

ORDINANCES OF THE CITY OF HELENA, MONTANA

AN ORDINANCE REVISING THE REGULATION OF SIGNS BY AMENDING CHAPTER 23 OF TITLE 11 OF THE HELENA CITY CODE

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

That Title 11 of the Helena City Code is hereby amended by repealing Chapter 23, General Sign Regulations, in its entirety and adopting this new Chapter 23, Sign Regulations, in lieu thereof:

CHAPTER 23

SIGN REGULATIONS

SECTION:

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~~H. WALL SIGN:~~

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11-23-10: PLANNED SIGN PROGRAM:

11-23-11: BILLBOARDS:

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11-23-1: GENERAL:

A. INTENT: This chapter is intended to provide standards for the erection, design, and placement of signage. The standards established by this chapter are intended to provide equal opportunity for messages to be displayed, achieve proper relationship of signs to their environment, enhance the outward appearance of the community, secure pedestrian and vehicular safety, and preserve the historic aspects of the city.

B. APPLICABILITY: This chapter applies to all signs erected, installed, structurally altered, or otherwise modified after the effective date of this Code. Adoption of this code does not permit signs erected in violation of previous versions of this chapter. Nonconforming signs are subject to the provisions of section 11-23-7.

C. ADMINISTRATION AND ENFORCEMENT: The sign administrator for the city shall be the director of the community development department or the administrator's designees. It shall be the administrator's responsibility to review, approve and process applications for and issue sign permits; to conduct public hearings to resolve requests received for variances to the general sign regulations before the board of adjustment; to approve a Planned Sign Program, to enter any premises, building or structure in the city following the presentation of proper credentials for the purpose of inspection of a sign and its structural and/or electrical connections to ensure compliance with applicable codes and ordinances; and to enforce and carry out all provisions of this code.

D. PERMIT REQUIRED:

0.1. Unless specifically exempted in section 11-23-4 a permit must be obtained prior to erection, installation, display, or alteration of sign.

2. A permit is not required to change the face of a sign provided there is no change to the type of display face being used which shall be considered an alteration.

3. Each application for a sign permit shall be accompanied by the appropriate fee based upon the sign's valuation and as determined from the current building permit fee schedule adopted by the building department. Each application for a variance shall be accompanied by the fee established for that process by city resolution. No sign as described or limited by the provisions of this chapter shall be erected or otherwise installed or altered without first having obtained a permit.

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4. If erection of a sign, later found to be acceptable, occurs on a property prior to approval and permitting by the administrator, the specified permit fee shall be doubled as provided for in the building permit fee schedule.

5. When a sign is erected illegally without proper review, approval or permit, or when, in the opinion of the administrator, a violation of the general sign regulations exists, the administrator shall identify and attempt to notify the alleged violator in writing of the need to correct or remove said violation within ten (10) days, or make appeal of the administrator's determination in writing to the city manager within that same period. Any pending enforcement action will be held in abeyance during this period, and if an appeal is received, until such appeal is resolved (see also: 11-23-8).

E. SUBSTITUTION CLAUSE: A protected noncommercial message of any type may be substituted, in whole or in part, for the message displayed on any sign for which the sign structure or mounting device is legal without consideration of message content. This provision applies to all signs, including billboards, allowed under this ordinance. Such substitution of message may be made without any additional approval, permitting, registration or notice to the city.

D.F. STANDARDS:

1. SETBACKS AND ENCROACHMENTS:

- a. District dimensional standards for buildings do not apply to signs.
- b. Awning, canopy, pedestrian, or projecting signs can encroach 42 inches beyond the property line over a public right-of-way provided that:
 - 1) The sign cannot encroach within a vertical plane measured 2' (two feet) from the back of the curb;
 - 2) The bottom edge of the sign must maintain a clearance of at least 10' (ten feet) from the finish grade level below the sign (or a variance must be obtained from the Board of Adjustments);
 - 3) The encroachment cannot constitute a hazard to the use of the right-of-way by the public;
 - 4) Encroachment cannot be placed in a way as to constitute an obstacle in violation of local, state, and federal universal accessibility laws, rules, and regulations.
- c. Placing an encroachment in the right-of-way as permitted by this section does not grant any property rights in the City's right-of-way to the owner of the encroachment.
- d. The city may, without warning, perform construction and maintenance activities within the right-of-way. The city is not

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responsible for any damage to any encroachments present in the right-of-way when performing these activities.

- e. Encroachments permitted by this section are subject to removal, at property owner's expense, upon sixty (60) calendar days written notice from the City.

2. MAINTENANCE:

- a. All signs must meet the following provisions for maintenance. Signs that do not meet these provisions must be repaired or removed within thirty (~~30~~90) calendar days after receipt of notification from the Sign Administrator. Violations of this chapter are subject to the provisions of section 11-23-8.

