

Beth Friend, Supervisor
Susanne M. Courtade, Clerk
Tracey Bartlett, Treasurer



Mindy Walters, Trustee
Glen Lile, Trustee
Bryan Marrow, Trustee
Andrea Hentschel, Trustee

REGULAR MEETING OF THE EAST BAY CHARTER TOWNSHIP
PLANNING COMMISSION ~ TUESDAY, December 5, 2017 ~ 6:30PM
SOUTH MEETING ROOM

1. Call Meeting to Order.
2. Roll Call.
3. Review for Conflict of Interest.
4. Approval of the Agenda.
5. Approval of the Minutes (*11/07/2017 Regular Meeting & Site Review*)
6. Public Comment.

7. Reports: A. Township Board B. Appeals Board C. Planner/Z.A. Report
 D. Correspondence

8. Old Business.
 - A. **Correction to 2018 Resolution of Meeting Dates and Times; Review and Action.**

9. New Business.
 - A. **Project Concept Discussion; Dan Kelly**
 - B. **Proposed Zoning Amendment Regarding Signage; Review and Set Date for Public Hearing.**

10. Other Business.
11. Public Comment.
12. Adjournment.

- ❖ **Planning Commissioners if you are unable to attend this meeting please notify the Office of Planning & Zoning ASAP.**

- ❖ **If you require auxiliary aide assistance, please contact the Township Clerk at 231-947-8681 or TDD at 231-922-4412.**

PLANNING COMMISSION MINUTES
FOR REVIEW AND APPROVAL

Review of Site Minutes
Special Land Use 3-17/ Site Plan Review 7-17
Jesse and Juliana Short
November 7, 2017

1. Site Review called to order by Chairperson Tubbs at 5:30pm
2. Commissioners Present: Robert Tubbs, Louis Groleau, Ted Hentschel, Judy Nemptz. Owners: Jesse and Juliana Short.
3. No Conflicts of Interest reported

Jesse and Juliana Short escorted the commissioners around the site. Commissioners walked the perimeter of the structure site, checked the setbacks and screening from the neighboring property.

4. Meeting adjourned at 5:38pm

Respectfully submitted

Judith Nemitz, Secretary

EAST BAY CHARTER TOWNSHIP
PLANNING COMMISSION
East Bay Charter Township Hall
1965 N. Three Mile Road
Traverse City, MI 49696

Regular Meeting
Tuesday November 7, 2017

Present: Planning Commission Members Robert Tubbs, Louis Groleau, Ted Hentschel, Judy Nemitz, Dan Leonard and Mindy Walters

Also Present: Planner Rick Brown, Zoning Administrator Leslie Couturier

1. **Call Meeting to Order:** Chair Tubbs called the meeting to order at 6:30pm.
2. **Roll Call:** Roll was called by the Recording Secretary.
3. **Review for Conflict of Interest (6:30)**
None presented
4. **Approval of the Agenda: (6:31)**
Tubbs added Resolution Regarding 2018 Meeting Dates under Other Business.
Nemitz moved and Leonard seconded to adopt the agenda as amended. The motion carried.
5. **Approval of the Minutes – October 3, 2017 Regular Meeting Minutes (6:31)**
Groleau moved and Hentschel seconded to adopt the October 3, 2017 Regular Meeting Minutes. The motion carried.
6. **Public Comment: (6:31)**
None
7. **Reports (6:33)**
 - a. *Township Board*
Walters reported that they heard comments on Short Term rentals and are working on the 2018 budget.
 - b. *Appeals Board*
Hentschel said that there was one appeal for a deck in the lakes area which was approved.
 - c. *Planner's Report*
Planner Brown said that he and Couturier wrote articles for the next newsletter and Commissioner Cooke submitted his resignation because of a job conflict. Brown was asked to be part of the Bayline steering

committee which would look at providing bus routes along the shore line in the summer months for little or no charge. Domain names were purchased for the Bayshore District and the footbridge over US 31 could be declared a historical structure. The subject of Short Term Rentals may need to be the subject of a special meeting in the new year for the Township Board and the Township Hall is being repainted resulting in a move across the hall for the Planning Department.

1. *Sign Ordinance Update*
In light of a Supreme Court case regarding signage, Planner Brown will bring some things for Commissioner review in December.
2. *Beach District Update*
See above
3. *Urban Ag Update*
The document sent by Brad Neumann regarding GAAMPS was very large. GAAMPS has a section on bees which is confusing and may complicate any enforcement. Discussion took place on the question of allowing beekeeping in the township as it pertains to the GAAMPS. Commissioners shared concerns with other types of animals being allowed. Commissioners ultimately decided to pass the matter on to the Township Board for comments and further direction.

The East Towne development went to the board last month for approval and there were questions regarding the timing of the application for renewal. The Township Attorney reviewed the matter and determined that the renewal applications were completed in a timely fashion. The number of permits issued by the township has already surpassed last year's total.

- d. *Correspondence*
None

8. Old Business

9. New Business

- A. **Special Land Use 3-17/Site Plan Review 7-17; Jesse and Juliana Short, Owners: Seeking Approval to Allow Multiple Accessory Buildings with a Total Floor Area that Exceeds 150 percent of the Footprint of the Principle Building. Public Hearing and Action. (7:10)**
The Shorts are requesting a special land use and site plan review approval for an accessory building which in combination with other accessory buildings on the site exceeds the footprint of their single-family residence by more than 150 percent. The single family dwelling is about 1,417 square feet on a 21.7 acre site. An existing accessory building is 1,344 square feet and a pole barn occupies 1,360 square feet. The

proposed accessory building would be 504 square feet. The subject site is located at 1708 N. Four Mile Road south of East Hammond Road. The subject site is zoned Low Density Residential. The property conforms to the current minimum lot width and lot area. Section 205.6 requires special land use approval of Section 602 and Section 820. Chair Tubbs opened the Public Hearing at 7:11pm and seeing no one wishing to speak, closed the Public Hearing.

Groleau moved and Hentschel seconded to approve both Special Land Use #3-17 (Short) and Site Plan Review #7-17 (Short) subject to the following condition:

1. *All applicable permits shall be obtained from the Township and Grand Traverse County prior to construction.*

The motion carried.

B. Zoning Amendment 1-17; Language to Permit Accessory Dwelling Units; Amendment Involves Various Sections of the Ordinance.

Public Hearing and Recommendation to the Township Board (7:12)

Three minor changes have been made to the proposed ordinance on Accessory Dwelling Units. The amendment includes changes to Section 205; the addition of Section 234, inclusion of accessory dwelling units in Sections 401, 402, 403 and 409; a revision to the parking space requirements of Section 702; and new definitions in Section 1402 and Section 1419. Based on previous discussion, ADU's are intended to be allowed in LDR, MDR, HDR, and EBC. The zoning amendment's purpose is to provide more affordable and flexible housing options in the township. There is a typo in Section 234 which will be corrected to say that the ADU's will only be allowed in the LDR, MDR, HDR and EBC zoning areas.

Chair Tubbs opened the Public Hearing at 7:17pm.

Tina Wagner of 4 Mile Road asked about the areas where this use would be permitted and Planner Brown showed her the planning map.

The Public Hearing closed at 7:19.

Leonard moved and Nemitz seconded to recommend approval of Zoning Amendment 1-17 to the township board with corrections as proposed. The motion carried.

10. Other Business (7:21)

Resolution 2017-25 Meeting Dates and Time for East Bay Charter Township Planning Commission January – December 2018.

Walters moved and Leonard seconded to approve Resolution 2017-25 Meeting Dates and Time for East Bay Charter Township Planning Commission January – December 2018. The motion carried.

11. Public Comment (7:23)

Tina Wagner of Four Mile Road commented on beekeeping. She said that bees could be harmful to others due to allergies and other limitations.

12. Adjournment

Chair Tubbs adjourned the meeting at 7:26pm.

Anne Wendling, Recording Secretary

DRAFT

TOWNSHIP BOARD MINUTES

EAST BAY CHARTER TOWNSHIP
East Bay Charter Township Hall
1965 N. Three Mile Road
Traverse City, MI 49696

Regular Board Meeting
Monday, November 13, 2017

Call Meeting to Order: Supervisor Friend called the meeting to order at 6:30pm.

Pledge of Allegiance: was recited by all in attendance.

Roll Call: Board Members Present: Beth Friend, Glen Lile, Bryan Marrow, Tracey Bartlett, Sue Courtade, Andrea Hentschel and Mindy Walters

Others Present: Planner Rick Brown, Zoning Administrator Leslie Couturier

Presentation of the Agenda (6:31)

Supervisor Friend introduced the agenda to trustees and the public. She would like to add New Business item #8 - Par Plan Grant Resolution.

Review for Conflict of Interest: (6:32)

None presented

Public Comment (6:32)

Paul Gonzalez of Munson Avenue asked about an upcoming Short Term Rental deliberation meeting.

Correspondence: (6:34)

Included in packets.

Reports: (6:36)

Engineer: Township Engineer Brian Sousa provided board members an update in writing.

County Road Commission: Road Commission Board Member Marc McKellar reported that the Road Commission is looking at an East-West Crossing route but cautioned that it is a long term project. McKellar added that not only do they have an asset management plan for roads and equipment, but would also like to develop an asset management plan for county culverts.

Consent Calendar: (6:57)

A. Board Minutes: October 9, 2017 Regular Meeting Minutes

October 2, 2017 Budget Workshop Meeting
Minutes
October 23, 2017 Budget Workshop Meeting
Minutes

- B. General Fund:** Checks numbered 13392-13463 were paid in the amount of \$131,691.29 with check number 13408 voided.
- C. Emergency Fund:** Checks numbered 3689-3704 were paid in the amount of \$8,324.54.
- D. Receiving Fund:** Checks numbered 2503-2514 were paid in the amount of \$603,001.68.
- E. Escrow Fund:** Check numbers 1505-1512 was written in the amount of \$15,830.55.
- F. Payroll Fund:**

The payroll dated 10/1/2017 – 10/14/2017, checks numbered 6077-6084 totaled \$33,117.39 and includes \$6,011.62 for payroll tax and check number 6084 for \$875.37 for State of Michigan withholdings.

The payroll dated 10/15/2017 – 10/28/2017, checks numbered 6085-6086 for \$35,231.97 and includes \$6,403.11 for payroll tax and check number 6086 for \$881.24 for State of Michigan withholdings.

