several items were flagged as requiring further Planning Commission discussion:

- Prohibition of Feather Flags. Feather flags are currently defined and prohibited. Does the Planning Commission wish to allow or prohibit them?
- Sandwich Board (A-Frame) Signage. Should these signs be permitted, and if so, under what standards?
- Short-Term "One-Time-Event" On-Premises Signs. The draft originally allowed a duration of 3 days; this was revised to 5 days. Is this the appropriate time frame?
- Number of Flags Allowed. The draft limits each lot to:



- Up to six (6) flags, not exceeding a total of 150 square feet
  - No more than one (1) wall-mounted flag
  - No more than two (2) flags per freestanding flagpole
- Does the Commission wish to adjust these numbers?
- Home Occupation Signage. Should home occupations be allowed a 2' x 3' identification sign? As drafted, Section 10.08 permits a sign not to exceed 6 sq. ft. per building in the R-1 District.

# Article 10 Signs

## Section 10.01 Purpose (currently introductory paragraph of Section 7.11)

It is the intent of this Ordinance to limit the number and size of signs in order to prevent traffic hazards, promote safety for passersby, and to maintain the rural ambience and the environment of the Township. It is also the intent to allow signs that are appropriate, proportional, and in scale with adjacent uses and roadways, and which are compatible with the character of the community. The objectives of this article are:

- (A) **Traffic and Pedestrian Safety:** To promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to cluttered, distracting, or illegible signage. Also, to protect public safety by prohibiting or removing signs that are structurally unsafe or poorly maintained.
- (B) **Old Mission Peninsula Scenic Heritage Route.** To allow Peninsula Township to regulate the size (including height and display area), lighting, and spacing (~~including setbacks and distances between billboards~~), and other regulatory powers pursuant to Act 153 of 1990 and the **Old Mission Peninsula Scenic Heritage Route Guidebook**, in order to control outdoor advertising along federal aid trunk line highways and encourage signage along M-37 to blend with the local character of the community.
- (C) **Free Speech.** To ensure that the constitutionally guaranteed right of free speech is protected and to allow signs as a means of communication.
- (D) **Effective Communication.** To allow signage of an appropriate design, scale, and placement for the purposes of communicating effectively in a manner that provides information, identification, or direction, without jeopardizing the beauty of the natural landscape or disrupting the environment of historically significant features or sites.
- (E) **Protection of Scenic Areas and Viewsheds.** To regulate outdoor advertising in such a way as to create land use patterns that are in concert with future land use objectives of the Master Plan and to prevent signs that would detract from scenic roadways and scenic views (including the preservation of historic and cultural resources, scenic areas and viewsheds, and the dark night sky).
- (F) **Compatibility with the Area and Protection of Property Values.** To insure compatibility with rural lands, neighborhoods, and business areas, in order to protect land values by preventing blight, visual clutter, excessive lighting, and out-of-scale signage that degrade the aesthetic views or property values of the community, thereby enhancing the image of the community for residents, tourists, and visitors.

- (G) **Economic Development.** To allow for adequate and effective signage for businesses to inform, identify, and communicate effectively.
- (H) **Ease of Administration.** To have standards and administrative review procedures that are simple for property owners, businesses, tenants, and sign installers to understand and follow.

Section 10.02 **Definitions (NEW SECTION, which includes existing definitions in Section 3.2 related to signs)**

The following definitions relate to signs in Peninsula Township.

(A) Sign Definitions, General.

- (1) Sign. Any device, structure, fixture, or placard using graphics, symbols, or written copy designed specifically for the purpose of advertising or identifying any establishment, product, good, or service, or any other message.
- (2) Sign Face. That part of a sign structure which is used to graphically communicate a message or announcement.

~~(A)~~**(B) Sign Definitions, Sign Types.** The following definitions apply to types of signs based on the characteristics of the sign without respect to the content of the message:

- (1) Banner Sign. A sign made of natural or synthetic fabric; however, not including pennants or flags, that is not attached to a flagpole.
- ~~(1) Billboard/Highway Sign. A sign owned by a person, corporation, or the entity that engages in the business of selling the space on that sign and which is designed to be permanently affixed to the ground~~
- (2) Entrance Way Sign.** A sign located near the public entrance of a permitted development.
- ~~(3) Flashing Sign~~**Electronic Message Sign.** Any illuminated sign that pulsates, flashes, scrolls, fades, dissolves, osculates, spins, twirls, sequentially reflectorizes, or contains any other type of motion, including electronic messaging or video.

(4) Feather Flags. A free-standing, vertical banner sign constructed of flexible material and supported by a single pole or staff, typically shaped with a curved or tapered edge that resembles a feather.



**Feather Flags**

**(a)**

(7) Flags. A sign on paper, cloth, fabric or other flexible or combustible material of any kind that is attached to a permanent conforming pole or attached flat to a wall.

~~(4)~~**(8) Ground Monument Sign.** A base-mounted, freestanding sign placed in the ground and not attached to any building or other structure.

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~~(5)~~**(9) Ground Pole Sign.** A freestanding sign supported by 1 or more uprights, poles, braces or some other structure, placed in the ground surface and not attached to any building.

~~(6)~~**(1) Flags**—A sign on paper, cloth, fabric or other flexible or combustible material of any kind that is attached to a permanent conforming pole or attached flat to a wall.

~~(7)~~**(10) Illuminated Sign.** A sign that utilizes artificial light internally or externally by either emission or reflection.

~~(8)~~**(11) Incidental Sign.** A small sign, designed and located to be read only by people within the site and generally not visible or legible from the right-of-way or adjacent properties, intended to be used by people on-site ~~to identify features of a land use such as building entrances, drop boxes, rest rooms, and handicapped ramps for the purpose of traffic safety.~~ Such signs include traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices, or similar signs providing information to be read at close proximity.

**Commented [BK1]:** A strict interpretation of Reed would find this language on the content of incidental signs problematic.

~~(9)~~**(12) Ingress/Egress Sign.** A small sign located adjacent to the entrance or exit drives of a development, ~~intended located to identify nearby to the~~ points of vehicular ingress and egress, ~~as well as other circulation elements within the site, for the purpose of traffic safety.~~

**Commented [BK2]:** "intended" would require an evaluation of the intent of the message conveyed. To adhere to a strict interpretation of reed, "located" would be better as it references the placement of the sign and not its content.

~~(10)~~**Interior Directional Sign.** ~~A sign located on the interior of a development, intended to be used to direct visitors to within the development for the purpose of traffic safety.~~

**Commented [BK3]:** Under a strict interpretation of Reed, a distinction based on even "directional" signage may be problematic.

~~(11)~~**(13) Marquee, Canopy, Awning Sign.** A sign attached to a marquee, canopy, or awning projecting from the building.

**Commented [CK4]:** We propose to eliminate this sign type and merge it with ingress/egress.

**(14) Pennant Sign.** A small, often triangular, tapering flag used in multiples as a device to call attention.



**Pennant Sign**

~~(12)~~

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**(15) Portable Message Sign.** A freestanding sign not permanently anchored or secured to the ground, including trailers or similarly mounted signs, signs on parked vehicles where the sign is the primary use of the vehicle or wheeled object, and signs on vehicles which because of the vehicle's placement and regularity of position serves the same purpose as a "Portable Message Sign." "Portable Message Signs" do not include customary signs located on vehicles that are operating lawfully or parked in a manner where the vehicle does not serve the same purpose as a "Portable Message Sign."

~~(13)~~

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**Portable Message Sign**  
A freestanding sign not permanently anchored, including trailer-mounted signs and vehicles or objects used primarily as signage.



**Not a Portable Message Sign**  
Customary signage on vehicles that are lawfully operating or normally parked.

**Portable Message Sign**  
Board portable affixed to  
Sign. A sign, not the ground, with two sides arranged in an "A-Frame" or triangle such that they meet at the top.

~~(14)~~(17) **Roof Sign.** Any sign which is on or attached to the roof of a building.

~~(15)~~(18) **Wall Sign.** A sign which is attached directly to, painted upon, or inscribed on a building wall.

~~(16)~~(19) **Window Sign.** A sign that is painted on or attached to a window or glass door and is intended to be viewed from outside, including signs located inside a building but visible primarily from the outside of the building.

~~(17)~~ **Yard Sign.** A portable temporary freestanding sign that is temporarily anchored or secured to the ground.

~~(18)~~  
~~(19)~~  
~~(20)~~

~~(B)~~ **Sign Definitions, General.**

~~(1)~~ **Sign.** Any device, structure, fixture, or placard using graphics, symbols, or written copy designed specifically for the purpose of advertising or identifying any establishment, product, good, or service, or any other message.

~~(2)~~ **Sign Face.** That part of a sign structure which is used to graphically communicate a message or announcement.

**(C) Sign Definitions, Sign Types Based on Location and Duration activity.**

**(1) Sign, Off-Premises Commercial Advertising.** A permanent or temporary sign that is located off of the premises of the owner or operator of the sign, or off the premises of the operation with which it is associated for commercial and noncommercial purposes identifies or communicates a message relating to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located, which may be permanent or temporary. Sign. Examples of off-premise premises commercial signs include, but are not limited to, the following: Off-Premises includes:

**Commented [BK5]:** "advertising" was removed as it gets at the content of the sign. In *Cent. Hudson Gas & Elec. Corp. v. Pub. Serv. Comm'n*, 447 U.S. 557, 561 (1980) the Supreme Court applied intermediate scrutiny to content based regulations of commercial speech. However, the Sixth Circuit has interpreted Reed to require strict scrutiny even for commercial speech regulations. See *International Outdoor v Troy*, 974 F3d 690 (2020). Thus, the most conservative approach would be to remove "advertising" from the definition.

