



# Waganakising Odawak

Little Traverse Bay Bands of Odawa Indians

## Office of Tribal Chairman

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### SIGN CODE REGULATIONS

#### REG-WOS 2009-007

- I. Purpose of Regulations.** Description and Purpose. This Regulation 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 maintain and enhance the Reservation's aesthetic environment in a manner that is consistent with the public health, safety and welfare.
  - G.** To prohibit all signs not expressly permitted by this Regulation. 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 these regulations.
- 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 ( $\frac{1}{2}$ ') 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. "Accessory Sign"** A sign which is accessory to the principal use of the premises and located on the same lot as the principal use.
- H. "Alteration"** (of sign): As used in this, 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 these regulations.
- I. "Awning and Canopy Sign"** Signs that are printed on, painted on, or attached to an awning or canopy above a business door or window.
- J. "Building Frontage"** The exterior wall of a building that is roughly parallel to and facing the front street.
- K. "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.
- L. "Copy"**: The wording on a sign surface in either permanent or removable letter form.
- M. Cultural/Historic signage:** Signage that designates a cultural or historic site or provides cultural or historical context to the property/building or entity.
- 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. Dark Sky compliant guidelines can be found on IDA's website at [www.darksky.org](http://www.darksky.org)
- O. "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.
- P. "Governmental Sign"**: A sign erected or required to be erected by Tribe, or another body of government.
- Q. "Governmental Flag"**: A flag designed to represent a unit of Government, or branch of the Military.
- 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. "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).
- U. "Private Wayfinding Signs"**: 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.

- V. **“Projecting Sign”**: a sign affixed to the face of a building or structure that projects in a perpendicular manner more than 12 inches from the wall surface of that portion of the building or structure to which it is mounted.
- W. **“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.
- X. **“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.
- Y. **“Temporary Sign”** Signs which advertise government projects, construction projects, real estate, special events, 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.
- Z. **“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.
- AA. **“Zoning Administrator”**: The individual appointed by the Tribal Chairperson to administer these regulations.

**III. The Standards in these regulations are determined to be the minimum necessary to achieve the above stated purposes.**

**A. Application of these regulations.**

- i. The Regulations contained in these regulations 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 these regulations.
- ii. Unless otherwise stated in these regulations, 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 these regulations (unless exempted from regulation under these regulations) are prohibited. Further, the following types of signs are expressly prohibited:

- i. Balloon signs, strings of light bulbs, pennants, streamers, banners, or non-Governmental 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 thirty (30) days.

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

**C. Exempt Signs not requiring a permit.** The following types of signs are exempt from the provisions of these regulations, except for the Design, Construction, and Locations standards provided for herein:

- i. Governmental signs
- ii. Memorial signs
- iii. Cultural/Historical Signage
- iv. Awning and Canopy signs
- v. Signs for essential services which are two square feet or less.
- vi. Nameplate or address signs- One (1) per address of two (2) square feet or less.
- vii. Short term temporary signs placed for thirty (30) days or less with the following conditions:
  - a. One sign per commercial lot or residence
  - b. Sign face shall not exceed twelve (12) square feet and height shall not exceed forty-two (42) inches in height and shall not be placed in the public right-of-way.
  - c. Property owner is responsible for removal
  - d. If sign is for an event it must be removed within fourteen (14) days of the conclusion of the event.
- viii. Window signs
- ix. Governmental Flags

#### **IV. Sign Permits and Application.**

**A. Permits Required.** No sign requiring a permit as provided by these regulations 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 these regulations. 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 based on the building code requirements as determined by the Tribe's Code Official.

**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 these regulations. 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. Internally Illuminated Building Signs or Free-Standing Signs:** Signs 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.

**B. 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 except within Commercial or Business districts.

**C. Brightness Levels of Electronic Signs (Electronic Message Centers):** Maximum nighttime brightness levels for electronic signs shall not exceed the luminance referenced for the lighting zone the sign is located at. Luminance levels are referenced as candelas per square meter (nits). Manufacturer verification that EMCs meet these requirements shall be required per these regulations.

- i. Lighting Zones-** in accordance with International Dark Sky Association guidelines. All zones shall have an overlay lighting zone assigned to them within the LTBB zoning regulations.
  - a. LZ0: No ambient lighting. Areas where the natural environment will be seriously and adversely affected by lighting, and in which human activity is subordinate in importance to nature. This is the recommended default zone for undeveloped rural areas, including wilderness areas, parks and preserves. Luminance level 0 cd/m<sup>2</sup>

- b. LZ1: Low ambient lighting. Areas where lighting might adversely affect flora and fauna or disturb the character of the area. This is the recommended default zone for rural and low-density residential areas. Luminance level 20 cd/m<sup>2</sup>
- c. LZ2: Moderate ambient lighting. Areas of human activity where the vision of human residents and users is adapted to moderate light levels. This is the recommended default zone for light-commercial business districts and high-density or mixed-use residential districts. Luminance level 40 cd/m<sup>2</sup>
- d. LZ3: Moderately high ambient lighting. Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. This is the default zones for business districts. Luminance level 80 cd/m<sup>2</sup>
- e. LZ4: High ambient lighting. Areas of human activity where the vision of human residents and users is adapted to high light levels. This is the default zone for Highway commercial districts. Luminance level 160 cd/m<sup>2</sup>

**D. Signs less than or equal to twelve (12) feet in height:** May be either internally or externally illuminated.

**E. 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 as long as the light does not trespass beyond the property the sign is on.