Total Payroll \$68,349.36

Total amount paid: \$827,197.42

- G. Possible Proposed Budget Adjustments**
- H. English Woods Water Tank Change Order and Payment Certificate #2
US 31N Sidewalk Construction
Station 9 Lease
Furnace Replacement**

Bartlett moved and Marrow seconded to adopt the consent calendar as presented. The motion carried upon a roll call vote.

New Business:

1. Public Hearing – 2018 Budget (6:43)

Friend opened the Public Hearing on the proposed 2018 budget at 6:44pm. Seeing no comments from the audience, the Public Hearing was closed at 6:45pm.

a. Resolution 2017-19 General Appropriations Act

Bartlett moved and Courtade seconded to adopt Resolution 2017-19 General Appropriations Act. The motion carried upon a roll call vote.

b. Resolution 2017-20 2018 Wages – Trustee

Courtade moved and Bartlett supported to approve Resolution 2017-20 2018 Wages – Trustee. The motion carried upon a roll call vote.

c. Resolution 2017-21 2018 Wages – Treasurer

Walters moved and Marrow supported to adopt Resolution 2017-21 2018 Wages – Treasurer. The motion carried upon a roll call vote.

d. Resolution 2017-22 2018 Wages – Clerk

Walters moved and Lile seconded to adopt Resolution 2017-22 2018 Wages - Clerk. The motion carried upon a roll call vote.

e. Resolution 2017-23 2018 Wages – Supervisor

Bartlett moved and Courtade seconded to adopt Resolution 2017-23 2018 Wages – Supervisor. The motion carried upon a roll call vote.

Courtade moved and Hentschel seconded to amend the Deputy-Zoning Administrator Position Description. The motion carried upon a voice vote.

Bartlett moved and Courtade seconded to amend Section 10.2 of the Personnel Policy regarding vacation time.

Board members discussed the accrual of vacation time.

The motion carried upon a voice vote.

Friend moved and Courtade supported the motion to adjust the Planner vacation time to allow for three weeks in 2018 in recognition of previous service and to adjust his level of service time to six years. The motion carried upon a voice vote.

2. Park Commission Appointment Recommendation (6:59)

Friend briefed everyone on the Park Commission applicants. Matt Cross was recommended by the Park Commission to fill the vacancy. This appointment expires in November 2018.

Courtade moved and Lile seconded to appoint Matt Cross to the Park Commission for a term expiring in November of 2018. The motion carried upon a voice vote.

3. Mt. Holiday 2% Grant Request (7:04)

Representatives from Mt. Holiday were present and talked about the grant proposal to purchase a new groomer. Dave Ferris, a board member of Mt. Holiday talked about the grant for the groomer. Questions regarding the grant form were reviewed and addressed.

Lile moved and Hentschel seconded to approve Resolution 2017-24, a resolution of support for the Mt. Holiday Ski and Recreation Area and the East Bay Charter Township Parks Commission in their submittal for a 2% Tribal grant award, to allow administration to amend the budget for the awarded amount in the revenue and expense line items related to the award. The motion carried by voice vote.

4. East Towne PUD Extension (7:14)

Planner Rick Brown addressed concerns raised at the last regarding the applicant's timeliness in submitting the applications. He consulted the Township Attorney and did some research and the Attorney felt that the applications were submitted in a timely fashion.

Walters moved to approve the final one year extension for the proposed East Towne PUD upon staff recommendation. Marrow seconded. With Lile dissenting, the motion carried.

5. Meadowlands and PhotoDon (7:18)

Jean Derenzy, Director of Community Development and Codes for Grand Traverse County, discussed the new investment in the township by PhotoDon. PhotoDon is looking at purchasing land in the Meadowlands Industrial area and would add new jobs. Derenzy's recommendation is to put the industrial designation on those six lots and said that they may ask for an abatement for 3-6 years. The Board discussed the item and whether the entire area should be set up with the industrial designation. Jim Schmuckal, a local realtor, said that if the entire district were set up at once, it would be easier to sell the property.

Lile moved and Hentschel seconded to set a public hearing for December 11, 2017 regarding the establishment of all lots in the Meadowland Industrial Park as an Industrial Development District (IDD)

and to notify surrounding property owners of the designation. The motion carried upon a voice vote.

6. Accessory Buildings (7:30)

Planner Rick Brown said that proposed Zoning Amendment 6-17 would allow accessory buildings without a principal structure on parcels of 10 acres or larger and allow a structure of 100 sq feet on lakefront properties without a principal structure. Board members discussed the proposed zoning amendment and how it would be enforced.

Bartlett moved to approve ZA 6-17 and ask the assessing department to review the affected properties once per year. The motion died for lack of support.

7. Charter Franchise Agreement (7:46)

Local units of government banded together to obtain a franchise agreement with Charter. It is a 10 year renewal and is a beneficial agreement for the township. Board members discussed the new rates and the proposed contract.

Walters moved to approve the renegotiated Charter Franchise Agreement with a 10-year term including a franchise fee of 5% of revenues and PEG fees of .475% of revenues; and to authorize the Supervisor to sign the agreement on behalf of the Board of Trustees. Bartlett seconded the motion. With Lile dissenting, the motion carried.

8. Par Plan Grant Resolution (7:57)

Friend explained that she would like to write a grant to Par Plan for security equipment for the Township Hall entrances at a cost of \$5,342.44 with the township matching the grant at 50%. The entrances would be controlled via a passcode and key fobs.

Courtade moved 2017-26 to submit Par Plan Risk Reduction Grant for the Township Hall Access Hall and authorize the Supervisor to sign the grant proposal. Walters supported the motion and upon a voice vote, the motion carried.

Public Comment (8:10)

Scott Strolecki said he is upset about the non-action on the accessory building item.

Adjournment: Friend adjourned the meeting at 8:15pm.

ZBA MINUTES

**Regular Meeting
Of the
East Bay Charter Township Zoning Board of Appeals**

TUESDAY November 14, 2017 Township Hall 6:30 pm.

Board Members Present: Tracey Bartlett, Ted Hentschel, Carl Studzinski
Absent/Excused: Dave Houseman, Frank Guerin

Also Present: Leslie Couturier, Zoning Administrator

There were five (5) guests were in attendance. (3 were students attending for Civics class)

1. **Call Meeting to Order.** Vice Chair Bartlett convened the meeting at 6:30pm.
2. **Roll Call.** Roll was called by the recording secretary and a quorum was present.
3. **Review for Conflict of Interest:** None
4. **Approval of the Agenda.** *Studzinski moved to approve the agenda as presented. Hentschel supported the motion and the motion passed unopposed.*
5. **Approval of the Minutes.** *A motion was made by Hentschel to approve the minutes of the October 10, 2017 regular meeting minutes as amended (names present were not correct). Studzinski seconded the motion and the motion passed unopposed.*
6. **Public Input:** None offered.
7. **New Business:**

Appeal Request 4-17; Bill Packer, authorized agent for Ruth Ann Molmen, owner; Public Hearing & Action.

All legal requirements have been met.

Appeal Request 4-17; Bill Packer, Authorized Agent, for Ruth Ann Molmen, owner, on a parcel of land commonly known as 819 Indian Trail Blvd., Traverse City, property identification number 28-03-560-018-00, in the Low Density Residential, LDR Zoning District. The request is to construct a 24' x 26'-4" one-story garage attached to the existing home by a new 10' x 13'- 6" covered walkway, requiring a variance from Section 505 Table Number 1 Yard Setbacks; specifically a 4'-2" side yard variance resulting in a 5'-8" setback from the westerly side property line. The minimum setback from the side property line is 10' in the LDR District.

Mr. Packer was in attendance, along with Ruth Ann Molmen, owner; Mr. Packer explained the need for a variance, and Ms. Molmen had cited five (5) reasons for the variance in her application, as follows:

- My retirement/ageing
- The eventuality of my 86 year old mother moving in
- No feasible way to have a covered walkway for safety, if garage in center of lot
- Natural placement on existing lot w/o having to remove healthy, old oaks
- Garage would be same distance from property line as existing home

Vice Chair Bartlett offered time for public hearing at 6:39pm; hearing none the public hearing was closed at 6:40pm. Couturier relayed to Board that Talbot Barnard, neighbor of Ms. Molmen had come in to the Zoning office to inquire about the request, he indicated no objections.

A motion was made by Studzinski to approve Appeal Request 4-17 as submitted, all basic conditions had been met, with the special condition being number 3; Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district. Studzinski supported the motion and it passed unopposed.

8. **Old Business:** None
9. **Reports:** Bartlett provided a Township Board Report, followed by a Planning Commission report from Hentschel.
10. **Public Input.** None offered.
11. **Adjournment:** Vice Chair Bartlett adjourned the meeting at 6:50 pm.

Leslie Couturier
Recording Secretary

PARK COMMISSION MINUTES

EAST BAY CHARTER TOWNSHIP
PARK COMMISSION
East Bay Charter Township Hall
1965 N. Three Mile Road
Traverse City, MI 49696

Regular Meeting
Tuesday, November 21, 2017

Present: Justin Friend, Corie Layton, Mike Hintz, Matt Cross, Susan
LaRose-Grover and Mark Baker (6:09)

Absent and Excused: Deb Lannen

1. **Call Meeting to Order:** Chair Friend called the meeting to order at 6:00pm.
2. **Pledge of Allegiance** was recited by all in attendance
3. **Roll Call:** Roll was called by the Recording Secretary
4. **Public Comment**
None
5. **Approval of the Agenda:**
LaRose-Grover moved and Cross seconded to approve the agenda as amended.

Yeas: LaRose-Grover, Cross, Layton, Hintz, Friend
Nays: None
6. **Approval of Minutes - Regular Meeting – October 19, 2017**
LaRose-Grover moved and Layton seconded to approve the minutes of October 19, 2017 as presented.

Yeas: LaRose-Grover, Layton, Hintz, Cross, Friend
Nays: None
7. **Reports**
 - A. Township Meeting**
Friend reported that Matt Cross was officially added to the Park Commission and the board passed a letter of support for the Mt. Holiday Ski Area grant.
 - B. Rec Plan**
Friend said that the Planning Department is adding some numbers and placing finishing touches on the Master Plan. He hopes to have it to present to

Commissioners in December. LaRose- Grover found a grant for playground equipment to apply for when the Master Plan is complete.

8. Old Business

A. Arbutus 5 Master Plan

Dusty Christensen of Mansfield Land Use Consultants presented a design for Arbutus #5 that can be included in the Master Plan for the Arbutus #5 Park. He reviewed the highlights of the plan with commissioners. Commissioners discussed the proposed plan and asked questions. There were questions regarding water run-off and commissioners determined that they would need to work with the Road Commission on that issue. Christensen also discussed the removable kayak launch and said that the township may need a permit for the dock structure. Changes to the proposed plan were discussed and Christensen will move a pathway, move location of tables and design a more permanent structure for a pier. Christensen will make the proposed changes and the design will be incorporated into the Parks and Rec Master Plan.