**Commented [BK6]:** The general category of off-premises signage is solid, but discussion of the message on the sign is more questionable. This proposed language change would refocus the definition on the location of the sign, rather than the content of its message.

(a) Sign, Permanent Off-Premises. ~~Billboard/Highway Advertising.~~ A sign designed to be permanently affixed to the ground, wall, or roof. Off-Premises Signs may only be placed or erected with permission the lot owner or lessee. Subject to the requirements of Section 10.08, Permanent, Off-Premises Signs may include ~~Billboard/Highway Signs, Ground Monument Signs, and Gound Pole Signs.~~

~~An off-premises sign owned by a person, corporation or the entity that engages in the business of selling the advertising space on that sign.~~

~~— Sign, Temporary Off-Premises ~~Directional.~~ A sign that is not constructed or intended for long term use and that is not permanently attached to a building window or structure. Temporary Off-Premises Signs may only be placed or erected with permission the lot owner or lessee and may only be displayed for a maximum of temporary off-premises sign that is used to identify the route to an event or activity that is commercial in nature such as bazaars, races, tours and quasi-public fund raising fund-raising events. Directional Event Signs include such things as marks painted on or along the road surface whether or not approved by the Department of Transportation or County Road Commission — 30 days. Subject to the requirements of Section 10.08, Temporary Off-Premises Signs may include ~~Banner Signs, Portable Message Sign, Window Signs, or Yard Signs.~~~~

(b) ~~(c) — Sign, Temporary Directional Agricultural. A temporary off-premises sign on parcels larger than 5 acres that is no larger than 20 square feet and 8 feet in height pursuant to Section 10.08 (C) and to identify the route to an event or activity that is commercial in nature associated with Agricultural Uses such as sales, events, or sampling of agricultural food and drink products, grown on properties located in Peninsula Township. Temporary Directional Agriculture Use Signs include such things as portable signs and freestanding signs whether or not approved by the Department of Transportation or County Road Commission.~~

(c) ~~(d) — Sign, Temporary Seasonal Off-Premises. ~~Product Attraction or Agricultural Reader Board.~~ A sign that is constructed in such a manner as to allow its messages and artistic representations to change or be updated but is not permanently attached to the ground or a structure. A temporary, seasonal off-premises sign Seasonal signs shall not be illuminated or electrified in any manner subject to Section 10.08 (C) and which has changeable copy for the purpose of advertising sales and agricultural products or has artistic representations of products and is located at an off-premises location. Seasonal Off-Premises Signs may only be placed or erected with permission the lot owner or lessee and Temporary Seasonal Signage shall only be allowed during the growing season (April 1<sup>st</sup> through October 31<sup>st</sup>) and shall be removed by November 8<sup>th</sup> of any given year the following seasons: F. Subject to the requirements of Section 10.08, Seasonal Off-Premises Signs may include ~~Banner Signs, Portable Message Sign, Window Signs, or Yard Signs.~~~~

(i) Summer Season: From April 1<sup>st</sup> through October 31<sup>st</sup> and shall be removed by November 8<sup>th</sup> of any given year.

(ii) Holiday Season: From November 15<sup>th</sup> through January 31<sup>st</sup> and shall be removed by February 8<sup>th</sup>.

**Commented [BK7]:** Again, regulating a temporary sign differently based on whether it is directional or not, was rejected an content based by the Supreme Court in Reed. Instead of regulating based on the content of the sign, regulations should focus on the duration of display, the location of the sign, or the number of signs that may be displayed.

To accomplish the goal of regulating temporary signs differently between commercial and agricultural uses we suggest using a location based distinction rather than a business use based distinction.

For example: While the definition of "Sign, Temporary" should remain content neutral, the Township could impose separate restrictions on the amount, and size of temporary signs in commercial and agricultural districts, and justify it based on the stated goals of protecting viewsheds and a particular district character.

**Commented [CK8]:** We propose 30 days as the limit on temporary off-premises signs. This should be a much shorter period of time than Seasonal Off Premises, to ensure that no one tries to use Temporary Off-Premises as a loophole.

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**Commented [BK9]:** This category has the same content based issues addressed above. Language dictating the permissible content of the sign is likely unconstitutional.

I think the intent here is good. The Township wishes to provide the ability to for agricultural operations to display sign s during the growing season that can change based on what crops and products are in season.

However, it is unlikely that the Township would be able to allow temporary seasonal signage for agricultural messages without also allowing other commercial messages, religious messages, or political messages to be displayed in this manner.

To keep temporary seasonal signs from getting out of hand, the Township could allow only one per parcel, regulate their size, prohibit their use in certain districts, or require such signs to be permitted. However, these decisions should be justified by clearly articulated Township interests.

My edits to this paragraph are merely a suggestion. The Township should discuss this further and decide how best to meet its goals for temporary seasonal signage while also not restricting the content of such signs.

(2) ~~Sign, On-Premise Commercial Advertising.~~ A permanent or temporary sign identifying or advertising a commercial business, person, activity, or service located that relates to the use or purposes of the real property where the sign is physically located. ~~on the premises where the sign is located. Examples of On-Premises commercial signs include,~~ but are not limited to, the following:

~~(a) Sign, Permanent On-Premises Sign, Agricultural Products. An on-premises sign which indicates the retail sale of agricultural products including those sold at roadside stands and U-Pick operations.~~

~~(b) Sign, Business Center. A sign which gives direction, name, and identification to a business center and which may include identification of individual businesses within the center.~~

~~(c) Sign, Business Identification. A sign identifying a business operating on the premises where located.~~

~~(a) Sign, Construction Site. A sign identifying a construction site. A sign designed to be permanently affixed to the ground, a wall, or a roof. A sign designed to be permanently affixed to the ground, a wall, or a roof, and intended to advertise, identify, or provide information about an establishment, business, use, or activity located on the same lot or parcel where the sign is installed. Subject to the requirements of Section 10.08, Seasonal Off-Premises may include Banner Signs; Entrance Way Signs; Ground Monument Signs; Ground Pole Signs; Illuminated Signs; Incidental Signs; Ingress/Egress Signs; Interior Signs; Marquee, or Awning Signs; and Wall Signs.~~

~~(b) Sign, Temporary On-Premises. A sign that is not constructed or intended for long term use and that is not permanently attached to a building window or structure. Temporary On-Premises Signs may only be placed or erected with permission the lot owner or lessee and may only be displayed for a maximum of 30 days. Subject to the requirements of Section 10.08, Temporary On-Premises Signs may include Banner Signs, Portable Message Signs, Window Signs, or Yard Signs.~~

~~(c) Sign, Seasonal On-Premises. A sign that is constructed in such a manner as to allow its messages and artistic representations to change or be updated but is not permanently attached to the ground or a structure. Seasonal signs shall not be illuminated or electrified in any manner. Seasonal On-Premises Signs may only be placed or erected with permission the lot owner or lessee and shall only be allowed during the following seasons:~~

~~(i) Summer Season: From during April 1<sup>st</sup> through October 31<sup>st</sup> and shall be removed by November 8<sup>th</sup> of any given year. Subject to the requirements of Section 10.08, Seasonal Off-Premises Signs may include Banner Signs, Portable Message Sign, Window Signs, or Yard Signs.~~

~~(d)(ii) Holiday Season: From November 15<sup>th</sup> through January 31<sup>st</sup> and shall be removed by February 8<sup>th</sup>.~~

**Commented [BK10]:** While the desire to incorporate examples of the on-premises commercial sign use is understandable, any categories should not reference the communicative content of the sign. Instead, the Township could choose to list the types of signs that would be allowable on premises, without reference to content. The edits to this section are an example of what that could look like.

Reed v. Town of Gilbert concurring opinion on permissible sign categories:

- Rules regulating the size of signs. These rules may distinguish among signs based on any content-neutral criteria, including any relevant criteria listed below.
- Rules regulating the locations in which signs may be placed. These rules may distinguish between free-standing signs and those attached to buildings.
- Rules distinguishing between lighted and unlighted signs.
- Rules distinguishing between signs with fixed messages and electronic signs with messages that change.
- Rules that distinguish between the placement of signs on private and public property.
- Rules distinguishing between the placement of signs on commercial and residential property.
- Rules distinguishing between on-premises and off-premises signs.
- Rules restricting the total number of signs allowed per mile of roadway.
- Rules imposing time restrictions on signs advertising a one-time event."

**Commented [CK11]:** Proposing 30 days for Temporary On-Premises as well.

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~~(e)~~(d) **Sign, Short-Term "One-Time-Event" On-Premises Event.** A temporary sign relating to a single event or occurrence not to exceed (52) days in duration~~An on-premises sign placed for a period of time that is used to identify an event that is temporary in nature such as Home Tours, bazaars, races, tours and quasi-public fund raising events.~~

~~(f)~~ **Sign, Promotional.** A sign that is placed for a limited period of time and is used to advertise a sale, a special event, or similar activity.

~~(g)~~ **Sign, Real Estate.** A temporary sign advertising the real estate upon which the sign is located as being for lease, sale, auction, or rent.