**F. Externally Illuminated Building Signs:** Signs may only be illuminated from the top of the sign.

**G. 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.

**ii. Signs on a building or parcel in a residential district that has multi-family uses:** Shall not be illuminated.

**iii. 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.

**H. Light Trespass:** The illumination of all signs shall be placed in such a way to prevent light trespass beyond the property line.

- I. Public Right-of-Way:** Signs shall not be placed in, upon, or over any public right-of-way, or alley, except as may be otherwise permitted by the government entity having jurisdiction over the Right of Way. Any sign installed or placed in the public Right-of-Way or otherwise on public property, except in compliance with the provisions of these regulations, shall be forfeited to the public and subject to confiscation and removal by the Tribe thirty (30) days after notification in writing. 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.
  - J. 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. A sign and its supporting mechanism shall not extend beyond any lot lines of the property on which it is located.
  - K. Sign Structure:** Except as otherwise expressly allowed by these regulations, 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 thirty (30) pounds of horizontal pressure per square foot of the area of the sign and is subject to a structural code review.
  - L. Off Premise Signs:** Off premise signs are permissible in Commercial, Business and PUD zones, and shall be subject to the regulations relevant to the parent parcel.
  - M. Billboards:** Billboards are permissible in all Commercial and Business Zoning Districts and are subject to site plan review, structural code review, and all applicable building codes and inspections.
- VI. Sign Regulations Applicable to All Zoning Districts.** The following regulations are applicable to signs in all districts:
- A. All signs subject to these regulations shall be stationary**
  - B. Sign setbacks:** Signs shall be set back from any property line a distance equal to the building setback in the given zoning district. No sign shall be erected or extend over any public right-of-way without approval from the government entity that has jurisdiction over the Right of Way.
  - C. 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 forty (40) feet apart. No more than two (2) freestanding signs are allowed along any one frontage.
  - 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. Freestanding signs may have up to forty percent (40%) of the permitted sign area devoted to changeable copy. 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. Luminance of all electronic signs shall conform with the requirements for the applicable lighting zone.

**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 forty-eight (48) hours of receipt of notice from the Tribe stating that the sign is unsafe. Signs not properly maintained or otherwise not complying with any other requirements of these regulations by reason of size, height, design, condition or location shall be removed within thirty (30) days of notice in writing by the Tribe. 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 the stipulated time period after 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. Appeals of any removal notice (excepting those for unsafe conditions) may be made in writing to Zoning Appeals Board within ten (10) days of notice. At the time an appeal is made no further action will be required until a Zoning Appeals Board decision is made.

**F. Long Term Temporary Signs (temporary signs displayed for more than 30 days):** Temporary signs are those intended to be displayed for a limited period of time and do not have permanent foundations or attach to the exterior of a building. Permitted within any District, subject to the following restrictions:

- i.** Signs in Highway Commercial, PUD, and Business Zoning Districts shall be limited to one (1) sign per parcel, shall not exceed thirty-two (32) square feet in area, nor exceed eight (8) 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 (1) sign, up to four (4) individual signs may be erected on the site, provided each sign does not exceed a sign area of twelve (12) square feet in sign face area per sign and shall not be more than six (6) feet in height and shall not be placed in a public right-of-way. All temporary signs to be displayed for a period of more than thirty (30) days shall require permits. Permits will be issued for a period of six (6) months and can be renewed by application.
- ii.** Signs in Residential Districts: shall be limited to one (1) sign per parcel. Signs shall not exceed nine (9) square feet of area per side and a maximum height of four (4) feet and shall not be placed in a public right-of-way. All such signs



permits will be issued for a period of six (6) months and can be renewed by application.

**G. 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 these regulations except that no such flag shall exceed thirty-two (32) square feet per face. Governmental flags should be displayed in a dignified, non-commercial manner.

