



Waganakising Odawak

Little Traverse Bay Bands of Odawa Indians

Office of Tribal Chairperson

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SIGN CODE REGULATIONS

REG-WOS 2009-007

- I. Purpose of Regulations.** Description and Purpose. This Article is intended to regulate the size, number, location and manner of display of signs within the LTBB Reservation in a manner consistent with the following purposes:
- A.** To protect and further the health, safety and welfare of the residents, property owners and visitors.
 - B.** To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract or confuse drivers, or are improperly secured or constructed.
 - C.** To conserve and enhance community character.
 - D.** To promote uniformity in the size, number or placement of signs within districts.
 - E.** To promote the economic viability of commercial areas by minimizing visual clutter and allowing for proper placement of signs to safely direct motorists to their destination.
 - F.** To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the desires of businesses and non-business uses to communicate by means of signs.
 - G.** To protect property values.
 - H.** To maintain and enhance the Reservation's aesthetic environment in a manner that is consistent with the public health, safety and welfare.
 - I.** To prohibit all signs not expressly permitted by this Article. No sign shall be erected, altered, placed, established, painted, created, or maintained within the Reservation except in compliance with the standards, procedures, and requirements of this Article.
- II. Definitions:** The following definitions of word use shall apply:
- A.** Words used in the present tense shall include the future.
 - B.** Words used in the singular number shall include the plural number and the plural the singular
 - C.** The word "**shall**" is mandatory and not discretionary.
 - D.** The word "**may**" is permissive.

- E.** All "**measured distances**" shall be to nearest foot. If a fraction is one-half foot (1/2') or less, the next full number below shall be taken.
- F.** "**Abandoned Sign**": A sign which no longer identifies or advertises a bona fide business, owner, lessor, person, service, product or activity, or for which no legal owner can be found.
- G.** "**Alteration**" (of sign): As used in this Article, the term "alteration" (or "alter," "altered" etc.) means any change in a sign, including, without limitation, any change in a sign's dimensions, shape, area, height, number or orientation of sign faces, structural support, location on the property, materials or lighting. A change solely in the wording of the copy of a sign shall not constitute an "alteration" for purposes of this Article, unless the result of the change would cause the sign to be reclassified to a type of sign that is subject to different or more restrictive regulation (e.g., a change from an on-premise to an off-premise sign).
- H.** "**Commercial Development**": An area where there are two or more adjacent lots which are restricted to commercial use and which are part of a common development plan whether developed simultaneously or in stages.
- I.** "**Commercial Message**": Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, locates or calls attention to a business, profession, product, service, or other commercial activity.
- J.** "**Community Service Group Sign**": A sign which displays the name or logo of an agency, organization or group whose primary purpose is to promote or provide community or public service, including, but not limited to, the Rotary Club, Jaycee's, Lion's Club.
- K.** "**Community Special Event Sign**": A sign, either portable or non-portable, displayed only for a limited time, to call attention to special events of interest to the general public which are sponsored by governmental agencies, schools or other groups which are non-profit and whose purpose is charitable, philanthropic, religious or benevolent.
- L.** "**Construction Sign**": A sign which identifies the owners, lenders, contractors, architects, and engineers of a project under construction, as well as the project itself.
- M.** "**Copy**": The wording on a sign surface in either permanent or removable letter form.
- N.** "**Dark Sky Compliant**": A designation given to outdoor lighting fixtures that meets the International Dark Sky Association's (IDA) requirements for reducing waste of ambient light. Lights that fall into this category have features like being fully shielded and fall within maximum wattage limits.
- O.** "**Directional Sign**": A sign which gives directions, instructions, or facility information for the movement of vehicles or pedestrians on the lot on which the sign is located, such as parking or exit and entrance signs, but not including a commercial message.
- P.** "**Freestanding Sign**": A sign not attached to a building or wall, which is supported by 1 or more poles or braces, or which rests on the ground or on a foundation resting on the ground.