~~(h)~~ **Sign, Farm Roadside Stand.** A sign located on the same premises with a roadside farm stand, subject to Section 10.08 (C), which identifies the roadside farm stand and may also identify products to be sold at the roadside farm stand.

~~(i)~~ **Sign, Yard/Garage Sale/Personal Event.** A temporary sign which is placed on the premises of a yard sale, garage sale or on-site events.

~~(3)~~ **Sign, On-Premise On-Premises Identification.** A non-electric on-premises identification sign giving name and address of an occupant.

~~(4)~~ **Sign, On-Premise On-Premises Safety.** A sign placed to control access to a property such as: "No Hunting," "No Trespassing," or "Private Property".

#### Section 10.03 **Substitution Clause of Content Permitted (NEW SECTION)**

Any lawful sign permitted under the provisions of this Ordinance may contain non-commercial content.

#### Section 10.04 **Measurement of Sign Area and Height (currently part of Section 7.11.1)**

**(A) Sign Area.** Sign area shall be computed as follows:

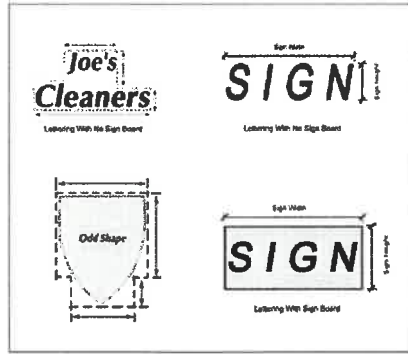
**(1) General Requirements.** Where a sign consists of a generally flat surface or sign face on which lettering and other information is affixed, the sign area shall be computed by measuring the entire face of the sign.

**(2) Individual Letters, Logos, or Irregular Shapes.** Where a sign consists of individual letters, logos, or other messages affixed directly to a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering, logo, or other message. For irregularly shaped signs, the area shall be computed as including the entire area as measured by enclosing the most protruding points or edges of a sign within the area of the smallest rectangle comprising all of the display area of the sign and including all of the elements of the matter displayed (see illustration below). For signs made of individual letters, logos, or shapes, the sign area shall be measured by drawing the smallest rectangle that fully encloses all parts of the letters, logo, or message.

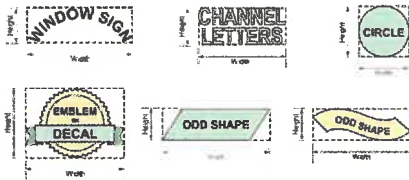
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Irregularly shaped signs shall be measured the same way: by enclosing the outermost points of the sign within the smallest possible rectangle (see illustration below).



Measurement of Sign Area



Sign Height and Width



Computation of Sign Area

■ Sign Area  
□ Computed Sign Area

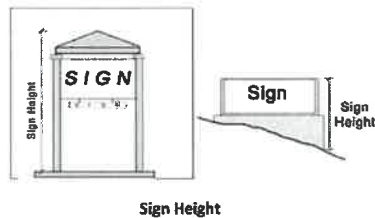
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**(3) Freestanding Sign.** The area of a double-faced freestanding sign shall be computed using only one (1) face of the sign provided that: 1) the outline and dimensions of both faces are identical, and 2) the faces are back-to-back so that only one face is visible at any given time.

**(B) Sign Height Measurement.** The height of a sign shall be measured from the lowest grade directly below the sign. The maximum sign height shall be measured to the top of the sign.



**(1) Additional Maximum Height Requirements.** In addition to the maximum height requirements of, the sign height, including support structures, shall not exceed one and one-half times the width of the sign and the support structures shall not extend more than one foot above the sign face.

~~(A) Sign Area.~~ The area of a sign shall be the minimum area of a parallelogram, ellipse, or circle, or combination of geometric shapes, that is capable of containing the graphics, symbols, and/or written copy along with the background area.

~~(B)~~**(C) Two or More Sides.** A two-sided sign (e.g., V-type sign or double-faced [back-to-back sign]) shall be considered as 1 sign when the angle between the sign faces does not exceed 15 degrees nor does the distance between the backs of each face exceed 3 feet.

~~(C) Height.~~

~~(1) Measurement of Height.~~ Height of signs shall be measured from the highest point of the sign or supporting structure to the elevation of the highest point of grading beneath the sign exclusive of architectural landscaping related to the sign.

~~(2) Additional Maximum Height Requirements.~~ In addition to the maximum height requirements of Section 10.08, the sign height, including support structures, shall not exceed one and one-half times the width of the sign and the support structures shall not extend more than one foot above the sign face.

## Section 10.05 Sign Placement and Design Requirements (currently part of Section 7.11.1)

All signs shall conform with this Article and all other provisions of this Ordinance.

- (A) ~~On-Premise~~On-Premises Location. All signs shall be located on the same premises as the associated use, ~~unless otherwise provided for in this Ordinance, except for permitted Off-Premises signs as defined in Section 10.02 and regulated in Section 10.07-10.09.~~
- (B) Alterations, Repair, and Message Changes. No sign shall be constructed, erected, moved, enlarged, illuminated, or substantially altered unless authorized in accordance with this Ordinance. Repainting or changing the message of a sign in accordance with this Ordinance shall not ~~in and of itself~~ be considered a substantial alteration.
- (C) Wall Signs. Wall signs shall meet the following requirements:
- (1) The sign does not project more than 12 inches from the building wall;
  - (2) The exposed face of the sign is in a plane parallel to the building wall or structure; and
  - (3) The sign does not extend above the height of the building or wall.

(D) Flags

- (1) ~~For residential uses, each dwelling unit~~Each lot may display up to three (3)~~six (6) flags, not to exceed 150 square feet total. No more than one (1) flag may be attached to the dwelling unit or a related structure~~principal building. No more than two (2) flags may be displayed per freestanding flagpole. Under no circumstances shall the total number of flags exceed three (3) flags.  
~~For non-residential uses, each tenant may display one (1) flag per frontage, up to a maximum of \_\_\_\_\_ flags, and not to exceed 24 square feet in total sign area. Under no circumstances shall the total number of flags on a particular parcel exceed \_\_\_\_\_ flags.~~
- (2) For all flags, if the flags hang over a sidewalk or other pedestrian walkway, the bottom of the flag shall be no less than seven (7') feet from grade directly below the flag.
- (3) For all flags, any illumination shall not shine into neighboring structures, onto other signs, or have a light source that is visible from the public right-of-way.
- (4) All freestanding flagpoles must receive a zoning permit from the Zoning Administrator prior to installation. Applications shall specify the proposed location, setback, and height of the freestanding flagpole as well as any additional information requested by the Township to determine compliance with the Township Code. Freestanding flagpoles shall not exceed a height of twenty-five (25) feet or the maximum height of structures within the underlying zoning district, whichever is less. Freestanding flagpoles must be set back at least ten (10) feet from all property lines. ~~No more than two (2) flags may be displayed per flagpole.~~

- (E) **Materials.** Materials, supports, frames, letters, and sign surfaces may be any commonly used material, however, the use of natural or natural appearing materials is required along M-37 and highly encouraged elsewhere in the township.
- (F) **Freestanding Sign Width.** The sign width, including supporting structures and base, shall not be more than 1.5 times the width of the sign face alone.
- (G) **Setbacks.** Setbacks shall be measured from the lot line to the leading edge of the sign or support structure whichever is less.
- (H) **Maintenance.** Signs shall be properly maintained, including keeping the sign secured and/or anchored, and replacing or repairing materials that are faded, discolored, torn, or deteriorated.
- (I) **Review by Zoning Administrator, Planning Commission, and Township Board.** All plans for construction, design, and appearance of signs associated with a development for which site plan review is required shall be reviewed by the Planning Commission and Township Board as part of the site plan approval process. Changes to existing signs shall be reviewed by the Zoning Administrator in accordance with this Ordinance. In addition to any other consideration, the Zoning Administrator, Planning Commission, and/or Township Board, as applicable, shall consider the following content-neutral provisions in reviewing and approving signs:
- (1) Compatibility of the sign with the character of the neighborhood;
  - (2) The sign does not unreasonably block views from other properties;
  - (3) Materials and colors used are natural looking and consistent with surrounding structures in the vicinity, and with the intent of the Ordinance; and
  - (4) Where the Zoning Administrator, Planning Commission, or Township Board has discretion on the number and location of certain signs, the number and location of signs shall be reasonably necessary to meet the intent of this Ordinance.
- (J) **Signs approved in association with a Special Use Permit.** In approving a Special Use Permit, the Township Board may approve any or all signs allowed in this Ordinance provided that the approved signs meet the following content-neutral provisions:
- (1) Are related to an approved use in the Special Use Permit;
  - (2) The design, size, setback and lighting are shown on a scale drawing;
  - (3) The number and location of all signs is reasonably necessary to meet the intent of this Ordinance.

Section 10.06 Prohibited Signs (currently Section 7.11.2 and parts of Section 7.11.1)

The following signs shall be prohibited in the township unless explicitly permitted elsewhere in this Ordinance:

~~(A) Off premises signs commercial advertising signs unless explicitly permitted in thi under Section 10.02(C) and Section 10.08.5 Article.~~

~~(B)~~(A) Signs that are illegal under applicable Federal, State, or local laws, regulations and/or ordinance.

~~(C)~~(B) Signs that are not clean and in good repair or that have become unsafe or not secure.

~~(D)~~(C) Signs that violate the building code or electrical code.

~~(E)~~(D) Signs not securely fastened to a substantial structure.