**H. Private Way Finding Signs:** Shall be allowed so long as the following conditions are met-

- i. Signs shall be located and oriented to facilitate on site wayfinding, and not visibility from the adjacent streets.
- ii. Signs shall not contain a commercial message.
- iii. Sign shall not be placed in any public street Right of Way unless approved by the governmental unit having jurisdiction over that Right of Way.
- iv. A sign location site plan shall be submitted to the Planning Department for approval of sign placement to ensure setback requirements are met.
- v. Number, size and placement of Private Wayfinding signs are at owner's discretion if the above conditions are met.

## **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 percent (5%) 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 (30) 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.** The portion of a solid sign base or other support, up to a maximum height of four (4) feet that is at least fifty percent (50%) screened by landscaping at the time of installation.
  - ii.** 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.
  - iii.** All other exemptions to the area of a sign may only be approved by the Tribal Zoning Administrator and are subject to appeal to the Zoning Appeals Board.
- H.** The height of a sign shall be measured as the vertical distance from the highest point of the sign to the finished grade upon which the sign base is located. Signs that include retaining walls shall not have the retaining wall area included for the calculation of height, and shall instead be measured from the finished grade of the rest of the site to the top of the sign.

#### **VIII. Determining Building Frontage and Building Units in Commercial and Business Districts.**

For purposes of these regulations 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 in Commercial and Business Districts.** For the purpose of these regulations and for determining allowable freestanding sign area, public street frontage is the length of the public street, which is contiguous to the adjacent 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 in all zoning districts 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/Apartment Complex 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 forty (40) 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 six (6) 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/Apartment Complex 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 seventy-five (75) 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 eight (8) feet above grade if freestanding. Any such sign shall be removed when one hundred percent (100%) of the lots or units in the development have been sold. 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):**

**i. Wall Signs:** Wall signage is allowable on any wall that is considered to be "Building Frontage". Wall signs mounted on and parallel with the wall designated as primary frontage shall not exceed a total combined area of forty percent (40%) of the surface area of the mounting wall.

**ii. Freestanding Signs:** Freestanding signs shall not exceed a height of Twenty-five (25) 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 fifty-six (56) square feet.

- iii. **Monument signs for multi-tenant developments:** 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 sixty (60) square feet for signs with 4 or less tenants. Sign square footage may be increased by sixteen (16) square feet per tenant, not exceeding twenty (20) feet in height.
  - iv. **Projecting signs:** Shall be allowed at the rate of one (1) per building frontage and 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 minimum clearance of seven (7) feet from the ground to the bottom of the sign. A minimum clearance of twelve (12) inches between the wall and building face should be maintained and sign size shall be calculated at a rate of 1 square foot for each linear foot of building frontage not to exceed forty-eight (48) square feet. 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.
  - v. **Landscaping Requirements:** All freestanding signs in Highway Commercial Zoning District (HCD) shall be set in a landscaped base of appropriate size to provide shrubs and base plantings that will enhance and compliment the sign.
  - vi. **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.
- E. 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 or projecting.
- i. **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.
  - ii. **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 may be located in a road right-of-way with approval from the governmental unit having jurisdiction over that Right of Way

but 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.

- iii. **Projecting Sign:** 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 minimum clearance of seven (7) feet from the ground to the bottom of the sign. A minimum clearance of twelve (12) inches between the wall and building face should be maintained and signs size shall be calculated at a rate of one (1) square foot for each linear foot of building frontage not to exceed twenty-five (25) square feet. 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.

## **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 regulation 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 regulation, 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.

- iv. Any determinations regarding modifications to requirements are subject to appeal by the Zoning Appeals Board based on the above criteria.

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

- A. Continuance.** Notwithstanding any other provision of these regulations to the contrary, a permanent sign which was erected legally and which lawfully exists at the time of the enactment of this regulation, but which does not conform to the height, size, area or location requirements of these regulations, 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 these regulations, except as expressly provided by this subsection, but may be diminished in size or dimension without jeopardizing the privilege of nonconforming use
- C. A change solely in the wording of the copy of a nonconforming sign shall not constitute an alteration:** For purposes of these regulations, 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, word changes alone will not be considered an alteration.
- 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 these regulations so as to continue the useful life of the sign and shall not constitute an alteration. In no event shall the repair of a nonconforming sign result in an increase in the nature or degree of any aspect of the sign's nonconformity.
- E. 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 within thirty (30) days of being notified in writing, 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 the right to recover from the owner of the sign the full costs of removing and disposing of the sign. Determinations of sign abandonment are subject to appeal within 10 days of notice of abandonment. No actions may be taken by the Tribe to remove the sign until a determination is reached by the Zoning Appeals Board if an appeal is filed.

**XV. Violations.** It is a violation of these regulations to install, create, erect or maintain any sign that does not fully comply with the requirements of these regulations, 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 these regulations; or to continue any violation of these regulations.

**D.** Each sign installed, created, erected, or maintained in violation of these regulations 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.

**XVII.** Any decision or denial of permits may be appealed to the Zoning Board of Appeals.