9. New Business

None

10. Public Comment

None

11. Representative for next Township Board Meeting

Deb Lannen is the representative for the December Township Board meeting.

12. Adjournment

Baker moved and Layton seconded to adjourn the meeting at 6:32pm.

December 18th is the next meeting at 6:30pm.

CORRECTION TO 2018 RESOLUTION
OF MEETING MINUTES

Beth Friend, Supervisor
Susanne M. Courtade, Clerk
Tracey Bartlett, Treasurer



Mindy Walters, Trustee
Glen Lile, Trustee
Bryan Marrow, Trustee
Andrea Hentschel, Trustee

RESOLUTION OF MEETING DATES AND TIME FOR;
EAST BAY CHARTER TOWNSHIP PLANNING COMMISSION
JANUARY – DECEMBER 2018
Resolution #2017 – 25

BE IT RESOLVED that the Charter Township of East Bay, of Grand Traverse County, State of Michigan does hereby establish the following meeting dates for the year 2018:

That the Regular Meetings of the East Bay Charter Township Planning Commission will be as follows:

January 9, February 6, March 6, April 3, May 1, June 5, July 10, August 14, September 4, October 2, November 13, December 4.

Meetings will commence at **6:30 P.M.** Special meetings will be at the discretion of the Planning Commission with due and proper notice as required by law.

Motion made by: _____, seconded by: _____,

to approve the forgoing resolution; the motion _____.

Judith Nemitz, Planning Commission Secretary

Adopted: December 5, 2017

PROJECT CONCEPT DISCUSSION:
DAN KELLY

EB2017



PROPOSED ZONING AMENDMENT
REGARDING SIGNAGE:
REVIEW AND SET DATE FOR MEETING

MEMORANDUM

TO: Planning Commission
East Bay Charter Township

FROM: Richard F. Brown, Jr., AICP, and CBSP
Township Planner

DATE: November 28, 2017

RE: Signs – proposed revisions



In 2015, the United States Supreme Court handed down a significant ruling (Reed vs. Gilbert, AZ) that impacts sign ordinances across the nation. In a nutshell, the decision said that sign ordinances cannot legislate content, except in certain instances and under certain narrowly defined conditions. As a result, nearly every sign ordinance in the country has some parts of it which are inconsistent with Reed vs. Gilbert, including the one here in East Bay Township.

The Supreme Court's decision was the primary force behind making changes to the sign regulations. While addressing those needs, staff felt there were several other areas that needed to be addressed – sign sizes in RB (Regional Business) zoning district and signs along the TART Trail.

In the RB (Regional Business) zoning district, East Bay Township allows freestanding signs which are significantly larger than those allowed in adjacent Acme Township (32 square feet) and Traverse City (40 square feet). Given that speed limits along US-31N are the same or lower than in Acme Township, the need for such large freestanding signs is negligible. Below are the five (5) reasons, staff feels the allowed size for freestanding signs, particularly pole signs, should be reduced.

Reasons:

- East Bay Township's allowed sign sizes are considerably larger than our neighbors along the U.S 31N/Bayshore Corridor, even for stretches with higher and/or equal speed limits.
- Input received during the Bayshore Corridor visioning session overwhelmingly supported a preference for smaller signs than are currently allowed.
- Ground signs will help create the "friction" necessary to help reduce speeds on US-31N by making the corridor feel narrower.
- Satellite/GPS mapping technology on smartphones and in many new cars provide door-to-door directions, which reduces the need for large signs.
- Autonomous vehicle technologies will greatly reduce or eliminate the need for signage as the vehicle's operating system will take the passengers there automatically. Such technologies could be on the road as early as 2020 and certainly by 2030.

Staff is proposing a reduction from 120 square feet currently to 80 square feet for ground/monument signs and 60 square feet for pole signs. Meanwhile, existing signs that exceed these new sizes will be allowed to remain unless they are removed or destroyed by more than 50 percent of their value or abandoned for more than 275 consecutive days. It is hoped that over an extended time, these larger signs will be replaced with ones that conform to the new standards.

A specific amortization schedule for them to be removed has not been incorporated into the proposed zoning language.

Staff has also added language which permits small freestanding signs of eight (8) square feet for those businesses located along the TART Trail. The signs must be situated completely out of the trail right-of-way and located no closer than five (5) feet to the right-of-way.

Lastly, several changes are proposed to sign definitions to better adjust the ordinance to comply with the Supreme Court's decision.

Attachments

1. Draft sign regulations
2. Background information on Reed vs. Gilbert
3. Autonomous vehicle article on signs

SECTION 215 SIGNS (~~Revised 4/24/11~~)

INTENT AND PURPOSE: ~~Regulation of the~~ **THIS SECTION IS INTENDED TO REGULATE THE** location, size, placement, and certain **DESIGN** features of signs ~~is necessary~~ to enable the public to locate goods, services, and facilities in the ~~Township of~~ East Bay **CHARTER TOWNSHIP** without difficulty and confusion, to encourage the general attractiveness of the community, and to protect property values therein. Accordingly, it is the intention of this Ordinance to establish regulations governing the display of signs which will:

- 1) Promote and protect the public health, safety, comfort, morals, and convenience;
- 2) Enhance the economy and the business and industry of the Township by promoting the reasonable, orderly, and effective display of signs, ~~and thereby encourage increased communication with the public;~~
- 3) Restrict signs and lights which overload the public's capacity to receive information or which increase the probability of traffic congestion and accidents by distracting attention or obstructing vision;
- 4) ~~Reduce conflict among signs and light and between public and private environmental information systems;~~
- 5) Promote signs which are compatible with their surroundings, ~~are appropriate to the type of activity to which they pertain, and are expressive of the identity of proprietors and other persons displaying signs.~~
- 6) **ASSURE THAT ALL SIGNS ARE PROPERLY INSTALLED AND CONSTRUCTED PURSUANT TO BUILDING CODE REQUIREMENTS, AND MAINTAINED IN A CLEAN, SAFE, UNIFORM, AND NEAT CONDITION.**

1. PROCEDURES.

- a. Sign Permit (Land Use Permit) Application. The Planning Commission or the Zoning Administrator may approve sign permit applications pursuant to Section 803 of this ordinance. Where signs are proposed as part of a Site Plan, the Planning Commission or Zoning Administrator shall review the entire Site Plan, including signage, per Section 820. Where proposed signage is not an element of a broader proposed use requiring site plan approval, the Zoning Administrator may waive the submission of certain materials otherwise required for site plan approval, pursuant to Section 820, and final review and approval of the sign permit shall be the responsibility of the Zoning Administrator.
- b. An illustrated plan shall be provided with a sign permit application. Such plan shall be rendered at a scale determined by the **ZONING** Administrator to be reasonable and shall include the following elements of the proposed or modified signage:
 - 1) Sign type, per the definitions in Section 1420;
 - 2) Dimensional characteristics, such as height, width, vertical clearances, and area;
 - 3) Colors, materials, ~~appearance~~ **CONDITION**, and lighting of the signage;
 - 4) **WHETHER DIGITAL SIGNAGE IS INCLUDED AS PART OF THE SIGN;**
 - 5) Relationship to buildings or structure and location on buildings;

- 6) Setbacks from buildings, landscaping, driveways, and rights-of-way; and,
 - 7) Locations of any existing signage in the subject development or on the subject parcel. The site plan shall also include proposed and existing signage not requiring a permit.
- c. Upon receipt of an application, the Zoning Administrator shall review the application for completeness. If the application is complete, it shall be processed. If the application is incomplete, the Zoning Administrator shall advise the applicant of additional elements required for consideration by the Township.
 - d. Within ten (10) business days of receiving a complete application, the Zoning Administrator shall review the application for compliance with this Ordinance. If the application is compliant, the Zoning Administrator shall issue a Land Use Permit to the applicant. If the application is not in compliance, the Zoning Administrator shall advise the applicant and reference the applicant to sections of this Ordinance that need to be addressed.
 - e. The Zoning Administrator shall retain the right to forward any sign permit applications to the Planning Commission for their review and approval.
 - f. Inspection and Compliance. The Zoning Inspector **ADMINISTRATOR** shall inspect each new or modified sign for which a permit is issued to determine whether the sign is in full compliance with the Land Use Permit and this Ordinance. If the construction is not in full compliance with this Ordinance, the Zoning Administrator shall give the applicant notice of the deficiencies and order corrective action.
 - g. Permit Assignment. A sign permit shall be assignable to the successor of a business on the same parcel, except where such assignment would result in a sign that is ~~materially or substantially~~ **PHYSICALLY OR STRUCTURALLY** different in any way to the sign which was permitted, as determined by the Zoning Administrator.

2. GENERAL STANDARDS

- a. Computations. The following standards shall be followed to determine the area and height of a sign.
 - 1) The area of a sign face shall be computed as follows
 - (a) For building-mounted signs, the area of the sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the sign face, as defined herein. Provided that the area of supporting framework, bracing, or decorative fence or wall upon which the sign is mounted shall be included in calculating the area of the sign face, ~~if such feature includes any message or announcement.~~
 - (b) For free-standing signs, the area of the sign face as defined herein shall be added to the area encompassed by the outer perimeter dimension of the sign structure, but excluding the area of the support structure, framework, bracing or other structure, ~~provided such features include no message or announcement.~~
 - 2) **SIGN AREA.** The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) sign faces are placed back-to-back, so that both faces cannot be viewed from any one point at the same

time, and when such sign faces are part of the same sign structure and are not more than twenty-four (24) inches apart at any point, the sign area shall be computed by the measurement of one (1) of the faces.