- b. The area around a sign must be properly maintained to make the sign readily visible.

- c. All non-functioning bulbs or damaged sign faces or panels must be replaced or repaired within ~~ten~~ sixty (60) calendar days of written notice, or proof of an order for parts or services and a timeline not to exceed 180 days from the notice of violation for the repairs to be made must be given to the sign administrator.

- d. All sign copy must be maintained securely on the sign face or panel and all missing copy must be replaced within ~~10~~ sixty (60) calendar days of written notice, or proof of an order for parts or services and a timeline not to exceed 180 days from the notice of violation for the repairs to be made must be given to the sign administrator.

- ~~e.~~ All sign structures, framework, and poles must be structurally sound.

- ~~f.~~ All signs in their installation, maintenance, and removal must comply with the provision of the building and electrical codes adopted by the city.

~~F. AGGREGATION OF SIGNAGE:~~

- ~~1. Freestanding signage for multiple entities must be aggregated onto Common Signs where access and parking are shared.~~

G. APPLICATION FOR PERMITS/VARIANCES:

- 1. Application for a permit for the erection or alteration of a sign or to request a variance by the board of adjustment from a specific sign criterion as set forth in chapter 5 of this title shall be made upon the forms provided by the administrator.

- 2. Applications must be complete to be considered valid. Failure to provide the information requested on the form is grounds for rejection of the application as incomplete. Any reason for rejection of an application for a sign permit shall be noted on the application and returned to the applicant. The reasons for denial of a variance

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request following proper hearing shall be noted on the board of adjustment's order and decision form and a copy sent to applicant.

H. A planned sign program is required for any business or group of business uses on a parcel or group of parcels greater than 2 acres with common access and parking.

G.I. No sign permitted in the Airport district shall obscure vision from the control tower to any part of the airfield.

~~H. Off-premises signs, including billboard signs, must be removed after ten (10) years of the effective date of this ordinance, or ten (10) years after their annexation into city limits if annexed after the adoption of this ordinance.~~

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11-23-2: DEFINITIONS:

Words used in this Chapter have their normal dictionary meaning unless they are listed in Section §11-23-2 or unless this Chapter specifically refers to another Title and/or Chapter. Words listed in Section §11-23-2 have the specific meaning stated or referenced unless the context clearly indicates another meaning.

ABANDONED SIGN: A sign which no longer correctly advertises a bona fide business, lessor, owner, product, or activity conducted, or product available on the premises where the sign is displayed or elsewhere.

ALTERATION OF SIGN: The moving or modification, in any manner, of a sign including, but not limited to, changes to the sign structure, height, size or area, shape or foundation, but excluding the exchange, replacement or repainting of the sign faces of cabinet type signs where there are no changes to the original cabinet.

AWNING SIGN: A sign that is affixed to a roof- like structure; generally composed of a skeletal frame covered in a fabric or other skin-type material typically open on the bottom side, that extends along and projects beyond the wall of the building and is generally designed and constructed to provide protection from the weather.

~~**BANNER:** A horizontally displayed sign of lightweight plastic, fabric, or other material, whether or not it contains a message of any kind, suspended from or between brackets, ropes, wires or similar means of support.~~

~~**BILLBOARD SIGN:** A sign that is larger than two hundred fifty (250) square feet in area which is designed to advertise products, services, or businesses not located on the premises on which the sign is located by temporary poster panels or painted bulletin panels.~~

~~**BANNER:** A temporary, on-premises, nonrigid sign that is generally hung from a permanent or temporary structure for the purpose of advertising.~~

~~**BILLBOARD SIGN:** A permanent off-premises sign in a fixed location used, in whole or in part, for the display of off-site commercial messages with a minimum size of _____ square feet.~~

BUILDING FAÇADE: The portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves for the entire width of the building elevation, or that portion comprising the exterior elevation of one business located in a multiple-tenant structure.

BUILDING FRONTAGE: The side of a building which faces a public street right of way.

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COMMON SIGN: AAn on-premises, freestanding sign intended to be shared by all tenants or businesses within a single building or group of buildings that share common drives and parking areas.

~~DIRECTIONAL SIGN: A permanent and incidental sign erected as a design element to guide or direct pedestrian or vehicular traffic to and within the property.~~

INCIDENTAL SIGN (MAJOR OR MINOR): An on-premises, permanent, sign containing an informational message that has a purpose incidentally related to the use or occupancy of the premises and is intended to assist the public with respect to the location of business facilities or provides courtesy or directive information but is not an advertisement.

ELECTRONIC MESSAGE DISPLAY FACE: A sign capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means.

ERECTED: The attachment, installation, alteration, building, constructing, reconstructing, enlargement, moving, or painting of signs, or the relocation, placement, or alteration of individual sign letters (excluding manual reader board copy) or cabinets.