- Q. "Governmental Sign"**: A sign erected or required to be erected by Tribe, or another body of government.
- R. "Light Trespass"**: Light Falling where it is not needed or wanted, typically across property lines.
- S. "Memorial Sign"**: A non-illuminated sign, tablet, or plaque memorializing a person, event, structure, or site.
- T. "Non-Commercial Sign"**: A sign, either portable or non-portable, without any commercial message. For example, a sign identifying a candidate for public office is a non-commercial sign.
- U. "Off-Premise Sign"**: A sign which relates to or advertises an establishment, product, merchandise, good, service or entertainment which is not located, sold, offered, produced, manufactured or furnished at the property on which the sign is located (including, but not limited to, billboards).
- V. "On-premise Sign"**: A sign which pertains solely to the use of the property on which it is located such as to an establishment, product, merchandise, good, service or entertainment which is located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.
- W. "Pole Sign"**: A freestanding sign, the bottom of which is more than 24 inches above the finished grade, and which is supported by a structure, poles, or braces which are less than 50 percent of the width of the sign.
- X. "Portable Sign"**: A sign that is not permanent or affixed to a building or structure and by its nature may be or is intended to be moved from one location to another, whether rented or owned, such as "A" frame signs or signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used for vehicular purposes in the normal day-to-day operations of the business.
- Y. "Real Estate Development Sign"** A temporary ground or wall sign listing the name of the project developers, contractors, engineers and architects on the site being developed or located at the entrance of a residential development under construction listing the name of the development and general information, such as the number and types of units to be built, price range and similar data.
- Z. "Real Estate Sign"**: A non-illuminated temporary sign pertaining to the sale, rent or lease of the property on which it is located.
- AA. "Residential Subdivision Sign"**: A sign identifying a recognized platted subdivision, site condominium project, multi-family development, or other residential development, which subdivision, project or development has been approved by the Tribe.
- BB. "Roof Line"**: For purposes of this Article, "roof line" means the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.
- CC. "Roof Sign"**: A sign erected above (or which extends above) the roof line of a building.

DD. "Sign": A device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of any business, establishment, person, entity, product, service or activity, or to communicate information of any kind to the public.

EE. "Accessory Sign" A sign which is accessory to the principal use of the premises and located on the same lot as the principal use.

FF. "Temporary Sign" Signs which advertise government projects, construction projects, real estate, or a commercial grand opening, which are not permanently affixed or attached to the ground or a structure, which can be removed without special handling

GG. "Wall Sign": A sign painted or attached directly to and parallel to the exterior wall of a building. A wall sign shall extend no greater than 12 inches from the exterior face of a wall to which it is attached, shall not project beyond the wall to which it is attached, and shall not extend above the roof line of the building to which it is attached.

HH. "Zoning Administrator": The individual appointed by the Tribal Chairperson to administer these regulations.

III. The Standards in this Article are determined to be the minimum necessary to achieve the above stated purposes.

A. Application of this Article.

- i. The Regulations contained in this Article shall apply to signs outside of the public right-of-way and on the property to which the standard or regulation refers, except when specifically stated otherwise. A sign may only be erected, established, painted, created or maintained in conformance with the standards, criteria, procedures, and other applicable requirements of this Article.
- ii. Unless otherwise stated in this Article, all determinations, findings, and interpretations shall be made by the Zoning Administrator or other appropriate officials called upon or designated by the Zoning Administrator.

B. Signs Prohibited. All signs not expressly allowed under this Article (unless exempted from regulation under this Article) are prohibited. Further, the following types of signs are expressly prohibited:

- i. Balloons, balloon signs, strings of light bulbs, pennants, streamers, banners, or flags, except for those items of a non-commercial nature not used for the purpose of commercial advertisement or those used for short term commercial advertisement of less than 30 days
- ii. Portable signs, except as allowed by this Article.
- iii. Any sign, including window signs, which have flashing, moving, oscillating or blinking lights (excluding time and temperature signs and barber pole signs, which are permitted).

- iv. Signs affixed to trees, rocks, shrubs, fences, utility poles or other similar features.
- v. Signs that are insecurely fixed, in need of repair, or signs which imitate official traffic signals or traffic directional signs or devices.
- vi. Signs, and sign structures, which advertise a business or service use that no longer occupies the premises and have not occupied the premises for 12 consecutive months.
- vii. Roof signs.
- viii. Pole signs.

C. Exempt Signs. The following types of signs are exempt from the provisions of this article, except for the Design, Construction, and Locations standards provided for herein:

- i. Governmental signs.
- ii. Memorial signs.
- iii. Cultural Signage
- iv. Signs for essential services which are two square feet or less.
- v. Community service group signs 2 square feet or less.
- vi. Nameplate signs One (1) per address of two (2) square feet or less.