- 3) **SIGN HEIGHT.** The height of a sign shall be computed as the distance from the grade of the site, as defined herein, to the top of the highest component of the sign. The Zoning Administrator may require a professional survey to make this determination.
- b. **PROJECTING.** Where any portion of a sign projects over a public or private sidewalk or walkway, the bottommost point of the sign structure shall be at least eight (8) feet above said walkway.
- c. **AREA.** The allowed area of all signs on a parcel shall be determined in accord with the standards of this Article.
- d. **DEFINITION.** Where a proposed sign appears to meet the definition of more than one (1) sign, the most restrictive requirements and limitations of the defined sign types shall apply.
- e. **MULTIPLE-TENANT BUILDINGS.** The amount of permitted signage for multiple-occupant buildings may be apportioned to the building occupants, but such building shall not be entitled to more signage than a similar, single-occupant building in the same district.
- f. **FRONT YARD.** Freestanding signs may be located within the required front yard, subject to the requirements of this section.
 - 1) Minimum setback for free standing signs provided in this Article shall be measured from the edge of the street; meaning the back of the curb, if present, or the edge of the pavement or travel surface where no curb is present.
 - 2) Regardless of the permitted setback, under no circumstances shall a freestanding sign be located within a public right-of-way.
 - 3) The Zoning Administrator may require a greater setback than permitted in this section where necessary to provide clear vision areas for motorists and pedestrians.
- g. **ILLUMINATION AND SOUND. ILLUMINATED SIGNS AND SIGNS WHICH EMIT SOUND ARE PERMITTED ONLY AS SET FORTH HEREIN.**
 - 1) **ALL ILLUMINATION OF SIGNS AND ANY OTHER OUTDOOR FEATURES SHALL NOT BE OF A FLASHING, MOVING, OR INTERMITTENT TYPE. FOR THE PURPOSES OF THIS SECTION, ILLUMINATION SHALL BE CONSIDERED FLASHING, MOVING OR INTERMITTENT IF IT CHANGES IN INTENSITY, LUMINOSITY, COLOR OR MESSAGE, OR IF THE MESSAGE TEXT OR IMAGE SHIFTS ON THE SIGN FACE, MORE FREQUENTLY THAN ONCE EVERY THIRTY (30) SECONDS. THIS SECTION SHALL APPLY TO ALL ILLUMINATED SIGNS, INCLUDING BUT NOT LIMITED TO, CHANGEABLE COPY SIGNS, ELECTRONIC MESSAGE BOARDS, LIGHT EMITTING DIODE (LED) OR LIQUID CRYSTAL DISPLAY AND OTHER VIDEO-TYPE DISPLAY SIGNS, LIGHTED MARQUEE SIGNS, AND ANY OTHER INTERNALLY OR EXTERNALLY LIT SIGNS.**
 - 2) **ILLUMINATION OF SIGNS SHALL BE DIRECTED OR SHADED SO AS NOT TO INTERFERE WITH ADJACENT HIGHWAYS OR ADJACENT PROPERTY AND SHALL NOT EXCEED EITHER TEN (10) FOOTCANDLES MEASURED FOUR (4) FEET PERPENDICULAR TO ANY POINT ON THE SIGN FACE OR ONE-HALF (1/2) FOOT CANDLES MEASURED AT ANY PROPERTY LINE.**
 - 3) **ANY SIGN OR OTHER OUTDOOR ADVERTISING WHICH INCLUDES LOUDSPEAKERS OR OTHER SOUND EMITTING DEVICES SHALL BE DESIGNED SUCH THAT NO SOUND IN EXCESS OF 40 DECIBELS SHALL CARRY BEYOND THE PROPERTY LINE ON WHICH THE SIGN IS LOCATED.**

H. CONTINUATION OF LEGAL NONCONFORMING SIGNS. A LEGAL NONCONFORMING SIGN MAY BE CONTINUED AND SHALL BE MAINTAINED IN GOOD CONDITION, BUT IT SHALL NOT BE:

- 1) CONVERTED TO ANOTHER NONCONFORMING SIGN;**
- 2) EXPANDED OR ALTERED SO AS TO INCREASE THE DEGREE OF NONCONFORMITY OF THE SIGN;**
- 3) RE-ESTABLISHED AFTER ITS DISCONTINUANCE FOR TWO HUNDRED AND SEVENTY-FIVE (275) DAYS;**
- 4) CONTINUED IN USE AFTER CESSATION OR CHANGE OF THE BUSINESS OR ACTIVITY TO WHICH THE SIGN PERTAINS; OR**
- 5) RE-ESTABLISHED AFTER DAMAGE OR DESTRUCTION IF THE ESTIMATED COST OF RECONSTRUCTION EXCEEDS FIFTY PERCENT (50%) OF THE APPRAISED REPLACEMENT COST, AS DETERMINED BY THE ZONING ADMINISTRATOR.**

I. ERECTION OF NEW SIGNS WHERE LEGAL NONCONFORMING SIGNS EXIST.

- 1) ON LOTS WHERE AN EXISTING SIGN EXCEEDS THE SIGN AREA ALLOWED BY THIS SECTION, AND IN THAT RESPECT IS A LEGAL NONCONFORMING SIGN, NO NEW SIGN, EITHER FREESTANDING OR BUILDING MOUNTED SIGN SHALL BE ERECTED UNTIL SUCH EXISTING LEGAL NONCONFORMING SIGN IS BROUGHT INTO COMPLIANCE WITH THIS SECTION.**
- 2) WHEN A USE OR PARCEL THAT INCLUDES LEGAL NONCONFORMING SIGNS IS SUBJECT TO SITE PLAN REVIEW UNDER SECTION 820, ALL SIGNS AND SIGN STRUCTURES SHALL BE BROUGHT INTO COMPLIANCE WITH THIS SECTION 215 AS A CONDITION OF SITE PLAN APPROVAL.**

3. PROHIBITED SIGNS. The following signs shall not be allowed in any district.

- a. Off-premise signs as defined herein, except as provided in Subparagraph 215, 4, ~~m, (6)~~, B.7.E hereof and in Section 607, Billboards. (Rev. 12/12/11)
- b. Signs which are obsolete, ~~that do not relate to existing business or products.~~
- c. Signs which are not consistent with the standards in this Ordinance.
- d. Signs, except official traffic signs, located in, projecting into or overhanging within a public right-of-way or dedicated public easement unless with the express permission of the governmental agency having jurisdiction over such right-of-way or easement.
- e. Pole signs in excess of twenty (20) feet in height.
- f. Beacons **AND SEARCH LIGHTS.**
- g. Signs made of paper, cardboard, **PLASTIC**, or similar material affixed to the exterior of any building, ~~other than real estate signs in the RB, LB, PO and IND districts, not to exceed sixteen (16) square feet in sign face advertising the sale or rental of the premises on which the same is located.~~
- h. Signs which are illegal under State laws or regulations and applicable local ordinance or regulations.
- i. Signs that are not clean and in good repair, **OR THOSE WHICH ARE WORN, FADED, BROKEN, OR MISSING PARTS AND/OR FIXTURES.**
- j. Signs not securely affixed to a supporting structure.
- k. Signs that are not official traffic signs which appear to or attempt to regulate, warn or direct the movement of traffic which interfere with or resemble any official traffic sign, signal or device.
- L. PLASTIC CANOPIES/AWNING SIGNS INCLUDING PLASTICIZED, RIGID, CUBED OR CURVED CANOPIES/AWNING.**

M. REFLECTIVE SIGNS.

N. ROOF SIGNS.

O. SIGNS WITH MOVING PARTS.

P. FLAGS WITH A LENGTH THAT EXCEEDS ONE-QUARTER THE HEIGHT OF THE POLE FROM WHICH IT IS FLYING.

4. EXEMPT SIGNAGE. The following signs shall be exempt from the **SIGN PERMIT** requirements of this Section.

A. PERMANENT SIGNS

- 1) Any public notice, traffic control or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
- 2) Nameplates and **STREET** numbers identifying the occupant and locations of dwelling units, not to exceed two (2) square feet.
- 3) Any sign wholly located within a building and not visible from outside the building. This ~~does~~ **SHALL** not include window signs. ~~Holiday lights and decorations with no commercial message.~~
- 4) Works of art ~~that do not contain a commercial message.~~
- 5) Traffic control signs, incidental signs, **DIRECTIONAL SIGNS**, or menu boards ~~on private properties that do not contain a commercial message, including Stop, Yield, One Way, and similar signs. Provided that traffic control signs shall not exceed two (2) square feet in area and menu boards shall not exceed twelve (12) square feet in area.~~
- 6) Governmental historical designation signs **OR PLAQUES**.
Non-commercial flags up to twenty four (24) square feet in area.
~~Free standing for sale and for rent signs on real property, provided such signs do not exceed thirty two (32) square feet in area in the IND, AG, PO, LB or RB districts, or six (6) square feet in any other district.~~
~~One sign attached to a building or fence not to exceed two (2) square feet in area displaying such messages as "No Trespassing," "Beware of Dog," etc.~~
~~Political election signs with a maximum area of eight (8) square feet, provided such signs shall be temporarily erected not more than four (4) months prior to an election and such signs shall be removed not more than seven (7) days following an election.~~
~~Construction signage identifying a building project including the names of the developer, financier, and the various professionals and contractors involved. Such signage shall be allowed only during the time in which the development is actually under construction and shall not exceed thirty two (32) square feet in sign face. Such signage shall not be placed closer than four (4) feet from the edge of the right of way and shall not exceed ten (10) feet in height.~~

B. Temporary signs, banners and flags shall be allowed under the following conditions:

- 1) Temporary signs may be in use for ~~one (1) period not to exceed ninety (90) days in any three hundred sixty five (365) day period,~~
- 2) Flags, pennants and banners may be in continuous use for a **ONE (1)** period not to exceed ~~thirty (30) days in any one hundred twenty (120)~~ **180** day

period.

- 3) All temporary signs shall be securely affixed to permanent structures on the site and shall be located in accordance with the terms of this Section.
- 4) The total combined area of all temporary signs, and banners shall not exceed ~~sixteen (16)~~ square feet per street frontage, per use; nor shall more than two (2) temporary signs be permitted per street frontage per use, at any one time.
- 5) Such **TEMPORARY** signs must be kept in good repair.