(E) Signs that interfere with or resemble any official traffic sign, signal, or device, ~~or signs that are deemed hazardous or dangerous by the local road agency or public safety department.~~

(F) Signs deemed hazardous or dangerous by the local road agency or public safety department.

~~(F)~~

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(G) Signs that do not comply with the standards in this Ordinance.

(H) ~~Flashing Sign~~ Electronic Message Signs.

(I) Portable Message Signs or signs utilizing vehicles, trucks, vans, or other wheeled devices.

(J) Roof Signs.

(K) Pennant Signs.

~~(K)~~(L) Feather Flags.

~~(L)~~(M) Any sign that revolves, rotates, moves, or is animated.

~~(M)~~(N) Signs with automated changes in sign appearance.

~~(N)~~(O) Banner Signs, Pennants, streamers, festoons, and airborne or air-activated devices attached to the ground or buildings except where otherwise specifically permitted by this Ordinance.

~~(O) Tripods or sandwich boards, except where otherwise specifically permitted by this Ordinance.~~

(P)

~~(P)~~(Q) Automated changeable message boards.

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~~(Q) Wall signs extending perpendicularly from a building wall-~~

~~(R)~~

~~(S)~~(R) On-site and off-site directional signs except those specifically allowed by this Ordinance.

~~(T)~~(S) Signs within a road right-of-way except traffic direction and control signs placed by the County Road Commission or Michigan Department of Transportation.

~~(U)~~(T) Signs attached to trees and other vegetation.

~~(A)~~(U) Signs attached to utility structures or poles, including light poles, except by the utility company.

~~(A)~~(V) Signs located in a Clear Vision Area unless permitted in Section 7.09.

~~(X)~~(W) Signs attached to street furniture, such as benches and trash cans.

~~(A)~~(X) Projected image signs.

### Section 10.07 Signs Permitted in All Districts (currently Section 7.11.3)

The following signs shall be allowed in all zoning districts (Section 10.07 and Section 10.08 may apply):

(A) Memorial/Historical Markers when the site is recognized for its historical significance by a Federal or State agency.

~~(B) On-Premise On-Premises Identification Sign (including address signs), which is necessary for public safety and emergency vehicle access. All signage required to be posted by a Township, County, State, or Federal ordinance, law, or order, including, but not limited to, the address of the building. Such signs shall not exceed four square feet unless they are explicitly required to be larger.~~

(C) Official signs of a non-commercial nature erected by a public utility.

~~On-Premise On-Premises Safety Signs, such as a Private Property/No Hunting/No Trespassing Sign.~~

(D) Public notice signs placed by public agencies.

(E) Signs ~~required by law or~~ placed by any governmental agency for traffic control in accordance with the Michigan Manual of Uniform Traffic Control Devices.

(F) Incidental Signs. See Section 10.02(B)(11)~~Section 10.02(B)(8)~~Section 10.02(A)(9).

(G) Flags as allowed under Section 10.05(D).

~~(1) or insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device.~~

~~Signs carried by a person if operating lawfully in a public or private road right-of-way.~~

**Commented [CK12]:** Removing this category as it is content-based and generally covered by "incidental signs."

**Commented [BK13]:** To avoid content based distinctions, it is best to omit references to the specific content of flags. Instead, we suggest regulating flags based on location and use. We added an example of what this could look like in Section 10.05(D).

**Commented [CK14]:** Recommend to remove this as signs carried by a person are not generally regulated by zoning.

Section 10.08 **Sign Regulations for Specific Zoning Districts (currently Sections 7.11.4 – 7.11.6, including part of Table 7.11.6)**

In addition to signs permitted in [Section 10.07](#), the following standards apply (all areas are in square feet and all setbacks are from any lot line):

**(A) Signs Permitted in the A-1 Agricultural District. In addition to the signs permitted in [Section 10.07](#), the following signs shall be permitted in the Agricultural District:**

On-Premises							
<b>Short Term</b>		1 per lot	6 sq. ft. each	4 ft.	N/A	No	No
<b>Temporary</b>		6 per lot	6 sq. ft. each	4 ft.	N/A	No	No
<b>Seasonal</b>		No limit	20 sq. ft. total	8 ft.	15 ft.**	No	Yes
<b>Permanent</b>	<b>Entranceway Sign</b>	1 per building	9 sq. ft. each	6 ft.	15 ft.**	Yes	Yes
	<b>Wall Sign</b>	1 per building	30 sq. ft. each	N/A	N/A	Yes	Yes
	<b>Ingress/Egress</b>	1 per lot	2 sq. ft. each	3 ft.	N/A	Yes	Yes
	<b>Incidental</b>	1 per lot	2 sq. ft. each	6 ft.	N/A	Yes	Yes
	<b>Ground Pole</b>	1 per lot	20 sq. ft. each	8 ft.	15 ft.**	Yes	Yes
	<b>Ground Monument</b>	1 per lot	20 sq. ft. each	8 ft.	15 ft.**	Yes	Yes
	<b>Window</b>	1 per window	3 sq. ft. each	N/A	N/A	No	No
Off-Premises*							
<b>Short Term</b>		Not Permitted					
<b>Temporary</b>		1 per lot	6 sq. ft. each	4 ft.	N/A	No	No
<b>Seasonal</b>		No limit	20 sq. ft. total	8 ft.	15 ft.**	No	Yes
<b>Permanent</b>		Not Permitted					

**(B) Signs Permitted in the C-1 Commercial District. In addition to the signs permitted in [Section 10.07](#), the following signs shall be permitted in the Commercial District:**

On-Premises							
<b>Short Term</b>		1 per lot	6 sq. ft. each	4 ft.	N/A	No	No
<b>Temporary</b>		6 per lot	6 sq. ft. each	4 ft.	N/A	No	No
<b>Seasonal</b>		Not Permitted					
<b>Permanent</b>	<b>Entranceway Sign</b>	1 per building	9 sq. ft. each	6 ft.	15 ft.**	Yes	Yes
	<b>Wall Sign</b>	1 per building	30 sq. ft. each	N/A	N/A	Yes	Yes
	<b>Ingress/Egress</b>	1 per lot	2 sq. ft. each	3 ft.	N/A	Yes	Yes
	<b>Incidental</b>	1 per lot	2 sq. ft. each	6 ft.	N/A	Yes	Yes
	<b>Ground Pole</b>	Not Permitted					
	<b>Ground Monument</b>	1 per lot	30 sq. ft. each	10 ft.	15 ft.**	Yes	Yes
	<b>Window</b>	1 per window	3 sq. ft. each	N/A	N/A	No	No
Off-Premises*							
<b>Short Term</b>		Not Permitted					
<b>Temporary</b>		1 per lot	6 sq. ft. each	4 ft.	N/A	No	No
<b>Seasonal</b>		No limit	20 sq. ft. total	8 ft.	15 ft.**	No	Yes
<b>Permanent</b>		Not Permitted					

**Commented [BK15]:** This section is where the Township could institute separate regulations for the categories of signs listed above in each Zoning district. Separate regulations would be allowable between districts for all signs. Examples could be:

- Allowing fewer temporary signs in agricultural and residential district than commercial districts.
- Prohibiting Bill Bards in certain districts
- Differing signs sizes depending on the district.

Referencing the content of signs should be avoided.

If the Township desires to limits signage based on a particular use (ex: retail farm processing facility, farmstands, etc.) such regulations may be better placed in portions of the zoning ordinance related to that use. Regulating certain forms of commercial differently than other forms of commercial speech needs to be justified by a substantial governmental interest and the regulation must directly advance that interest while not being more extensive than necessary. *Cent. Hudson Gas & Elec. Corp. v. Pub. Serv. Comm'n*, 447 U.S. 557, 561 (1980).

**(C) Signs Permitted in the R-1 Residential Districts.** In addition to the signs permitted in Section 10.07, the following signs shall be permitted in the R-1 Districts:

On-Premises							
<b>Short Term</b>		1 per lot	6 sq. ft. each	4 ft.	N/A	No	No
<b>Temporary</b>		6 per lot	6 sq. ft. each	4 ft.	N/A	No	No
<b>Seasonal</b>		Not Permitted					
<b>Permanent</b>	<b>Entranceway Sign</b>	1 per building	9 sq. ft. each	6 ft.	15 ft.**	Yes	Yes
	<b>Wall Sign or Freestanding Sign</b>	1 per building	6 sq. ft. each	N/A	15 ft.**	Yes	Yes
	<b>Ingress/Egress</b>	1 per lot	2 sq. ft. each	3 ft.	N/A	Yes	Yes
	<b>Incidental</b>	1 per lot	2 sq. ft. each	6 ft.	N/A	Yes	Yes
	<b>Ground Pole</b>	Not Permitted					
	<b>Ground Monument</b>	Not Permitted					
	<b>Window</b>	Not Permitted					
Off-Premises*							
<b>Short Term</b>		Not Permitted					
<b>Temporary</b>		1 per lot	6 sq. ft. each	4 ft.	N/A	No	No
<b>Seasonal</b>		Not Permitted					
<b>Permanent</b>		Not Permitted					

\*Requires permission letter indicating approval of sign details and location from landowner

\*\* Must be located outside of road/intersection clear vision area as set forth in Section 7.09 (Clear Vision Area)

**(A) Signs Permitted in All Districts.** The following signs are permitted in all zoning districts:

Sign Type	Maximum Number Per Lot	Maximum Area	Maximum Height	Minimum Zashash	llumination	Permit Required?
<b>Temporary On-Premises Commercial Advertising Signs (e.g., Real Estate, Construction, Yard Sale/Garage Sale, etc.)</b>	16	6 sq. ft.	4 ft.	N/A	No	No
<b>Short Term On-Premises</b>	1	6 sq. ft.	4 ft.	N/A	No	No
<b>Temporary Off-Premises Commercial Advertising (limited to 30 days in a calendar year) (e.g., Events, etc.)</b>	1	6 sq. ft.	4 ft.	N/A	No	Yes
<b>Temporary Noncommercial Signs (e.g., Political, etc.)</b>	4	24 sq. ft. total	4 ft.	N/A	No	No
<b>Ground Monument Entrance-Way Sign (e.g., Subdivision, Institutional Uses, Non-Profit Uses, Government</b>	1	9 sq. ft.	6 ft.	15 ft.	Yes	Yes

**Commented [CK16]:** We recommend combining this category and "temporary noncommercial", which we agree has content neutrality concerns.