D. Signs Not Needing A Permit. The following signs shall not require a permit, but **shall** be subject to all other applicable regulations:

- i. Directional signs not exceeding 2 square feet.
- ii. Construction signs of a temporary nature.
- iii. Signs for residential yard sales and residential garage sales.
- iv. Window signs.
- v. Flags.
- vi. Real Estate signs
- vii. Community special event signs

IV. Sign Permits and Application.

A. Permits Required. No sign requiring a permit as provided by this Article shall be erected, used, constructed or altered until a permit has first been obtained under this Section. A sign permit shall not be issued for a sign unless the sign fully complies with the requirements of this Article. The property owner shall at all times maintain in force a valid sign permit for any sign requiring a permit.

- B. Application.** Application for a sign permit shall be made to the Tribal Zoning Administrator and contain detailed drawings and accompanying narrative statements to show and describe the dimensions, design, structure, and location of each particular sign. A single application and permit may include multiple signs on the same lot. All signs requiring electrical service shall be reviewed for compliance with the Tribe's electrical code. All free-standing signs shall be subject to a structural review if deemed necessary by the zoning administrator.
- V. Design, Construction and Location Standards.** All signs shall at all times be properly maintained in good structural condition in compliance with the requirements of this Article and shall not be permitted to become unsightly through disrepair or as a result of the effects of the weather. Under no circumstances shall the design, construction, support, or location of a sign constitute in any way a hazard to the health, safety or welfare of the public or to adjacent property.
- A. Illumination of Permanent and Temporary Signs.** Permanent and temporary signs shall be permitted to be illuminated in compliance with the following: Signs shall not include animated, flashing, moving or intermittent illumination excluding barber poles and except that the messages may change no more frequently than once per minute. Temporary signs shall not be internally illuminated. Any external illumination of these signs shall be permitted only in commercial and industrial zones.
- B. Internally Illuminated Building Signs or Free-Standing Signs:** The sign shall be constructed with either an opaque background and translucent letters and symbols, or a translucent darker colored background with a lighter contrasting color for the letters and symbols, exception provided for a changeable copy sign with dark colored letters or symbols on a lighter contrasting translucent background may be internally illuminated if the internally illuminated area of the sign does not exceed twenty (20) square feet.
- C. Effects Not Permitted with Illuminated Signs:** The display shall not, or shall not appear to, flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights. The display shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or otherwise portray movement or animation as it comes onto, is displayed on, or leaves the sign board.
- D. Brightness Levels of Electronic Signs:** Maximum brightness levels for electronic signs in commercial/industrial zones shall not exceed (500) nits when measured from the sign's face at its maximum brightness between dusk and dawn. (nit=A unit of illuminative brightness equal to one candle per square meter, measured perpendicular to the rays of the source.)
- E. Signs less than or equal to twelve (12) feet in height:** May be either internally or externally illuminated.
- F. External Illumination of Freestanding Signs:** Any external lighting of signs that have a height above eight (8) feet must be lit from the top of the sign and directed

downward. The lighting of signs that have a height of eight (8) feet or less may be illuminated from the top of the sign or from the ground.

- G. Externally Illuminated Building Signs:** Signs may only be illuminated from the top of the sign.
- H. Indirect and External Light Sources:** Indirect and external light sources must be shielded from the view of persons viewing the sign and be further shielded and directed so that the light shines only on the sign and that illumination beyond the sign face is minimized.
- I. Freestanding signs accessory to a single-family dwelling, two- family, or townhome use in a Residential district:** Shall not be illuminated.
- J. Signs on a building or parcel in a residential district that has multi- family uses:** Shall not be illuminated.
- K. Signs on permitted non-residential uses in residential districts:** Illumination may be from external sources or by internal illumination of the letters and logos only; internal illumination of the background portion of the sign is prohibited.
- L. Registered Trademarks or Logos:** not in compliance with the illumination requirements of this Section, shall be limited to a maximum of thirty (30) percent of the sign area.
- M. Light Trespass:** The illumination of all signs shall be placed in such a way to prevent light trespass beyond the property line.
- N. Public Right-of-Way:** Signs shall not be placed in, upon or over any public right-of-way, alley, or other place, except as may be otherwise permitted by the LTBB Tribal Council, Emmet County Road Commission or Michigan Department of Transportation as applicable. Any sign installed or placed in the public right-of-way or otherwise on public property, except in compliance with the provisions of this Article, shall be forfeited to the public and subject to confiscation and may be immediately removed by the Tribe. In addition to other available remedies, the Tribe shall have the right to recover from the owner or person placing an unauthorized sign the full costs of removal and disposal of the sign.
- O. Sign Positioning:** A sign shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance. A sign and its supporting mechanism shall not extend beyond any lot lines of the property on which it is located.
- P. Sign Structure:** Except as otherwise expressly allowed by this Article, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure. The sign support and construction for all signs requiring permanent attachment shall be able to withstand a minimum of 30 pounds of horizontal pressure per square foot of the area of the sign and is subject to a structural code review.