~~6) Off-premise signs temporarily announcing community or charitable events may be placed for periods of not more than ten (10) days prior to the event and shall be removed not more than two (2) days following the event. In all cases, such off-premise signs shall not be placed in the right-of-way and shall not be located so as to obstruct clear vision of drivers or pedestrians. (Rev. 12/12/11).~~

- 7) **EXCEPT WHERE SPECIFICALLY AUTHORIZED IN THIS SECTION, TEMPORARY SIGNS SHALL NOT BE PLACED IN THE FOLLOWING LOCATIONS:**

- a) **WITHIN, ON, OR PROJECTING OVER THE ROAD RIGHT-OF-WAY.**
- b) **ON PUBLIC PROPERTY.**
- c) **ANY LOCATION THAT OBSTRUCTS THE VIEW OF ANY AUTHORIZED TRAFFIC SIGN, SIGNAL, OR OTHER TRAFFIC CONTROL DEVICE.**
- d) **AREAS ALLOWING FOR INGRESS TO OR EGRESS FROM ANY DOOR, WINDOW, OR ANY EXIT WAY REQUIRED BY THE BUILDING CODE OR FIRE DEPARTMENT REGULATIONS CURRENTLY IN EFFECT.**
- e) **OFF THE PREMISES OF THE BUSINESS TO WHICH THE SIGN REFERS.**
- f) **ON FUEL TANKS, STORAGE CONTAINERS, DUMPSTERS, AND SOLID/LIQUID WASTE RECEPTACLES OR THEIR ENCLOSURES, EXCEPT FOR A MANUFACTURER'S/INSTALLER'S IDENTIFICATION, APPROPRIATE WARNING SIGNS AND PLACARDS, AND OTHER INFORMATION WHICH IS REQUIRED BY LAW.**
- g) **TACKED, PAINTED, BURNED, CUT, PASTED OR OTHERWISE AFFIXED TO TREES, ROCKS, LIGHT AND UTILITY POLES, POSTS, FENCES, LADDERS, BENCHES, OR SIMILAR SUPPORTS THAT ARE VISIBLE FROM A ROAD RIGHT-OF-WAY OR EASEMENT.**
- h) **WHERE THE SIGN(S) COVER THE ARCHITECTURAL FEATURES OF A BUILDING, SUCH AS BUT NOT LIMITED TO DORMERS, PILASTERS, SOFFITS, TRANSOMS, TRIMS, OR OTHER ARCHITECTURAL FEATURE.**
- i) **ON THE ROOF OF A BUILDING.**

5. **SIGNS FOR ACCESSORY USES AND BUILDINGS.** Signs advertising **FOR** accessory uses as regulated by Section 221 of this Zoning Ordinance, or accessory buildings as regulated by Sections 205, **502**, or 603, shall meet all requirements of this Section. Provided, however, that such accessory uses or buildings shall

not cause an increase in the number of signs or the total permitted signage permitted on any parcel.

~~6. ILLUMINATION AND SOUND: Illuminated signs and signs which emit sound are permitted only as set forth herein.~~

- ~~1) All illumination of signs and any other outdoor features shall not be of a flashing, moving, or intermittent type. For the purposes of this section, illumination shall be considered flashing, moving or intermittent if it changes in intensity, luminosity, color or message, or if the message text or image shifts on the sign face, more frequently than once every thirty (30) seconds. This section shall apply to all illuminated signs, including but not limited to, changeable copy signs, electronic message boards, light emitting diode (LED) or liquid crystal display and other video type display signs, lighted marquee signs, and any other internally or externally lit signs.~~
- ~~2) Illumination of signs shall be directed or shaded so as not to interfere with adjacent highways or adjacent property and shall not exceed either ten (10) footcandles measured four (4) feet perpendicular to any point on the sign face or one-half (1/2) foot candles measured at any property line.~~
- ~~3) Any sign or other outdoor advertising which includes loudspeakers or other sound emitting devices shall be designed such that no sound in excess of 40 decibels shall carry beyond the property line on which the sign is located.~~

~~7. CONTINUATION OF LEGAL NONCONFORMING SIGNS: A legal nonconforming sign may be continued and shall be maintained in good condition, but it shall not be:~~

- ~~1) Converted to another nonconforming sign by hanging copy;~~
- ~~2) Expanded or altered so as to increase the degree of nonconformity of the sign;~~
- ~~3) Re-established after its discontinuance for two hundred and seventy five (275) days;~~
- ~~4) Continued in use after cessation or change of the business or activity to which the sign pertains; or~~
- ~~5) Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty percent (50%) of the appraised replacement cost, as determined by the Zoning Administrator.~~

~~8. ERECTION OF NEW SIGNS WHERE LEGAL NONCONFORMING SIGNS EXIST:~~

- ~~1) On lots where an existing sign exceeds the sign area allowed by this Section, and in that respect is a legal nonconforming sign, no new sign, either freestanding or building-mounted sign shall be erected until such existing legal nonconforming sign is brought into compliance with this Section.~~
- ~~2) When a use or parcel that includes legal nonconforming signs is subject to Site Plan Review under Section 820, all signs and sign structures shall be brought into compliance with this Section 215 as a condition of site plan approval.~~

6. PERMITTED SIGNAGE.

A. RESIDENTIAL, AGRICULTURAL AND RURAL DISTRICTS. Unless otherwise regulated **ABOVE OR** pursuant to Article Six of this ordinance, in the LDR, MDR, HDR, MHC, AG, LA, NA, BR, and RR, signage shall be **ALLOWED SUBJECT TO A SIGN PERMIT** permitted, as follows:

Land Uses	Permitted Sign Types	Number of Signs Permitted	Max. Sign Area	Conditions and Standards
Home Occupation Bed & Breakfast Day Care, Group Adult Foster Care, Group Lodging & Boarding House All other uses permitted in the LDR, MDR, HDR, MHC, AG, LA, NA, BR and RR districts and not otherwise listed in this table	Building Mounted or Free Standing	1	4 sq. ft.	Free standing signs shall not be placed closer than 15 feet from the street, shall not be illuminated and shall not exceed six (6) feet in height.
Gravel Pit Subdivision, all types Multiple Dwellings Manufactured Housing Community	Ground	1	24 sq. ft.	Ground signs shall not be placed closer than 15 feet from the street, shall not be greater in height than six (6) feet and, if illuminated, lighting be downcast and shielded and restricted to 100 watts from all sources.

Land Uses	Permitted Sign Types	Number of Signs Permitted	Max. Sign Area	Conditions and Standards
ALL USES PERMITTED IN THE LB, AS, AND PO DISTRICTS.	FREE STANDING, POLE OR GROUND SIGN	1	50 SQ. FT. FOR GROUND SIGN OR 40 SQ. FT. FOR POLE SIGN	POLE AND GROUND SIGNS SHALL NOT BE PLACED CLOSER THAN 10 FEET FROM THE STREET, SHALL NOT BE LOCATED IN THE SIDE YARD SETBACK EXTENDED TO THE STREET. POLE SIGNS SHALL NOT EXCEED TWENTY (20) FEET IN HEIGHT AND GROUND SIGNS EIGHT (8) FEET IN HEIGHT.
All uses permitted in the LB, RB, AS, and PO districts and not otherwise listed in this table and properties in the EBC district with at least 100 feet of frontage on Hammond or Three Mile Roads.	Free Standing, Pole or Ground Sign	1	120 80 sq. ft. FOR GROUND SIGN OR 60 SQ. FT. FOR POLE SIGN.	Pole and ground signs shall not be placed closer than 10 feet from the street, shall not be located in the side yard setback extended to the street. and POLE SIGNS shall not exceed twenty (20) feet in height AND GROUND SIGNS SIX (6) FEET IN HEIGHT.
Subdivision, all types	Ground	1	24 sq. ft.	Ground signs shall not be placed closer than 15 feet from the street, shall not be greater in height than six (6) feet and, if illuminated, lighting be downcast and shielded and restricted to 100 watts from all sources.

Land Uses	Permitted Sign Types	Number of Signs Permitted	Max. Sign Area	Conditions and Standards
USES BACKING UP TO THE TART TRAIL.	FREESTANDING GROUND SIGN	1	8 SQ. FT.	GROUND SIGNS SHALL BE PLACED NO CLOSER THAN FIVE (5) FEET FROM THE TRAIL EASEMENT.
All uses permitted in the EBC district and not otherwise listed in this table	Free standing Ground Sign, pole signs shall be prohibited	1	40 square feet	Ground signs shall not be placed closer than 10 feet from the street, shall not be located in the side yard setback extended to the street and shall not exceed eight (8) feet in height.
All uses permitted in the LB, RB, EBC, AS and PO districts not otherwise listed in this table	Building Mounted	No limit on number of building mounted signs, other than maximum area	Lesser of 20% of the area of the wall it is mounted on or 100 square feet for all wall signs.	

AND...

11. C. INDUSTRIAL DISTRICT (IND): Unless otherwise regulated pursuant to Article Six of this ordinance, in the IND district, signs shall be permitted and/or meet the following conditions:

Land Uses	Permitted Sign Types	Number of Signs Permitted	Max. Sign Area	Conditions and Standards
Subdivision, all types	Ground	1	50 40 Sq. ft.	Ground signs shall not be placed closer than 15 feet from the street, shall not be greater in height than six (6) feet and, if illuminated, lighting shall comply with subparagraphs 7, a and b, of this section.

Land Uses	Permitted Sign Types	Number of Signs Permitted	Max. Sign Area	Conditions and Standards
All uses permitted in the IND district and not otherwise listed in this table	Free Standing Sign	1	40 square feet	Ground signs or Pole signs shall not be placed closer than ten (10) feet from a street and shall not be located in a side yard setback extended to the street. Ground signs shall not exceed six (6) feet in height and, if illuminated shall comply with subparagraphs 7, a and b, of this section. Pole signs shall not exceed twenty (20) feet in height.
	<div style="text-align: center; border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">AND</div> Building Mounted Sign	1	Lesser of 20% of the area of the wall it is mounted on or 80 square feet for all wall signs	

Section 1420 S

Add or amend the following definitions:

SIGN, CONSTRUCTION; SIGN, POLITICAL; and SIGN, REAL ESTATE, all to be deleted as they pertain to content.

Replace the political sign reference under SIGN, TEMPORARY.

Revise the definition for SIGN, DIRECTIONAL to the following:

SIGN, DIRECTIONAL: **ON-SITE** signs limited to directional messages, principally for **WHICH DIRECT** pedestrian, **BICYCLE**, or vehicular traffic. ~~such as "one way," "entrance," and "exit."~~

Add a definition for SIGN, AREA: The entire advertising area of a sign measured by a rectangle around the outer most portion of the sign face.

Supreme Court ruling on sign regulation has major implications for all local governments

The decision means many, if not all, sign regulations in Michigan will need to be reviewed and likely changed if the municipality wants to reduce legal risks.

Posted on **June 29, 2015** by **Brad Neumann** (http://msue.anr.msu.edu/experts/bradley_neumann_1), Michigan State University Extension

In the case *Reed et al. v. Town of Gilbert, Arizona, et al.* ([pdf](#)), (No. 13-502, June 18, 2015), the United States Supreme Court ruled 9-0, regulations that categorize signs based on the type of information they convey (e.g. temporary, political and ideological) and then apply different standards to each category are content-based regulations of speech and are not allowed under the First Amendment to the United States Constitution.