**Commented [BM17]:** I believe this addresses signs such as advertising events like book sales or library events. Example of a temporary sign placed at the Firehouse was cited.

Uses, etc.) (Excluding uses located in a Commercial District (see Section 10.08(B)), single-family dwellings)						
Wall or Marquee/Awning (For the following uses not located in a Commercial District: Institutional Uses, Non-Profit Uses, and Government Uses)	1	30 sq. ft.	N/A	N/A	Yes	Yes
Window Sign	1	3 sq. ft.	N/A	N/A	No	No
Name Plate	1	3 sq. ft.	4 ft. (unless attached to a building)	N/A	Yes	No
On-Premises Safety Signs	1 per 100 feet of frontage or portion thereof	1 sq. ft.	6 ft.	N/A	No	No
Ingress/Egress Signs	None	2 sq. ft.	3 ft.	N/A	***	Yes
Incidental Signs	None	2 sq. ft.	***	***	***	Yes
Interior Directional Sign	***	2 sq. ft.	***	***	***	Yes

\*\*\*As per approved site plan or plot plan

(B) Signs Permitted in Commercial Districts. In addition to the signs permitted in Section 10.07 and Section 10.08(A), the following signs shall be permitted in the Commercial Districts:

Sign Type	Maximum Number	Maximum Area	Maximum Height	Minimum Setback	Minimum Illumination	Permit Required?
<u>Billboards (along M-27 only) Permanent Off-Premises</u>	1	30 sq.-ft.	10 feet	15 feet	No	Yes
<u>Permanent On-Premises Ground Monument Sign</u>	1	30 sq.-ft.	10 feet	15 feet	Yes	Yes
<u>Permanent On-Premises Wall or Marquee/Awning</u>	1	30 sq.-ft.	N/A	N/A	Yes	Yes
<u>Window Sign</u>	1 per window	3 sq.-ft.	N/A	N/A	No	No

(C) Signs Permitted in the A-1 Agricultural District. In addition to the signs permitted in Section 10.07 and Section 10.08(A), the following signs shall be permitted in the A-1 District:

Sign Type	Maximum Number	Maximum Area	Maximum Height	Minimum Setback	Minimum Illumination	Permit Required?
<u>Additional Temporary On-Premise Commercial Advertising Sign (Signage for: Farms, Roadside Farm Stands, Food Processing Plants, and Winery/Farm Processing Facilities only)</u>	1	9 sq.-ft.	6 ft.	N/A	No	No
<u>Seasonal On or Off-Premises Agricultural Directional Freestanding Signage*</u>	1	20 sq.-ft.	8 ft.	N/A 15 feet**	No	Yes
<u>On-Premises Commercial Advertising Signage and Entrance-Way Signage Permanent On-Premises Freestanding Sign</u>	1	20 sq.-ft. (20 sq.-ft. additional for seasonal placards)	8 ft.	15 feet**	Yes	Yes
<u>Permanent On-Premises Wall or Marquee/Awning***</u>	1	30 sq.-ft.	N/A	N/A	Yes	Yes
<u>Window Sign***</u>	1 per window	3 sq.-ft.	N/A	N/A	No	No

Commented [CK18]: The allowable size of Seasonal Off-Premises Signs is still up for discussion.

\*Only permitted on parcels larger than 5 acres in size and requires notarized permission letter indicating approval of sign details and location from landowner

\*\* Must be located outside of road/intersection clear vision area as set forth in Section 7.09 (Clear Vision Area)

\*\*\* Shall not be attached to residential buildings.

**Section 10.09 — Billboards (Permanent Off-Premise Commercial Advertising Signs) (current Section 7.11.1(6), 7.11.1(20), and 7.11.2(12))**

- ~~(A) Setbacks.~~ The support system for billboards is a structure which must meet all setbacks, and requires a lot that meets the area and size requirements for the district in which located.
- ~~(B) Separation Distance.~~ There shall be a minimum horizontal spacing of 2,000 feet between any 2 billboards including both sides of a highway.
- ~~(C) Prohibited Billboards.~~ The following types of billboards shall not be permitted:
  - ~~(1)~~ A billboard within 500 feet of any residential district, historic district, park, school, church, hospital, retirement home, cemetery, or government building. A billboard located within 500 feet of a residential, commercial, industrial, or agricultural use on the same property.
  - ~~(2)~~ A billboard that is stacked, tiered, stepped, or placed next to or alongside of any other billboard or sign.
  - ~~(3)~~ A billboard which would, by its erection, destroy significant natural vegetation and/or cause significant existing vegetation to be removed.
  - ~~(4)~~ A billboard mounted on or over the roof of a building.
  - ~~(5)~~ Billboards which may otherwise be prohibited by any other laws, ordinances or regulations.

**Section 10.10 Section 10.09 — Illumination Standards (currently part of Section 7.14.3(5) and part of Section 7.11.1)**

- ~~(A) General Lighting.~~ If illumination is allowed by this Ordinance, such illumination shall conform to the requirements of ~~Error! Reference source not found. Section 9.07~~ [Section 7.14, Exterior Lighting Regulations](#).
- ~~(A)~~
- (B) Hours of Illumination.** Illuminated signs must be turned off no more than 1 hour after the close of business and may be turned on no earlier than 1 hour before the opening of business except by special permission granted as a condition of site plan approval or special land use approval.
- (C) External Illumination.** External illumination of signs, ~~including billboards, advertising kiosks, and information boards,~~ shall be mounted at the top of the sign or sign structure and be fully shielded;
- (D) Internal Illumination.** Internally illuminated signs, ~~billboards, advertising kiosks, and information boards~~ shall have a dark background with lighter-colored translucent (not transparent) lettering, logos, or designs. The maximum luminance level of an internally illuminated sign shall not exceed 0.3 footcandles over ambient light levels measured at the distance specified in ~~Figure 10-1 Figure 10-1 Figure 10-1 Figure 10-1~~. All electronic message

**Commented [CK19]:** Make sure this cross reference is correct. Should be to dark skies section in current ordinance.

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center signs and other internally illuminated signs shall be equipped with a photocell and automatic dimmer, and a cut sheet for the sign must be submitted to the Township at the time of permit application showing compliance with these requirements.

Figure 10-1. Distance for Measurement of Sign Illumination Based on Sign Area

Area of Internally Illuminated Sign	Distance for Measurement of Sign Illumination from the Sign Face
10 square feet or less	32 feet
Between 10.1 and 15 square feet	39 feet
Between 15.1 and 20 square feet	45 feet
Between 20.1 and 25 square feet	50 feet
Between 25.1 and 30 square feet	55 feet
Greater than 30	= square root of (display area in sq. ft. X 100)

**Section 10.11** Section 10.10 **Nonconforming Signs (NEW SECTION)**

- (A) Removal of Nonconforming Signs.** If the owner of a sign or the premises on which a sign is located changes the location of a building, property line or sign, or changes the use of the land or building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this Article.
- (B) Lawful Existing Signs.** Any sign lawfully existing at the time of adoption of this Article which does not fully comply with all provisions shall be considered a legal non-conforming sign and may be permitted to remain as long as the sign is properly maintained, there is no increase in nonconformity, and the sign is not detrimental to the health, safety, and welfare of the community.
- (C) Continuance.** A nonconforming sign shall not be:
  - (1)** Expanded or changed to another nonconforming sign.
  - (2)** Relocated or structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, placement or design of the sign.
  - (3)** Repaired or re-erected after being damaged if the repair or re-erection of the sign would cost more than 50 percent of the cost of an identical new sign.
- (D) Alteration.**
  - (1) General Rule.** No nonconforming sign shall be altered or reconstructed, unless the alteration or reconstruction is in compliance with the provisions of this Article.
  - (2) Actions Not Considered Alterations.** For the purpose of this Article only, the term "altered" or "reconstructed" shall not include
    - (a)** normal maintenance;
    - (b)** ~~changing of surface sign space to a lesser or equal area, reduction or maintenance of the existing surface sign area;~~
    - (c)** addition of ornamental molding, frames, trellises or ornamental features or landscaping below the ~~base line~~ sign's base;

**Commented [BM20]:** Question was asked about the addition of an Amortization clause to sunset non-conforming signs. This issue should be raised with Legal counsel.s

**Commented [BK21R20]:** We advise not adding amortization clause. Considering this is a zoning ordinance, this would likely fit within the holdings of [De Mull v. Lowell, 368 Mich. 242, 118 N.W.2d 232 \(1962\)](#) and [Adams Outdoor Adver. v. City of E. Lansing, 439 Mich. 209, 483 N.W.2d 38 \(1992\)](#) that held a zoning provision could not set a timeline for termination of a nonconforming sign use.