- Q. Off Premise Signs:** Off premise signs are permissible in Commercial and PUD zones and shall be subject to the regulations relevant to the parent parcel or use.
- R. Billboards:** Billboards are permissible in any district with express Tribal Council approval and shall be subject to all other regulations in this article with the exception of maximum size.

VI. Sign Regulations Applicable to All Districts. The following regulations are applicable to signs in all districts:

A. All signs shall be stationary

B. Supplemental Standards for Freestanding Signs: Lots (parcels) with less than 300 lineal feet of frontage may have only one (1) freestanding sign per frontage. Lots with 300 or more lineal feet of frontage may have two (2) freestanding signs per frontage. Signs permitted on the same frontage must be placed a minimum of (40) feet apart. No more than two (2) freestanding signs are allowed along any one frontage.

C. Additional Building Signs for Multiple Story Buildings: One (1) additional sign is permitted on each of the building's primary and secondary frontages according to the following. For a building with two floors the additional permitted sign area is forty (40) square feet for an eligible building wall. This additional sign area may be increased by ten (10) square feet for each additional floor of the building.

Projecting Signs: Projecting signs shall be limited to occupants that have a minimum of ten (10) feet of occupant building frontage provided that all projecting signs shall have a maximum height of fourteen (14) feet and a minimum clearance of eight (8) feet from the ground to the bottom of the sign. A projecting sign may be a minimum of six (6) feet from the ground when it is located above a landscaped area or other area that does not permit pedestrian traffic beneath the sign and projecting signs shall be placed on the building so that the signs are intended to be viewed by the pedestrians on the abutting street or pedestrian way.

D. Changeable Copy Sign: Changeable message sign shall be permanently affixed to and be parallel with the wall of the main building or designed into the freestanding sign as an integral part of the freestanding sign structure. Such changeable message signs shall have no moving parts. The background shall be uniformly dark, with light lettering of not more than 2 colors. Freestanding signs may have up to thirty percent (30%) of the permitted sign area devoted to changeable copy. The changeable copy shall not change more than one time per minute. Changeable copy may be changed electronically, mechanically, or manually. Electronic changeable message signs may not be illuminated between the hours of 10:00 P.M. and 6:00 A.M. except that if the premises are open for business after 10:00 P.M., the lighting shall be turned off at the close of business.

E. Responsibility/Liability: All signs located on LTBB land shall be erected, altered, and maintained at the risk of the owner of the sign, who shall assume full responsibility for consequences of any damage caused by the sign. A sign shall be removed by the owner within twenty-four (24) hours of receipt of notice from the

Tribe stating that the sign is unsafe or not properly maintained or otherwise does not comply with the requirements of this Article by reason of its size, height, design, condition or location. The notice shall state that if the owner does not remove the sign, or correct the unsafe or improper condition, within that time period, the sign may be removed by the Tribe. Upon failure to remove or correct the unsafe or improper condition within 24 hours of receipt of notice, the Tribe may take whatever action is necessary to have the sign removed or to otherwise abate the unsafe or improper condition, and in addition to other available remedies, the Tribe shall have the right to recover from the owner of the sign the full costs of removing and disposing of the sign or abating the unsafe or improper condition.