In this case, Gilbert, Arizona has sign regulations that prohibit the display of outdoor signs without a permit, but exempts 23 categories of signs, including the three relevant here:

- **Ideological Signs** are defined as signs “communicating a message or ideas” that do not fit in any other category and may be up to 20 square feet without placement or time restrictions.
- **Political Signs** are defined as signs “designed to influence the outcome of an election” and may be up to 32 square feet, but may only be displayed during an election season.
- **Temporary Directional Signs** are defined as signs directing the public to a church or other “qualifying event” and include greater restrictions: No more than four of the signs, limited to six square feet, may be on a single property at any time, and signs may be displayed no more than 12 hours before the “qualifying event” and 1 hour after.

Petitioners, Good News Community Church and its pastor, Clyde Reed, whose Sunday church services are held at various temporary locations in and near Gilbert, posted signs early each Saturday bearing the Church name and the time and location of the next service and did not remove the signs until around midday Sunday. The Church was cited for exceeding the time limits for displaying temporary directional signs and for failing to include an event date on the signs. Unable to reach an accommodation with the Town, petitioners filed suit, claiming that the sign regulations limited their freedom of speech. The United States District Court denied their motion for a preliminary injunction, and the Ninth United States Circuit affirmed, ultimately concluding that the sign categories (the three noted above) were content neutral.

Upon appeal, the United States Supreme Court held the sign provisions are content-based regulations of speech – the categories of temporary, political and ideological signs are based on their messages and different restrictions apply to each category. As such, the restrictions depend entirely on the sign’s communicative content and are unconstitutional.

Courts have long ruled that government cannot regulate the content of signs because doing so could violate the right to free speech contained in the First Amendment. In reviewing government regulations, the Supreme Court applies various ‘tests’ for the constitutionality of a regulation. When

a regulation is challenged based on its free speech content, the Court applies the strict scrutiny test, which means the regulation must be for a compelling governmental interest and the regulation must be narrowly tailored to serve the governmental interest. In *Reed et al.*, the Town of Gilbert did not demonstrate that the differentiation between the various types of signs – temporary, political and ideological – furthered a compelling governmental interest. The Supreme Court wrote “The town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the town when other types of signs create the same problem. Nor has it shown that temporary directional signs pose a greater threat to public safety than ideological or political signs.”

It is fairly common (although unconstitutional) for communities to have definitions and/or regulations that classify signs, based on the message being communicated, into categories such as those subject in this case. Typically, regulations will refer to ‘open’ signs or ‘political’ signs and have distinct standards for both. In order to reduce the chance of an adverse lawsuit, local governments will want to review their sign regulations with their municipal attorney very carefully to determine whether any regulation(s) in their ordinance(s) might be content-based. If the ordinance can be implemented without reading the message of the sign, then the regulations are content-neutral. That is what the Court says is minimally necessary. However, local governments must go further and also make sure the underlying governmental purposes of the regulations are compelling. The Town of Gilbert failed to prove to the satisfaction of the Supreme Court that the underlying governmental purposes of traffic safety and aesthetics are compelling. The Court did not say it was impossible to make such a showing, only that the Town had failed to do so in this case. The Court also said there were ample content-neutral ways of achieving traffic safety that would pass constitutional muster.

In reviewing local regulations, it will be helpful to refer to the [Michigan Sign Guidebook: The Local Planning & Regulation of Signs](http://www.scenicmichigan.org/guidebook_2011.html) (http://www.scenicmichigan.org/guidebook_2011.html) prepared by the [Planning & Zoning Center](http://www.pzcenter.msu.edu/) (<http://www.pzcenter.msu.edu/>) at [Michigan State University](http://msu.edu/) (<http://msu.edu/>) for [Scenic Michigan](http://www.scenicmichigan.org/) (<http://www.scenicmichigan.org/>) (for a summary of the Michigan Sign Guidebook, see [Sign regulation guidebook helps communities find their way](#) ([/news/sign_regulation_guidebook_helps_communities_find_their_way_part_1](#))).

[Michigan State University Extension](#) ([/](#)) [land use educators](#) ([/program/info/land_use_education_services](#)) are available to deliver training programs on sign regulation based on the Michigan Sign Guidebook.

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U.S. Supreme Court Ruling Impacts Sign Regulations

Introduction

On June 18, 2015, the U.S. Supreme Court decided the case of *Reed v Town of Gilbert, AZ* and held the town's sign ordinance unconstitutional. In this case, the town regulated a church's temporary directional signs differently than other noncommercial signs (e.g., political signs and ideological signs). For example, while the town of Gilbert allowed non-profit event signs to be displayed for 12 hours prior to the event and one hour after the event, the town allowed political signs to be displayed for an unlimited length of time prior to an election and required to be removed 10 days after the election. The Supreme Court found that these types of distinctions that are based on the content of the sign favored certain types of signs (i.e., speech) and violated the First Amendment of the U.S. Constitution. An important rule from this case is: If you need to read the message on a sign to determine how it is regulated, then the regulation is content-based.

How Are My Community's Sign Regulations Impacted?

Reed left many unanswered questions regarding a municipality's authority to regulate signs based on commercial content or off-premise content. However, it is clear that sign regulations must strive for as much content neutrality as possible and that signs should not be regulated based on the content of the message or the speaker. For example, many sign ordinances have different regulations for signs based on the content of the sign, such as: real estate signs, political signs, special event signs, garage sale signs, and gas station signs. Now that the Supreme Court has ruled against these types of distinctions, many communities are at risk of costly and unnecessary litigation.

What Should My Community Be Doing Right Now?

In Michigan, most communities regulate signs in their zoning ordinances in accordance with the Michigan Zoning Enabling Act. However, some communities have a separate sign ordinance that is not included in its zoning ordinance. In either case, every community should take the following steps to address content neutrality in their sign regulations:

Step 1: Conduct a Technical Audit of all Sign Regulations in your Ordinances. Almost all communities have definitions and standards for signs based on the content of the message, including: construction signs, religious signs, garage sale signs, theater signs, time/temperature signs, help wanted signs, directional signs, special event signs, and the like. All communities should conduct a thorough technical audit of their sign regulations and identify any content-based provisions, i.e. provisions that regulate signs based on the message, the speaker, or an event.

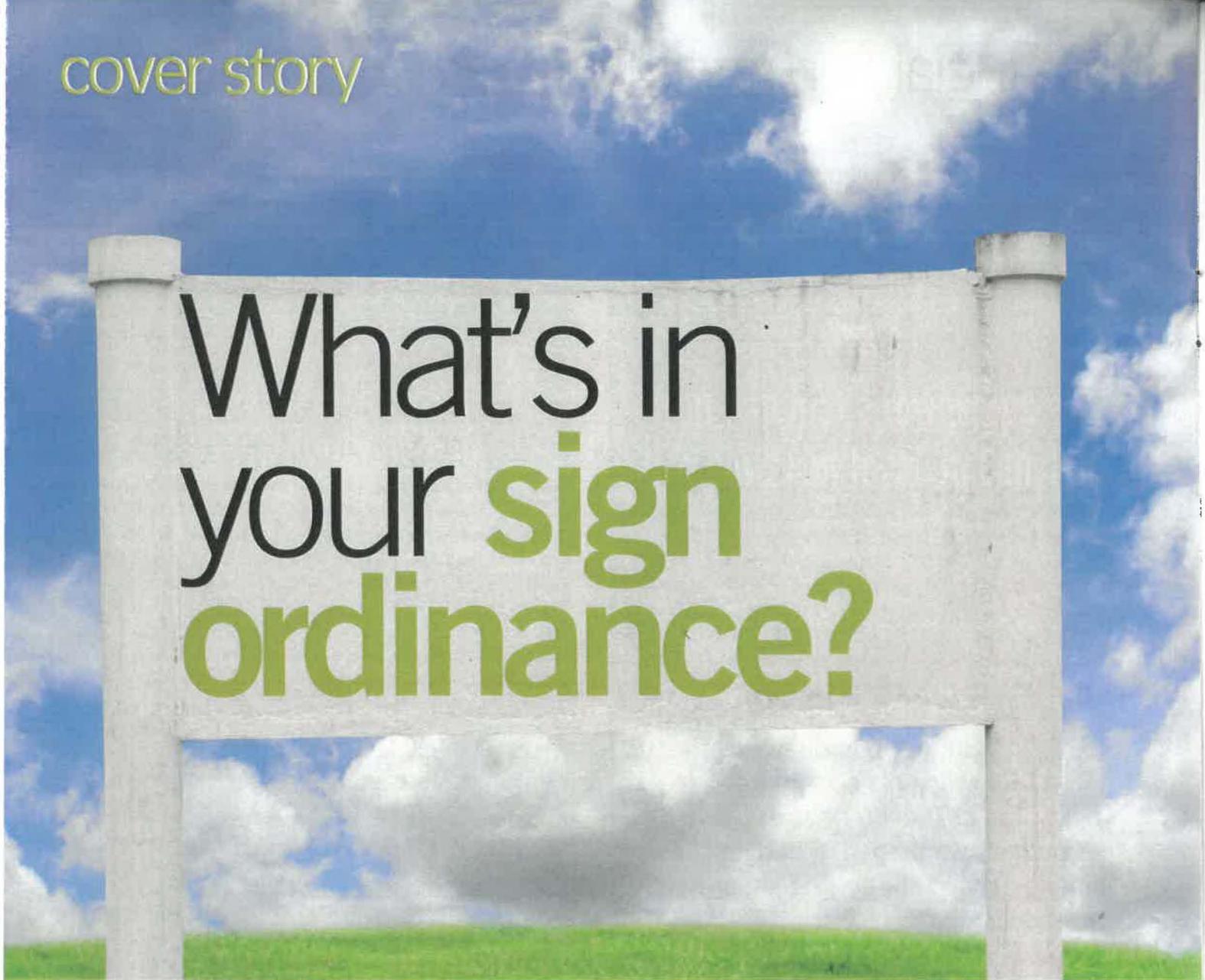
Step 2: Discuss Sign Regulations with your Municipal Attorney. Because *Reed* impacts every sign ordinance in the U.S., your municipal attorney should advise you on how much content neutrality is required in your community's sign regulations and make officials aware of any legal risks. The legal community is aware of the implications (and uncertainty) created by the *Reed* case, and it is essential for you to engage the advice of your municipal attorney early in the review process. Your municipal attorney can also advise you on enforcing (or not enforcing) existing sign regulations that are legally questionable. Finally, your municipal attorney should review any proposed amendments to your sign regulations and inform you of potential risks.