(d) or the addition, construction, installation or changing of electrical wiring or electrical devices, backgrounds, letters, figures or characters or other embellishments.

~~(D)~~ (3) Removal After Use Ends. Nonconforming signs and sign structures shall be removed or made to conform within 90 days of the termination of the use to which they are accessory.

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## ~~Section 10.12~~ Section 10.11 Appeals and Variances (currently part of Table 7.11.6)

(A) Any person aggrieved by any decision, ruling or order may make an appeal to the Zoning Board Appeals in accordance with ~~Error! Reference source not found. Section 13.06 Article 5~~ of this Ordinance. ~~In addition to meeting the Basic Conditions of Error! Reference source not found. Section 13.06(C)(2)(e),~~ a Variance from the requirements of this Article shall ~~also be required to~~ meet the following conditions ~~that are applicable~~:

- (1) Permitted signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions, which cannot be legally and/or practically removed.
- (2) Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the ZBA shall consider the width of the road, the number of moving lanes, the volume of traffic, and speed limits.
- (3) Existing signs on nearby parcels would substantially reduce the visibility or advertising impact of a conforming sign on the subject parcel.
- (4) Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to: removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course.
- (5) Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.

# Article 10 Signs

## Section 10.01 Purpose (currently introductory paragraph of Section 7.11)

It is the intent of this Ordinance to limit the number and size of signs in order to prevent traffic hazards, promote safety for passersby, and to maintain the rural ambience and the environment of the Township. It is also the intent to allow signs that are appropriate, proportional, and in scale with adjacent uses and roadways, and which are compatible with the character of the community. The objectives of this article are:

- (A) **Traffic and Pedestrian Safety:** To promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to cluttered, distracting, or illegible signage. Also, to protect public safety by prohibiting or removing signs that are structurally unsafe or poorly maintained.
- (B) **Old Mission Peninsula Scenic Heritage Route.** To allow Peninsula Township to regulate the size (including height and display area), lighting, and spacing (, and other regulatory powers pursuant to Act 153 of 1990 and the **Old Mission Peninsula Scenic Heritage Route Guidebook**, in order to control outdoor advertising along federal aid trunk line highways and encourage signage along M-37 to blend with the local character of the community.
- (C) **Free Speech.** To ensure that the constitutionally guaranteed right of free speech is protected and to allow signs as a means of communication.
- (D) **Effective Communication.** To allow signage of an appropriate design, scale, and placement for the purposes of communicating effectively in a manner that provides information, identification, or direction, without jeopardizing the beauty of the natural landscape or disrupting the environment of historically significant features or sites.
- (E) **Protection of Scenic Areas and Viewsheds.** To regulate outdoor advertising in such a way as to create land use patterns that are in concert with future land use objectives of the Master Plan and to prevent signs that would detract from scenic roadways and scenic views (including the preservation of historic and cultural resources, scenic areas and viewsheds, and the dark night sky).
- (F) **Compatibility with the Area and Protection of Property Values.** To insure compatibility with rural lands, neighborhoods, and business areas, in order to protect land values by preventing blight, visual clutter, excessive lighting, and out-of-scale signage that degrade the aesthetic views or property values of the community, thereby enhancing the image of the community for residents, tourists, and visitors.

- (G) **Economic Development.** To allow for adequate and effective signage for businesses to inform, identify, and communicate effectively.
- (H) **Ease of Administration.** To have standards and administrative review procedures that are simple for property owners, businesses, tenants, and sign installers to understand and follow.

**Section 10.02 Definitions (NEW SECTION, which includes existing definitions in Section 3.2 related to signs)**

The following definitions relate to signs in Peninsula Township.

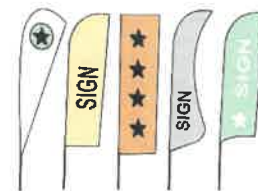
**(A) Sign Definitions, General.**

- (1) **Sign.** Any device, structure, fixture, or placard using graphics, symbols, or written copy designed specifically for the purpose of advertising or identifying any establishment, product, good, or service, or any other message.
- (2) **Sign Face.** That part of a sign structure which is used to graphically communicate a message or announcement.

**(B) Sign Definitions, Sign Types.** The following definitions apply to types of signs based on the characteristics of the sign without respect to the content of the message:

- (1) **Banner Sign.** A sign made of natural or synthetic fabric; however, not including pennants or flags, that is not attached to a flagpole.
- (2) **Entrance Way Sign.** A sign located near the public entrance of a permitted development.
- (3) **Electronic Message Sign.** Any illuminated sign that pulsates, flashes, scrolls, fades, dissolves, osculates, spins, twirls, sequentially reflectorizes, or contains any other type of motion, including electronic messaging or video.

- (4) **Feather Flags.** A free-standing, vertical banner sign constructed of flexible material and supported by a single pole or staff, typically shaped with a curved or tapered edge that resembles a feather.



**Feather Flags**

- (5) **Flags.** A sign on paper, cloth, fabric or other flexible or combustible material of any kind that is attached to a permanent conforming pole or attached flat to a wall.
- (6) **Ground Monument Sign.** A base-mounted, freestanding sign placed in the ground and not attached to any building or other structure.
- (7) **Ground Pole Sign.** A freestanding sign supported by 1 or more uprights, poles, braces or some other structure, placed in the ground surface and not attached to any building.

- (8) **Illuminated Sign.** A sign that utilizes artificial light internally or externally by either emission or reflection.
- (9) **Incidental Sign.** A small sign, designed and located to be read only by people within the site and generally not visible or legible from the right-of-way or adjacent properties, intended to be used by people on-site. Such signs include traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices, or similar signs providing information to be read at close proximity.
- (10) **Ingress/Egress Sign.** A small sign located adjacent to the entrance or exit drives of a development, located nearby to points of vehicular ingress and egress, as well as other circulation elements within the site.
- (11) **Marquee, Canopy, Awning Sign.** A sign attached to a marquee, canopy, or awning projecting from the building.

- (12) **Pennant Sign.** A small, often triangular, tapering flag used in multiples as a device to call attention.



**Pennant Sign**

- (13) **Portable Message Sign.** A freestanding sign not permanently anchored or secured to the ground, including trailers or similarly mounted signs, signs on parked vehicles where the sign is the primary use of the vehicle or wheeled object, and signs on vehicles which because of the vehicle’s placement and regularity of position serves the same purpose as a "Portable Message Sign." "Portable Message Signs" do not include customary signs located on vehicles that are operating lawfully or parked in a manner where the vehicle does not serve the same purpose as a "Portable Message Sign."



**Portable Message Sign**

A freestanding sign not permanently anchored, including trailer-mounted signs and vehicles or objects used primarily as signage.



**Not a Portable Message Sign**

Customary signage on vehicles that are lawfully operating or normally parked.

## Portable Message Sign

- (14) **Sandwich Board Sign.** A portable sign, not affixed to the ground, with two sides arranged in an "A-Frame" or triangle such that they meet at the top.
- (15) **Roof Sign.** Any sign which is on or attached to the roof of a building.

**(16) Wall Sign.** A sign which is attached directly to, painted upon, or inscribed on a building wall.

**(17) Window Sign.** A sign that is painted on or attached to a window or glass door and is intended to be viewed from outside, including signs located inside a building but visible primarily from the outside of the building.

**(C) Sign Definitions, Sign Types Based on Location and Duration.**

**(1) Sign, Off-Premises.** A permanent or temporary sign that is located off of the premises of the owner or operator of the sign, or off the premises of the operation with which it is associated for commercial and noncommercial purposes. Sign, Off-Premises includes:

**(a) Sign, Permanent Off-Premises.** A sign designed to be permanently affixed to the ground, wall, or roof. Off-Premises Signs may only be placed or erected with permission the lot owner or lessee.

**(b) Sign, Temporary Off-Premises.** A sign that is not constructed or intended for long term use and that is not permanently attached to a building window or structure. Temporary Off-Premises Signs may only be placed or erected with permission the lot owner or lessee and may only be displayed for a maximum of 30 days.

**(c) Sign, Seasonal Off-Premises.** A sign that is constructed in such a manner as to allow its messages and artistic representations to change or be updated but is not permanently attached to the ground or a structure. Seasonal signs shall not be illuminated or electrified in any manner. Seasonal Off-Premises Signs may only be placed or erected with permission the lot owner or lessee and shall only be allowed during the following seasons:

**(i) Summer Season:** From April 1<sup>st</sup> through October 31<sup>st</sup> and shall be removed by November 8<sup>th</sup> of any given year.

**(ii) Holiday Season:** From November 15<sup>th</sup> through January 31<sup>st</sup> and shall be removed by February 8<sup>th</sup>.

**(2) Sign, On-Premises.** A permanent or temporary Sign that relates to the use or purposes of the real property where the sign is physically located. Sign, On-Premises includes, but are not limited to, the following:

**(a) Sign, Permanent On-Premises.** A sign designed to be permanently affixed to the ground, a wall, or a roof, and intended to advertise, identify, or provide information about an establishment, business, use, or activity located on the same lot or parcel where the sign is installed.