F. Temporary Construction/Development Signs: Permitted within any District, subject to the following restrictions:

- i. Signs in Highway Commercial, PUD, and Central Business Districts shall be limited to one (1) sign per parcel, shall not exceed thirty-two (32) square feet in area, nor exceed ten (10) feet in height and shall be set back a minimum of ten (10) feet from all lot lines unless otherwise feasible. In place of one sign, up to four (4) individual signs may be erected on the site, provide each sign does not exceed a sign area of eight (8) square feet in sign face area per sign and shall not be more than six (6) feet in height. All such signs shall be removed not more than one (1) year after the sale of seventy (70) percent of the lots or dwelling units within the development or no more than thirty (30) days after a project has been completed.
- ii. Signs in Residential Districts: Construction signs shall not exceed (32) square feet of area per side and shall be confined to a construction site. Such signs shall be removed within seven days of the date when the building is turned over to the owner or the date when the construction is completed, whichever shall occur first

G. Community Special Event Signs: A community special event sign may be located either on or off the lot on which the special event is held. The display of the signs shall be limited to the 14 days immediately preceding the special event which is being advertised. The signs shall have a maximum size of twenty-four (24) square feet in area, and a maximum height above ground level of 6 feet (unless it is an over the road banner) and shall be set back from any side or rear property line a minimum of 18 feet. The front setback shall be as required for signs in the zoning district in which the sign is to be located. The signs shall be removed within 48 hours of the conclusion of the special event which is being advertised.

H. Directional Signs. A directional sign shall not contain a commercial message. Such sign shall not exceed 2 square feet in area or 3 feet in height and shall be set back at least 5 feet from any lot line and edge of any driving lane.

I. Flag Poles: Heights shall not exceed thirty (30) feet. Non-government flags are deemed to be signs and shall be subject to the provisions of this Article except that no such flag shall exceed thirty-two (32) square feet per face. Governmental flags must be displayed in a dignified, non-commercial manner and shall be governed by the standard rules of national protocol.

VII. Measurement of Signs.

- A.** The area of a sign shall be measured as the area within a sign, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the pedestal, poles or other structure necessary to support the sign
- B.** The area of all signs shall be measured by adding the total area of all visible faces, notwithstanding the number of faces on each sign, or the relationship of each face to another for each sign.
- C.** For a sign comprised of individual letters, figures or elements on a wall or similar surface of a building or structure, or an irregular shaped freestanding sign, the area of the sign shall be the area of not more than three (3) geometric shapes that encompasses the perimeter of all the elements in the display.
- D.** When separate elements are organized to form a single sign, but the elements are separated by open space, the area of the sign shall include all the display areas, including the space between the elements.
- E.** Up to five (5) percent of the permitted sign area may be considered minor protrusions and extend outside of the maximum limitation of three (3) geometric shapes and are, therefore, exempted from being included as part of the sign area.
- F.** For freestanding and projecting signs the sign area shall be computed by the measurement of one (1) of the faces when two (2) or three (3) display faces are joined, are parallel, or are within thirty (60) degrees of being parallel to each other and are part of the same sign structure. For any sign that has two or more display surfaces that do not comply with the above then each surface shall be included when determining the area of the sign.
- G.** In determining the area of freestanding signs, the following shall be exempted from being considered as part of the maximum permitted area:
 - i.** One half square foot of a sign area shall be exempted for each digit of the street number, up to a maximum of three (3) square feet.
 - ii.** The portion of a solid sign base or other support, up to a maximum height of four (4) feet that is at least fifty (50) percent screened by landscaping at the time of installation.
 - iii.** The air space under a freestanding sign between support posts, other air space between a projecting sign and the wall to which it is attached, additional base area, framing or structural supports or other portions of the sign when such areas are determined to be constructed and designed with materials which are

similar to, or compatible with, the architecture of the building or other site features, not intended or designed to include messages, and exclusive of colors, trademarks, or any other decorative design features that are primarily intended to attract attention, rather than be unobtrusive or compatible with the architecture of the building or other site features.

- iv. All other exemptions to the area of a sign may only be approved by the Tribal Zoning Administrator.
- v. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the finished grade of the ground immediately beneath the sign excluding any artificially constructed earthen berms.

VIII. Determining Building Frontage and Building Units. For purposes of this Article and for determining allowable wall sign area, the building frontage shall include the building walls that: face a public street, face a parking lot which serves the use, or that contains a public entrance to the uses therein. For the purposes of these regulations, a public alley is not considered a public street unless there is a public entrance off the public alley.

- A. The building frontage shall be measured along such building wall between the exterior faces of the exterior sidewalls.
- B. In the case of an irregular wall surface, a single straight line approximating such wall surface shall be used to measure the wall's length.
- C. For multi-occupant buildings, the portion of a building that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.
- D. The Primary frontage shall be the portion of a frontage that serves as the main access point to a building or building unit.
- E. The secondary frontage shall be all other frontages.