Step 3: Initiate and Adopt Amendments to your Sign Regulations. After identifying content-based provisions in your local sign regulations and reviewing them with your municipal attorney, draft text revisions that will comply with the First Amendment and reflect your community's character. Communities may still regulate the non-content aspects of signs, including sign height, area, form, materials, separation, placement, lighting, frequency of message changes, moving parts, and portability. Sign regulations reflect a community's physical character and impacts the value of the highly visible commercial development (tax base) that fronts most major thoroughfares. Therefore, the sign regulations must clearly communicate the aesthetic standards of your community.

This publication was written by Patrick Sloan of McKenna Associates



Signs of the Good News Presbyterian Church placed temporary event signs throughout the town of Gilbert advertising its upcoming services. Because of the content of the message, the town regulated these temporary event signs differently than other non-commercial signs, such as political signs. A more appropriate regulation would have been to limit temporary signs based on content-neutral factors such as sign area, height, number per lot, setback from property line, and proper maintenance.



What's in your sign ordinance?

Until recently, anyone who wanted to place a sign in **Hamburg Township** (Livingston Co.) had to read through a complicated ordinance to figure out how to do it properly.

Garage sale signs could be a certain size and placed in one location, while community event signs had different requirements. The ordinance was also ambiguous and left too much up to the discretion of township officials. So when Planning and Zoning Director **Scott Pacheco**, AICP, was hired, he knew it was time for an update.

Pacheco had already taken the idea to both the township board and the planning commission when a major court decision shook up the entire concept of municipal sign ordinances. The U.S. Supreme Court ruled that regulating signs based on their content—not just an ideological

message, but even words such as “for sale”—might be a violation of the First Amendment right to free speech. From that point forward, all sign ordinances had to be content-neutral, in great measure meaning no signs can be regulated based on what they say. That meant that Hamburg Township’s sign ordinance—and, according to attorneys, most other local units of government—would need major changes.

Today, Hamburg Township is one of the first Michigan townships to approve what the board believes is a completely content-neutral sign ordinance. On Sept. 6, the board

approved an ordinance that attempts to strike the difficult balance of preventing sign clutter while also regulating solely by size, location and physical characteristics. It's new territory for the township—and for local governments throughout Michigan and the United States.

Regulating signage is an important job for township planning and zoning officials, as well as the township board. Signs don't just impact your township's appearance—they can also affect safety. It's up to your township to make sure signs are at a proper setback from the road and don't distract drivers. But because of the 2015 U.S. Supreme Court decision—*Reed vs. Town of Gilbert, Ariz.*—virtually every township must now reconsider how it accomplishes this job.

A group of attorneys is currently working to create a model ordinance or guidelines for municipalities—including MTA Legal Counsel Catherine Kaufman, attorney at Bauckham, Sparks, Thall, Seeber & Kaufman, PC. The group hopes to release some kind of guidance by the end of the year. Until then, townships should take another look at their sign ordinance and ask for assistance from their attorney.

"It's important for townships to understand that they need to look at their sign regulations and try to identify if they are content neutral," Kaufman said. "They should ask for assistance from their township attorney or from a municipal attorney. It's likely they're going to need some changes."

Keeping your township beautiful

Nonprofit organization Scenic Michigan has long advocated for the regulation of signs as a way to preserve a community's appearance and character. Larry Keisling, a Scenic Michigan board member and former planning director for the City of Troy, believes that while signs are necessary, too many of them in one small area make a community look cluttered, whether it's a downtown or a wooded countryside. If sign sizes and setbacks aren't regulated, they can put drivers and pedestrians alike at risk. At the same time, businesses, nonprofits and anyone with an event to advertise count on signs to let the public know about their event or product. Signs are crucial in political campaigns. And some homeowners just like to place signs in their yard to convey a general message.

Most townships have some kind of sign ordinance, which is generally done through the township's zoning, though it's also possible to regulate by police power ordinance. The goal in most cases is to allow people, businesses and organizations to advertise and exercise their right to free speech while also keeping their township from being covered in out-of-control signage. Most ordinances control signs by setting limits on their size, height, location and setback from the road.

While this sounds simple, sign ordinances tend to be complicated. It's a common practice to categorize temporary signs by their content and then regulate them differently.

For example, garage sale signs, political signs and real estate signs might all have their own set of requirements for their size and how long they can be displayed.

Courts have upheld ordinances that follow these guidelines, recognizing traffic safety, blight and even aesthetics as legitimate concerns for local units of government.

But signs are more than a land use issue. Signs are protected by the constitutional right to free speech because they express a message—even if that message is only the time and date of an event. Most townships and municipalities in general have taken the right to free speech to mean that one message can't be treated less favorably than another, regardless of the religious, political or other sentiment it conveys.

"It's important for townships to understand that they need to look at their sign regulations and try to identify if they are content neutral. It's likely they're going to need some changes."

—MTA Legal Counsel Catherine Kaufman,
Attorney, Bauckham, Sparks, Thall,
Seeber & Kaufman, PC

Some violations are obvious—if your sign ordinance does not allow religious signs or bans certain political signs, that's a clear First Amendment violation. But last year, a U.S. Supreme Court decision took the concept of "content neutrality" much further. The crux of the decision is this: If you must read a sign in order to determine if it's permitted, there is a serious question of whether your sign ordinance is not content-neutral. That means if your township has different regulations for real estate, political or garage sale signs, you could be in violation.

The decision

In Gilbert, Ariz., a small church that met in elementary schools and other public buildings used temporary signs to advertise its services. The town's sign ordinance did not allow outdoor signs without a permit but made an exception for 23 different types of signs. One of these types was temporary directional signs. The ordinance required that temporary directional signs only be displayed for certain amounts of time before and after an event and must include the date of an event. Church members were responsible for making sure the signs were posted on Saturday and then taken down on Sunday afternoon. However, when the church failed to take



It's a common practice to categorize temporary signs by their content and then regulate them differently. For example, garage sale signs, political signs and real estate signs might all have their own set of requirements for their size and how long they can be displayed.

down the signs on time, the town's sign code compliance manager cited the church, as well as for failure to display the date of the event.

Clyde Reed, the church's pastor, filed a lawsuit claiming that the town abridged the church's freedom of speech. The lawsuit started in the United States District Court for the District of Arizona and was eventually appealed all the way to the U.S. Supreme Court.

At the heart of this issue is the level of scrutiny to which the court would subject a case, said Gerald Fisher, professor at Western Michigan University Cooley Law School. If speech regulation is not content neutral, it's subject to the court's highest level of scrutiny, called strict scrutiny. Under strict scrutiny, the burden is on the local unit of government to prove that the regulation involved is designed to achieve a compelling government objective. The local unit must also prove that the regulation is the least restrictive way to achieve that objective. Essentially, it's the opposite of "innocent until proven guilty"—the local unit's action is presumed to be unconstitutional unless it can prove otherwise.

"If you think about all of that put together, it's just unbelievable," Fisher said. "The burden is really, really hard. The result is once a circumstance gets into strict scrutiny, the local government almost always loses."

The court ruled that sign ordinances like the town of Gilbert's are not content-neutral and therefore subject to

strict scrutiny. This is the case regardless of the local unit's motives or justifications. Under this strict scrutiny, the court ruled that there was no compelling interest for having different regulations for ideological, political and directional signs, including limits to their size and time period. This applies not just to temporary signs but also to commercial, business and residential signs.

"The sign code is content based on its face," the court wrote in its ruling. "It defines the categories of temporary, political and ideological signs on the basis of their messages and then subjects each category to different restrictions. The restrictions applied thus depend entirely on the sign's communicative content. Because the code, on its face, is a content-based regulation of speech, there is no need to consider the government's justifications or purposes for enacting the code to determine whether it is subject to strict scrutiny."

It's important to note that the Supreme Court is considering the type of sign a form of content. According to the ruling, a sign ordinance that has regulations for different sign categories is considered content based. Even categorizing a sign based on the most basic words is a form of content-based regulation under the ruling. It does not matter if your township agrees or disagrees with a message. The question is whether your ordinance is content based "on its face."

What is permissible?

The court ruling argues that local units of government can still enact effective sign laws that are content neutral. For example, they could regulate size, building materials, lighting, moving parts and portability. It's also possible that they could ban postings on public property, as long as this was done in a content-neutral manner. The *Reed* opinion notes that signs might survive strict scrutiny if an ordinance is designed to protect the safety of pedestrians, drivers and

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passengers, such as warning signs marking hazards on private property or signs directing traffic.

"It becomes pretty clear that what communities need to strive for is regulating in a way that will not be content related but instead be content neutral," Fisher said. "That's going to be one of the big hurdles that will need to be accomplished."

Justice Samuel Alito wrote a concurring opinion that outlines a specific list of possible rules that townships and other local units of government could use to regulate signs in what the court has found to be a content-neutral way. For example, your township could prohibit lighted or electronic signs with messages that change, or limit where such signs can be located. Size and location can still be regulated, and rules that distinguish between freestanding signs and those attached to buildings are allowed. Your township could even restrict the total number of signs allowed per mile of roadway. (See sidebar article on page 22 for the complete list from Alito's opinion.)

Alito also pointed out in his opinion that government entities may also put up their own signs if they're consistent with the principles that allow government speech. "Properly understood, today's decision will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate esthetic objectives," Alito wrote in his opinion.

What does it mean for you?

In a way, the U.S. Supreme Court ruling takes a notoriously complicated ordinance for townships and simplifies it. Your ordinance can no longer include a laundry list of subject-matter sign types with different size, height, location and time requirements for each of them.

But what exactly does this look like for townships? So far, that's still a work in progress. There are no model ordinances yet, and Kaufman's group is in the process of putting together guidelines to help municipal attorneys draft ordinances. Most municipalities are waiting on a major overhaul of their sign ordinance until the guidance is released.

Hamburg Township, however, had an advantage—Pacheco already had experience with content-neutral sign ordinances. As a planner in California, he helped put together a sign ordinance that met those very requirements.

The township's old ordinance included categories of signs such as construction, directional, temporary community events and garage sales. The new ordinance approved by the Hamburg Township board instead categorizes signs based on their physical characteristics, such as awning signs, animated signs, decorative displays and electronic display signs. Each type of sign is clearly defined and includes a picture of examples to help avoid confusion.

The new ordinance outlines general conditions and design criteria that all signs must meet, many of which are meant to help protect public safety. Signs cannot restrict the view of motorists, for example, and they can't be located where

they would keep people from escaping from a door, window or fire escape in case of an emergency. Other guidelines take aesthetics into consideration, such as only allowing signs in vacant lots under certain circumstances outlined in the ordinance. No signs can purposely distract drivers from the road, signs with messages that change cannot flash messages faster than once every 10 seconds, and illuminated signs can't be lit after 10 p.m. or half an hour after the use of the site ends.