**(b) Sign, Temporary On-Premises** A sign that is not constructed or intended for long term use and that is not permanently attached to a building window or structure. Temporary On-Premises Signs may only be placed or erected with permission the lot owner or lessee and may only be displayed for a maximum of 30 days.

- (c) **Sign, Seasonal On-Premises.** A sign that is constructed in such a manner as to allow its messages and artistic representations to change or be updated but is not permanently attached to the ground or a structure. Seasonal signs shall not be illuminated or electrified in any manner. Seasonal On-Premises Signs may only be placed or erected with permission the lot owner or lessee and shall only be allowed during the following seasons:
  - (i) Summer Season: From April 1<sup>st</sup> through October 31<sup>st</sup> and shall be removed by November 8<sup>th</sup> of any given year.
  - (ii) Holiday Season: From November 15<sup>th</sup> through January 31<sup>st</sup> and shall be removed by February 8<sup>th</sup>.
  
- (d) **Sign, Short-Term “One-Time-Event” On-Premises.** A temporary sign relating to a single event or occurrence not to exceed (5) days in duration.

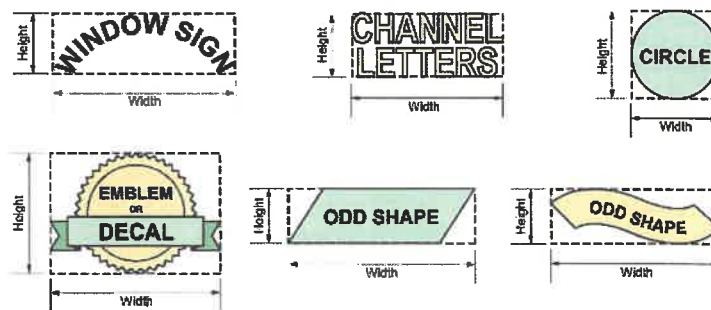
**Section 10.03 Substitution of Content Permitted (NEW SECTION)**

Any lawful sign permitted under the provisions of this Ordinance may contain non-commercial content.

**Section 10.04 Measurement of Sign Area and Height (currently part of Section 7.11.1)**

**(A) Sign Area.** Sign area shall be computed as follows:

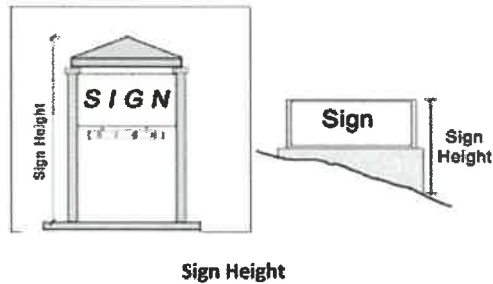
- (1) **General Requirements.** Where a sign consists of a generally flat surface or sign face on which lettering and other information is affixed, the sign area shall be computed by measuring the entire face of the sign.
  
- (2) **Individual Letters, Logos, or Irregular Shapes.** For signs made of individual letters, logos, or shapes, the sign area shall be measured by drawing the smallest rectangle that fully encloses all parts of the letters, logo, or message. Irregularly shaped signs shall be measured the same way: by enclosing the outermost points of the sign within the smallest possible rectangle (see illustration below).



**Sign Height and Width**

(3) **Freestanding Sign.** The area of a double-faced freestanding sign shall be computed using only one (1) face of the sign provided that: 1) the outline and dimensions of both faces are identical, and 2) the faces are back-to-back so that only one face is visible at any given time.

(B) **Sign Height Measurement.** The height of a sign shall be measured from the lowest grade directly below the sign. The maximum sign height shall be measured to the top of the sign.



(1) **Additional Maximum Height Requirements.** In addition to the maximum height requirements of, the sign height, including support structures, shall not exceed one and one-half times the width of the sign and the support structures shall not extend more than one foot above the sign face.

(C) **Two or More Sides.** A two-sided sign (e.g., V-type sign or double-faced [back-to-back sign]) shall be considered as 1 sign when the angle between the sign faces does not exceed 15 degrees nor does the distance between the backs of each face exceed 3 feet.

## Section 10.05 Sign Placement and Design Requirements (currently part of Section 7.11.1)

All signs shall conform with this Article and all other provisions of this Ordinance.

(A) **On-Premises Location.** All signs shall be located on the same premises as the associated use, except for permitted Off-Premises signs as defined in Section 10.02 and regulated in Section 10.07-10.09.

(B) **Alterations, Repair, and Message Changes.** No sign shall be constructed, erected, moved, enlarged, illuminated, or substantially altered unless authorized in accordance with this Ordinance. Repainting or changing the message of a sign in accordance with this Ordinance shall not be considered a substantial alteration.

(C) **Wall Signs.** Wall signs shall meet the following requirements:

(1) The sign does not project more than 12 inches from the building wall;

(2) The exposed face of the sign is in a plane parallel to the building wall or structure; and

(3) The sign does not extend above the height of the building or wall.

**(D) Flags**

(1) Each lot may display up to six (6) flags , not to exceed 150 square feet total. No more than one (1) flag may be attached to the principal building. No more than two (2) flags may be displayed per freestanding flagpole.

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

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

(4) All freestanding flagpoles must receive a zoning permit from the Zoning Administrator prior to installation. Applications shall specify the proposed location, setback, and height of the freestanding flagpole as well as any additional information requested by the Township to determine compliance with the Township Code. Freestanding flagpoles shall not exceed a height of twenty-five (25) feet or the maximum height of structures within the underlying zoning district, whichever is less. Freestanding flagpoles must be set back at least ten (10) feet from all property lines.

**(E) Materials.** Materials, supports, frames, letters, and sign surfaces may be any commonly used material, however, the use of natural or natural appearing materials is required along M-37 and highly encouraged elsewhere in the township.

**(F) Freestanding Sign Width.** The sign width, including supporting structures and base, shall not be more than 1.5 times the width of the sign face alone.

**(G) Setbacks.** Setbacks shall be measured from the lot line to the leading edge of the sign or support structure whichever is less.

**(H) Maintenance.** Signs shall be properly maintained, including keeping the sign secured and/or anchored, and replacing or repairing materials that are faded, discolored, torn, or deteriorated.

**(I) Review by Zoning Administrator, Planning Commission, and Township Board.** All plans for construction, design, and appearance of signs associated with a development for which site plan review is required shall be reviewed by the Planning Commission and Township Board as part of the site plan approval process. Changes to existing signs shall be reviewed by the Zoning Administrator in accordance with this Ordinance. In addition to any other consideration, the Zoning Administrator, Planning Commission, and/or Township Board, as applicable, shall consider the following content-neutral provisions in reviewing and approving signs:

(1) Compatibility of the sign with the character of the neighborhood;

- (2) The sign does not unreasonably block views from other properties;
  - (3) Materials and colors used are natural looking and consistent with surrounding structures in the vicinity, and with the intent of the Ordinance; and
  - (4) Where the Zoning Administrator, Planning Commission, or Township Board has discretion on the number and location of certain signs, the number and location of signs shall be reasonably necessary to meet the intent of this Ordinance.
- (J) **Signs approved in association with a Special Use Permit.** In approving a Special Use Permit, the Township Board may approve any or all signs allowed in this Ordinance provided that the approved signs meet the following content-neutral provisions:
- (1) Are related to an approved use in the Special Use Permit;
  - (2) The design, size, setback and lighting are shown on a scale drawing;
  - (3) The number and location of all signs is reasonably necessary to meet the intent of this Ordinance.

#### Section 10.06 Prohibited Signs (currently Section 7.11.2 and parts of Section 7.11.1)

The following signs shall be prohibited in the township unless explicitly permitted elsewhere in this Ordinance:

- (A) Signs that are illegal under applicable Federal, State, or local laws, regulations and/or ordinance.
- (B) Signs that are not clean and in good repair or that have become unsafe or not secure.
- (C) Signs that violate the building code or electrical code.
- (D) Signs not securely fastened to a substantial structure.
- (E) Signs that interfere with or resemble any official traffic sign, signal, or device.
- (F) Signs deemed hazardous or dangerous by the local road agency or public safety department.
- (G) Signs that do not comply with the standards in this Ordinance.
- (H) Electronic Message Signs.
- (I) Portable Message Signs or signs utilizing vehicles, trucks, vans, or other wheeled devices.
- (J) Roof Signs.
- (K) Pennant Signs.

- (L)** Feather Flags.
- (M)** Any sign that revolves, rotates, moves, or is animated.
- (N)** Signs with automated changes in sign appearance.
- (O)** Pennants, streamers, festoons, and airborne or air-activated devices attached to the ground or buildings except where otherwise specifically permitted by this Ordinance.
- (P)** Tripods or sandwich boards
- (Q)** Automated changeable message boards.
- (R)** Wall signs extending perpendicularly from a building wall.
- (S)** Signs within a road right-of-way except traffic direction and control signs placed by the County Road Commission or Michigan Department of Transportation.
- (T)** Signs attached to trees and other vegetation.
- (U)** Signs attached to utility structures or poles, including light poles, except by the utility company.
- (V)** Signs located in a Clear Vision Area unless permitted in Section 7.09.
- (W)** Signs attached to street furniture, such as benches and trash cans.
- (X)** Projected image signs.