IX. Determining Public Street Frontage. For the purpose of this Article and for determining allowable freestanding sign area, public street frontage is the length of the public street, which is contiguous to the adjacent private parcel for which the sign is being considered. For the purposes of these regulations a public alley is not considered a public street.

X. Determining Sign Setbacks. The required setbacks for any sign shall apply to all elements of the sign including its frame and base.

XI. Permitted Signs. The following signs are permitted and shall require an approved permit prior to construction:

- A. **All Residential Districts: Wall and Freestanding Signs.** Either one (1) wall mounted sign or one freestanding sign per parcel. Wall signs shall not exceed two (2) square feet. Freestanding signs shall not exceed eight (8) square feet nor four

(4) feet in height and shall be set back a minimum of eighteen (18) feet from all side and back lot lines.

- B. Residential Subdivision Signs:** One sign identifying a platted subdivision, site condominium or other residential development (the "development") is allowed at each entrance road to the development. The sign shall not exceed thirty-two (32) square feet in area and shall be located at least ten (10) feet from the street/road right-of-way. The top of any sign shall not be more than five (5) feet above grade if freestanding. All signs must be included on the development's site plan and comply with the requirements associated with that development.
- C. Residential Subdivision Layout Signs:** One sign displaying the lots of the platted subdivision, site condominium or other residential development is allowed at each entrance road to the development. Layout signs shall not exceed twenty-four (24) square feet in area and shall be located at least ten (10) feet from the street/road right-of-way. The top of any sign shall not be more than five (5) feet above grade if freestanding. Any such sign shall be removed when at least seventy-five percent (75%) of the lots or units in the development have been sold or when seventy-five percent (75%) of the buildings have been constructed. All signs must be included on the development's site plan and comply with the requirements associated with that development.
- D. Highway Commercial District (HCD): Wall Signs.** Wall signs mounted on and parallel with the wall of the main building shall not exceed a total area of fifteen percent (15%) of the surface area of the mounting wall and computed on the ground level story only. For the purpose of measuring in these Regulations, the ground level story height may not exceed twelve feet. An additional mounted sign may be permitted on buildings located on a corner lot with frontage on a County, Primary, Tribal, BIA, or State Trunk line, provided the same calculation is used to determine the area of the sign. The additional wall mounted sign may be in addition to the other permitted signs.
- E. HCD Freestanding Signs:** Freestanding signs shall not exceed a height of Twenty (20) feet measured from the average grade at the base of the sign to the top of the sign. The total sign area of all freestanding signs shall not exceed an area of forty-eight (48) square feet.
- F. Landscaping Requirements:** All freestanding signs in HCD Highway Commercial Zoning District shall be set in a landscaped base of appropriate size to provide shrubs and base plantings that will enhance and compliment the sign.
- G. HCD Vehicle Service Station and Gasoline/Convenience Store Signs:** Establishments which provide repair services and/or gasoline for vehicles either as a principal or accessory use may display directional signs over individual doors or bays. The size of the signs shall not exceed three (3) square feet. Customary lettering, insignias or symbols which are a permanent or structural part of the gasoline pump are allowed.

- H. Central Business Districts (CBD):** Signs may be permitted at the rate of two (2) per business or industrial premises, except that at least one sign shall be affixed to or be within two (2) feet of and be parallel with the wall of the main building. One (1) sign may be a freestanding sign.
- I. CBD - Wall/Building Sign:** Signs mounted on and parallel with the wall of the main building shall not exceed a total area of fifteen percent (15%) of the surface area of the mounting wall and computed on the ground level story only. For the purpose of measuring in these regulations, the ground level story height may not exceed twelve (12) feet. An additional mounted sign may be permitted on buildings located on a corner lot with frontage on a County, Primary, Tribal, BIA, or State Trunk line, provided the same calculation is used to determine the area of the sign. The additional wall mounted sign may be in addition to the other permitted signs.
- J. CBD - Freestanding Sign:** Freestanding signs shall not exceed a height of twelve (12) feet measured from the average grade at the base of the sign to the top of the sign. The total sign area of any freestanding signs shall not exceed an area of forty-eight (48) square feet. Signs shall be set back a minimum of ten (10) feet measured from all lot lines. Signs located in a road right-of-way shall not exceed an area of thirty-two (32) square feet or a height of eight (8) feet. Signs in a right-of-way are subject to any further rules, provisions, or prohibitions as determined by the governmental unit or agency having jurisdiction.