All of these regulations help to protect the welfare and character of the community, and you don't have to read a sign to enforce them.

Hamburg Township chose not to place limits on the number of signs allowed in an area, even though it's permitted by the Supreme Court ruling. Keeping track of whose sign was placed first would be complicated and difficult to prove, Pacheco said.

"What we tried to do was keep the sizes and the requirements of the original ordinance, and just get rid of the content-based regulations," Pacheco said.

As a planner, Keisling said he has recommended eliminating content-based policies from sign ordinances for more than 14 years, as indicated in the Scenic Michigan report, *Recommended Elements of a Sign Ordinance*. He advises local units to allow everyone to have a sign, for better or worse, and simply control the size, height and location. Even in residential areas, he recommends allowing signs but



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Possible sign regulations

The 2015 U.S. Supreme Court decision, *Reed vs. Town of Gilbert, Ariz.*, greatly impacted how townships can regulate signs in their communities. In a concurring opinion, U.S. Supreme Court Justice Samuel Alito provided local units of government with a detailed list of possible ways in which they may regulate signs without basing those regulations on content. While it is not a comprehensive list, the following are a few possible ways to regulate signs.

- 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. Rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed.



Experts recommend that township sign ordinances avoid any kind of yard sign regulations that could be even remotely construed as content-based. Many yard signs are ideological—whether political, religious or otherwise—and could land your township in trouble if the homeowner feels targeted due to his or her beliefs.

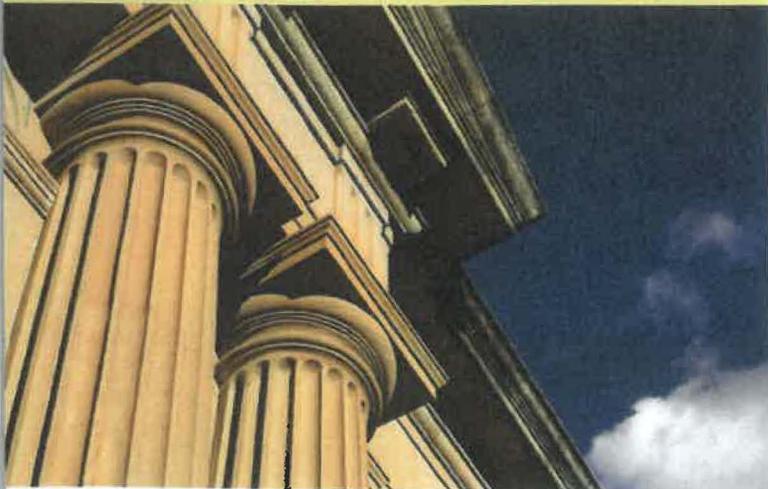
restricting a maximum area and height. By only regulating the location, size, physical characteristics, setbacks from the road and spacing, your township can still avoid clutter and protect drivers and pedestrians from potential hazards.

Keisling and Fisher both suggest avoiding any kind of yard sign regulations that could be even remotely construed as content-based. Many yard signs are ideological—whether political, religious or otherwise—and could land your township in trouble if the homeowner feels targeted due to his or her beliefs.

Planning is key

Considering the helpful suggestions provide in Justice Alito's concurring opinion in *Reed*, there may well be circumstances in which a township could regulate content and still prove that it was due to a compelling interest, though this would be very hard to do, Fisher said. If your township can prove that the predominant reason for regulating a sign has nothing to do with the speech, and the speech just happens to be coincidentally impacted, it's possible you could win if the issue was taken to court.

"What this case did that made things more difficult is it said, we're not just going to accept a statement from the government that what they're doing is important," Fisher said. "We're really going to have to look at it and make the decision."



Having an updated township master plan is crucial to proving a compelling interest, Fisher said. The court has recognized that protecting traffic safety, maintaining property values and identifying buildings for fire departments are all important objectives. If these objectives are clearly spelled out in your master plan, it will be easier to prove that the township is seeking to achieve important non-speech objectives.

At this point, it's unclear whether aesthetics alone are enough to defend a sign ordinance accused of being content-based. Experts lean toward avoiding this as a defense and waiting on guidance as more communities overhaul their zoning ordinances and encounter issues. Your township can still go a long way toward protecting its appearance and character by banning certain types of signs, regardless of their content. For example, Hamburg Township does not allow roof signs or animated signs with moving mechanical parts.

Can any content be regulated?

While profanity is still a protected form of speech, obscenity is not. Hamburg Township included in its ordinance a statement prohibiting any signs that include obscene material, whether it's statements, words or pictures. However, the court does have a complicated test in order to determine if an expression is obscene or merely profane.

Where do townships go from here?

Kaufman urges townships to contact their attorney about enforcing their ordinances. It's also a good idea to start analyzing your sign ordinance and looking for problem areas. Set any of your township's intentions and your background knowledge aside and consider each aspect of your ordinance at its face value. Does your ordinance require you to read a sign in order to enforce it? If the answer is yes, that part of your ordinance might need to be rewritten.

The basic principles of sign regulation must be reconsidered. However, location and physical characteristics such as height, size, setbacks and lighting are all fair game for regulation. But your township should take extra care to ensure that nothing in your ordinance is based on content—and that every rule and restriction is there for a defensible purpose.



Bethany Mauger,
MTA Staff Writer

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FULL TILT: WHEN 100% OF CARS ARE AUTONOMOUS

What happens to roadkill or traffic tickets when our vehicles are in control?

NOV. 8, 2017

Cities Without Signs

Your Autonomous Dealer

Picturing the Self-Driving City

Policing With No Tickets

The Augmented-Reality Windshield

The Rise and Fall of Aquacars

The Seizure of Commuting Time

The End of Roadkill

Nonstop Teenage Party

SO, WOW, IMAGINE we get there: total autonomy. Manual driving is outlawed. Our cars are better drivers than we ever were. And not only that, they coordinate with one another in an elegant choreography, threading through traffic with inches to spare. Parking becomes parkland, because no cars ever stay still for long; they stop only to recharge themselves as needed. If you choose, you can just hang out at home and let the robocars bring you everything you need. But even if that future does arrive, it would come with a trunkful of nagging questions. What does it feel like to live in that world? And how does 21st-century society — which has been built, in ways large and small, around human drivers — change and reconfigure when they all become mere riders? In the pages that follow, we begin to wonder at some answers.

Cities Without Signs

BY CLIVE THOMPSON

STREET SIGNAGE IS the iconography of the automobile age. It's like highly functional pop art: silhouettes of schoolchildren, white arrows, rectangular cries of WRONG WAY and, most central of all, the ubiquitous stoplight. The traffic light

might be the first part of that iconographic world to be transformed, or vanish altogether, once we are fully in the age of autonomous cars. Robots, after all, won't need signs to optimize the way they move through urban landscapes.

Urban-transportation experts have been busily creating computer simulations to show how this might work. In one model, each crossroads would have an "intersection manager," a computer that senses the approaching traffic and uses wireless communication to talk to the oncoming cars. When each self-driving car is perhaps 300 yards away, it sends a request to the intersection manager — to turn right, say, or to move on through. The intersection manager then does an on-the-fly calculation

to route that vehicle most efficiently, like an omnipotent and tireless traffic cop.

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The result? A ballet of cars whizzing and weaving past one another in the intersection. Some slow down as they approach; others pass straight through. But crucially, compared with today's intersections, many fewer cars come to a complete halt.

This could significantly speed up traffic throughout an entire city. Peter Stone, a computer scientist at the University of Texas at Austin who works with one model, has found that the "delay" time at intersections shrinks remarkably. "Right now, it takes me an average of 20 minutes to get to work, but with autonomous-car intersections, it might be half that time," he says. Safety would be enhanced, too: Forty-three percent of car crashes in the United States occur at intersections, and Stone predicts that robot vehicles would crash only if there was a mechanical error. Better yet, autonomous intersections could produce an estimated 20 to 50 percent less carbon dioxide, because there would be fewer idling cars and jack-rabbit starts. "That's the most expensive and most polluting part of driving," says Remi Tachet des Combes, a mathematician who created robot-intersection models while at the Massachusetts Institute of Technology.

For the human passenger, though, a robotized intersection could be mildly terrifying — like flying through a crowded asteroid belt, trusting the A.I. to find the right path. "At first I think it will be freaky," Stone admits. "Some people will need the window darkened so they don't freak out." But in the long run, we'll probably shrug, get used to it and barely look up from our games of Candy Crush as we zip through. And pedestrians? They would probably push a button at the intersection to request their turn — or even use a smartphone app.

More subtly unsettling, however, might be the spectacle of a city devoid of stoplights. Indeed, devoid of all major street signs: no huge billboards across highways naming the exits, no complex merge instructions. Those signs are expensive to build and maintain. They're designed for humans, and GPS-brained robots don't need them to know where they're going.

Certainly, human pedestrians and cyclists will still need guideposts, but as Stone suspects, far fewer, and smaller, ones.

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A world with almost no street signs would feel strange. It could make a city less cluttered and more attractive. But it might also leave us feeling unmoored. Social critics worry that GPS has already eroded our knowledge of the city; some studies have found that the more we rely on devices, the less we deeply intuit where we are and how to navigate on our own. “We become more helpless,” as Greg Milner, the author of “Pinpoint,” a history of GPS, told me. If robots rule the roads, we might get where we’re going a lot more quickly — but end up not knowing precisely where we are.

Clive Thompson is the author of “Smarter Than You Think: How Technology Is Changing Our Minds for the Better.”

Picturing the Self-Driving City

BY ANNA WIENER

MARSHALL BROWN, AN associate professor of architecture at the Illinois Institute of Technology, recently traveled to Ann Arbor, Mich., to visit the Mcity Test Facility, the University of Michigan’s 32-acre testing ground for automated vehicles. Mcity, which looks like a soundstage of a midcentury suburb, is

a simulator: It has no actual residents. Still, Brown found it “bizarre and frankly frightening” that it looked as though the track had been designed almost entirely by transportation experts, not urban planners or architects. He identified it as part of a larger problem: As technologists imagine the driverless world, they seem to be doing so with a distinct lack of imagination.

Brown is a creator of the Driverless City Project, an interdisciplinary research initiative at I.I.T. that takes a playful, rigorous approach to envisioning the fully autonomous future. The project helps participants generate various situations for a city in order to determine how autonomous cars will fit into the picture. Central to the project is a “mind map” representing the group’s research, organized into four areas of