#### Section 10.07 Signs Permitted in All Districts (currently Section 7.11.3)

The following signs shall be allowed in all zoning districts ([Section 10.07](#) and [Section 10.08](#) may apply):

- (A)** Memorial/Historical Markers when the site is recognized for its historical significance by a Federal or State agency.
- (B)** All signage required to be posted by a Township, County, State, or Federal ordinance, law, or order, including, but not limited to, the address of the building. Such signs shall not exceed four square feet unless they are explicitly required to be larger.
- (C)** Official signs of a non-commercial nature erected by a public utility.
- (D)** Public notice signs placed by public agencies.
- (E)** Signs placed by any governmental agency for traffic control in accordance with the Michigan Manual of Uniform Traffic Control Devices.

(F) Incidental Signs. See [Section 10.02\(B\)\(8\)](#).

(G) Flags as allowed under Section 10.05(D).

**Section 10.08 Sign Regulations for Specific Zoning Districts (currently Sections 7.11.4 – 7.11.6, including part of Table 7.11.6)**

In addition to signs permitted in [Section 10.07](#), the following standards apply (all areas are in square feet and all setbacks are from any lot line):

**(A) Signs Permitted in the A-1 Agricultural District.** In addition to the signs permitted in [Section 10.07](#), the following signs shall be permitted in the Agricultural District:

Sign Type		Maximum Number	Maximum Area	Maximum Height	Minimum Setback	Illumination	Permit Required?
<b>On-Premises</b>							
Short Term		1 per lot	6 sq. ft. each	4 ft.	N/A	No	No
Temporary		6 per lot	6 sq. ft. each	4 ft.	N/A	No	No
Seasonal		No limit	20 sq. ft. total	8 ft.	15 ft.**	No	Yes
Permanent	Entranceway Sign	1 per building	9 sq. ft. each	6 ft.	15 ft.**	Yes	Yes
	Wall Sign	1 per building	30 sq. ft. each	N/A	N/A	Yes	Yes
	Ingress/Egress	1 per lot	2 sq. ft. each	3 ft.	N/A	Yes	Yes
	Incidental	1 per lot	2 sq. ft. each	6 ft.	N/A	Yes	Yes
	Ground Pole	1 per lot	20 sq. ft. each	8 ft.	15 ft.**	Yes	Yes
	Ground Monument	1 per lot	20 sq. ft. each	8 ft.	15 ft.**	Yes	Yes
	Window	1 per window	3 sq. ft. each	N/A	N/A	No	No
<b>Off-Premises*</b>							
Short Term		Not Permitted					
Temporary		1 per lot	6 sq. ft. each	4 ft.	N/A	No	No
Seasonal		No limit	20 sq. ft. total	8 ft.	15 ft.**	No	Yes
Permanent		Not Permitted					

**(B) Signs Permitted in the C-1 Commercial District.** In addition to the signs permitted in [Section 10.07](#), the following signs shall be permitted in the Commercial District:

Sign Type		Maximum Number	Maximum Area	Maximum Height	Minimum Setback	Illumination	Permit Required?
<b>On-Premises</b>							
Short Term		1 per lot	6 sq. ft. each	4 ft.	N/A	No	No
Temporary		6 per lot	6 sq. ft. each	4 ft.	N/A	No	No
Seasonal		Not Permitted					
Permanent	Entranceway Sign	1 per building	9 sq. ft. each	6 ft.	15 ft.**	Yes	Yes
	Wall Sign	1 per building	30 sq. ft. each	N/A	N/A	Yes	Yes
	Ingress/Egress	1 per lot	2 sq. ft. each	3 ft.	N/A	Yes	Yes
	Incidental	1 per lot	2 sq. ft. each	6 ft.	N/A	Yes	Yes
	Ground Pole	Not Permitted					
	Ground Monument	1 per lot	30 sq. ft. each	10 ft.	15 ft.**	Yes	Yes
	Window	1 per window	3 sq. ft. each	N/A	N/A	No	No
<b>Off-Premises*</b>							

<b>Short Term</b>	Not Permitted					
<b>Temporary</b>	1 per lot	6 sq. ft. each	4 ft.	N/A	No	No
<b>Seasonal</b>	No limit	20 sq. ft. total	8 ft.	15 ft.**	No	Yes
<b>Permanent</b>	Not Permitted					

**(C) Signs Permitted in the R-1 Residential Districts.** In addition to the signs permitted in [Section 10.07](#), the following signs shall be permitted in the R-1 Districts:

Sign Type		Maximum Number	Maximum Area	Maximum Height	Minimum Setback	Illumination	Permit Required?
<b>On-Premises</b>							
<b>Short Term</b>		1 per lot	6 sq. ft. each	4 ft.	N/A	No	No
<b>Temporary</b>		6 per lot	6 sq. ft. each	4 ft.	N/A	No	No
<b>Seasonal</b>		Not Permitted					
<b>Permanent</b>	Entranceway Sign	1 per building	9 sq. ft. each	6 ft.	15 ft.**	Yes	Yes
	Wall Sign or Freestanding Sign	1 per building	6 sq. ft. each	N/A	15 ft.**	Yes	Yes
	Ingress/Egress	1 per lot	2 sq. ft. each	3 ft.	N/A	Yes	Yes
	Incidental	1 per lot	2 sq. ft. each	6 ft.	N/A	Yes	Yes
	Ground Pole	Not Permitted					
	Ground Monument	Not Permitted					
Window		Not Permitted					
<b>Off-Premises*</b>							
<b>Short Term</b>		Not Permitted					
<b>Temporary</b>		1 per lot	6 sq. ft. each	4 ft.	N/A	No	No
<b>Seasonal</b>		Not Permitted					
<b>Permanent</b>		Not Permitted					

\*Requires permission letter indicating approval of sign details and location from landowner

\*\* Must be located outside of road/intersection clear vision area as set forth in Section 7.09 (Clear Vision Area)

## Section 10.09 Illumination Standards (currently part of Section 7.14.3(5) and part of Section 7.11.1)

- (A) General Lighting.** If illumination is allowed by this Ordinance, such illumination shall conform to the requirements of Section 7.14, Exterior Lighting Regulations.
- (B) Hours of Illumination.** Illuminated signs must be turned off no more than 1 hour after the close of business and may be turned on no earlier than 1 hour before the opening of business except by special permission granted as a condition of site plan approval or special land use approval.
- (C) External Illumination.** External illumination of signs shall be mounted at the top of the sign or sign structure and be fully shielded;
- (D) Internal Illumination.** Internally illuminated signs shall have a dark background with lighter-colored translucent (not transparent) lettering, logos, or designs. The maximum luminance level of an internally illuminated sign shall not exceed 0.3 footcandles over ambient light levels

measured at the distance specified in [Figure 10-1](#). All electronic message center signs and other internally illuminated signs shall be equipped with a photocell and automatic dimmer, and a cut sheet for the sign must be submitted to the Township at the time of permit application showing compliance with these requirements.

**Figure 10-1. Distance for Measurement of Sign Illumination Based on Sign Area**

Area of Internally Illuminated Sign	Distance for Measurement of Sign Illumination from the Sign Face
10 square feet or less	32 feet
Between 10.1 and 15 square feet	39 feet
Between 15.1 and 20 square feet	45 feet
Between 20.1 and 25 square feet	50 feet
Between 25.1 and 30 square feet	55 feet
Greater than 30	= square root of (display area in sq. ft. X 100)

## Section 10.10 Nonconforming Signs (NEW SECTION)

- (A) Removal of Nonconforming Signs.** If the owner of a sign or the premises on which a sign is located changes the location of a building, property line or sign, or changes the use of the land or building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this Article.
- (B) Lawful Existing Signs.** Any sign lawfully existing at the time of adoption of this Article which does not fully comply with all provisions shall be considered a legal non-conforming sign and may be permitted to remain as long as the sign is properly maintained, there is no increase in nonconformity, and the sign is not detrimental to the health, safety, and welfare of the community.
- (C) Continuance.** A nonconforming sign shall not be:
- (1)** Expanded or changed to another nonconforming sign.
  - (2)** Relocated or structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, placement or design of the sign.
  - (3)** Repaired or re-erected after being damaged if the repair or re-erection of the sign would cost more than 50 percent of the cost of an identical new sign.
- (D) Alteration.**
- (1) General Rule.** No nonconforming sign shall be altered or reconstructed, unless the alteration or reconstruction is in compliance with the provisions of this Article.
  - (2) Actions Not Considered Alterations.** For the purpose of this Article only, the term “altered” or “reconstructed” shall not include
    - (a)** normal maintenance;

- (b) reduction or maintenance of the existing surface sign area;
  - (c) addition of ornamental molding, frames, trellises or ornamental features or landscaping below the sign's base;
  - (d) or the addition, construction, installation or changing of electrical wiring or electrical devices, backgrounds, letters, figures or characters or other embellishments.
- (3) Removal After Use Ends. Nonconforming signs and sign structures shall be removed or made to conform within 90 days of the termination of the use to which they are accessory.

## Section 10.11 Appeals and Variances (currently part of Table 7.11.6)

- (A) Any person aggrieved by any decision, ruling or order may make an appeal to the Zoning Board Appeals in accordance with [Article 5](#) of this Ordinance. Variance from the requirements of this Article shall be required to meet the following conditions:
- (1) Permitted signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions, which cannot be legally and/or practically removed.
  - (2) Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the ZBA shall consider the width of the road, the number of moving lanes, the volume of traffic, and speed limits.
  - (3) Existing signs on nearby parcels would substantially reduce the visibility or advertising impact of a conforming sign on the subject parcel.
  - (4) Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to: removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course.
  - (5) Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.