XII. Modification of Requirements for Signs in All PUD Districts and Those Requiring Special Land Uses.

- A.** Except as provided herein, all signs approved in connection with a special land use or a Planned Unit Development (PUD) shall meet the requirements of this Article for signs as applicable to the zoning district in which the special land use or PUD is located.
- B.** In cases where extenuating or extraordinary circumstances create practical difficulties in complying with the requirements of this Article and where a modification of the requirements may still result in achieving the objectives of the zoning district in which the sign is to be located, the size, placement, number and height requirements for signs may be modified as provided by this Section. If the sign is part of a PUD in any PUD district, the Zoning Administrator may, in his/her discretion, modify the size, placement, number and height requirements for signs in the PUD. If the sign is part of a Special Land Use request, the Zoning Administrator may, at his/her discretion, modify the size, placement, number and height requirements for any signs proposed. In determining whether to approve a proposed modification, the Zoning Administrator must find, based upon the facts presented by the applicant, that the following criteria have been met:
 - i.** The modification of requirements is justified due to the nature, size, density, location or design of the proposed PUD, or Special Land Use, including the design or placement of proposed signs;

- ii. The modification of requirements will not result in traffic or other safety hazards, will not be injurious to the use or enjoyment of nearby property, will not result in visual blight, distraction, or clutter, and will not otherwise result in a detriment to the public health, safety or general welfare; and
- iii. The modification will still achieve the intended purpose of the PUD district or the zoning district if it is a Special Land Use, in which the sign is to be located.

XIII. Nonconforming Signs, and Signs Accessory to Nonconforming Uses.

- A. Continuance.** Notwithstanding any other provision of this Article to the contrary, a permanent sign which was erected legally and which lawfully exists at the time of the enactment of this Article, but which does not conform to the height, size, area or location requirements of this Article, is deemed to be nonconforming and may continue to be used subsequent to that time, as provided by this subsection.
- B. Alternations.** Nonconforming signs may not be altered, expanded, enlarged, or extended without being brought into full compliance with all applicable regulations under this Article, except as expressly provided by this subsection.
- C. A nonconforming sign may be diminished in size or dimension without jeopardizing the privilege of nonconforming use.** As with conforming signs, a change solely in the wording of the copy of a nonconforming sign shall not constitute an alteration for purposes of this Article, unless the result of the change would cause the sign to be reclassified to a type of sign subject to different or more restrictive regulation.
- D. Routine Repair.** Routine Repairs may be made to maintain a nonconforming sign in a safe and aesthetic condition exactly as it existed at the time of enactment of this Article and so as to continue the useful life of the sign shall not constitute an alteration for the purposes of this. In no event shall the alteration of a nonconforming sign result in an increase in the nature or degree of any aspect of the sign's nonconformity.
- E. Signs Accessory to Nonconforming Uses.** A sign related to a nonconforming use may be erected on Tribal property in accordance with the sign regulations for the zoning district in which the property is located.
- F. Damage or Destruction.** If a nonconforming sign is damaged or destroyed by fire, explosion, flood, wind or other calamity, the sign may be restored to the condition exactly as it existed immediately prior to the damage or destruction

XIV. Abandoned Signs. Any sign which the Tribe determines to be abandoned shall be removed by the owner. If the owner does not remove the sign, or if no owner can be found, the Tribe may remove the sign. If the sign is removed by the Tribe and the owner is known, the Tribe shall have to right to recover from the owner of the sign the full costs of removing and disposing of the sign.

XV. Violations. It is a violation of this Article to install, create, erect or maintain any sign that does not fully comply with the requirements of this Article, including, but not limited to, any of the following:

- A.** To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing the sign or the lot on which the sign is located.
- B.** To install, create, erect, or maintain any sign requiring a permit without a permit.
- C.** To fail to remove any sign that is installed, created, erected, or maintained in violation of this Article; or to continue any violation of this Article.
- D.** Each sign installed, created, erected, or maintained in violation of this Article is considered a separate violation when applying the penalty for portions of these regulations.

XVI. Civil Infractions

- A.** The fee schedule for Civil Infractions shall be as follows:
 - i. First offense \$100.00
 - ii. First repeat offense (within a 12-month period) \$200
 - iii. All subsequent offenses (within a 12-month period) \$500
- B.** Each week (7 days) that a civil infraction continues constitutes a separate offense and shall be subject to fines and costs as a separate offense.