FREESTANDING SIGN: AAn on-premises sign supported by structure(s) or support(s) that are placed on, or anchored in, the ground, and that are independent from any building or any other structure.

GHOST SIGNS: A sign, painted upon the facade of a building, that is ~~in excess of~~ more than fifty (50) years old, and which generally advertises an extinct business or product.

HEIGHT OF SIGN: The vertical distance measured from the highest point of the sign to the highest adjacent street grade or surface beneath the sign, whichever measurement results in a lower overall height.

MARQUEE SIGN: AAn on-premises sign attached to or constructed on a canopy structure which is attached to and projecting horizontally beyond the wall of a building that generally is designed and constructed to provide protection from the weather.

MONUMENT SIGN: A freestanding sign mounted directly to the ground, or with its bottom edge flush to the ground, not more than ~~six (6~~ twelve (12) feet tall, and which may be placed on a berm not exceeding two and one-half feet (2¹/₂') above the adjacent street grade or surface beneath the sign, whichever is less.

NONCONFORMING SIGN: A sign which was lawfully erected and maintained prior to the adoption of this chapter and all amendments, which now fails to conform to all applicable regulations and restrictions of this chapter.

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OFF-PREMISES SIGN: A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which the sign is located.

ON-PREMISES SIGN: A sign which directs persons to; or advertises goods, products, services, or facilities situated or provided at the same premises where the sign is installed.

POLE BANNER SIGN: A sign suspended from brackets mounted on a light pole.

PORTABLE SIGN: A sign mounted on a trailer, stand or similar support structure which is designed in such a manner that the sign can be readily relocated to provide advertising at another location.

PROJECTING SIGN: AAn on-premises sign affixed to the exterior wall of a structure and extends perpendicular to the facade of the building or structure.

ROOF SIGN: AAn on-premises sign erected upon or above any portion of a roof or parapet wall of a building that is wholly or partially supported by the building.

SANDWICH BOARD SIGNS: A sign or structure that is freestanding, temporary and movable, composed of two sign faces mounted or attached back-to-back in such a manner as to form a triangle with the ground and sign faces (also known as an A-frame sign). The are of a sandwich board sign is calculated on one side only.

SIGN: Any identification, description, graphics, illustration, or device that is visible from any public place and exposed to the public which directs attention to a product, service, place, activity, person, institution, business, or solicitation, designed to advertise, identify, or convey information.

SIGN AREA: The entire area within any type of perimeter or border which encloses the outer limits of writing, representation, emblem, figure, or character. The area of the sign having no such perimeter or border is computed by enclosing the entire area with parallelograms, triangles, or circles of the smallest size sufficient to cover the entire area of the sign and computing the area of these parallelograms, triangles, or circles. The area for double- faced or multiple-faced signs is the aggregate area of all the sign faces visible from any one direction at any one time.

SUSPENDED SIGN: AAn on-premises freestanding sign comprised of a vertical column, a horizontal decorative sign support, and a suspended sign face.

TEMPORARY SIGN: AAn on-premises sign intended for a limited period ~~of time~~ under specially defined requirements.

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UNDER MARQUEE OR AWNING SIGN: AAn on-premises lighted or unlighted display attached to the underside of a marquee or awning that extends over public or private sidewalks or rights of way.

VEHICLE SIGN: A message or graphic affixed to a vehicle and intended to provide off-premises, or additional on-premises signage for a commercial entity.

WALL SIGN: AAn on-premises sign affixed in any manner, including paint, to the exterior wall of a building or structure with its face parallel to the building façade, including signs affixed to awnings.

WINDOW SIGN: AAn on-premises sign installed inside or upon the window surface for the purpose of viewing from outside the premises.

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11-23-3: PROHIBITIONS:

- A. Signs and sign face types that are not listed as permitted within a district are prohibited.
- B. Signs may not be erected in such a manner that they obstruct or create a hazard by blocking the clear view of vehicular, bicycle, or pedestrian traffic as set forth in section §7-3-7 of this code; or where they may obstruct the view of any traffic control device. No sign or its illumination may interfere with traffic safety or simulate emergency services.
- C. Signs may not be placed on or extend into any public rights-of-way except as outlined in section 11-23-1D1, nor be affixed to any post, tree, or pole located in any public right-of-way or upon any city owned property, including signs held by a person, except for signs placed by authorized agents of the city or except as permitted by Title 7, Chapter 13 of this code.
- D. No sign may be constructed or erected that resembles any official marker erected by the city, state, or any governmental agency, or that by reason of position, shape, or color would conflict with the proper functioning of any traffic sign or signal.
- E. Any of the following sign types are expressly prohibited:

~~1. Signs intended to flutter in the wind to attract attention, including but not limited to:~~

~~a) Air activated devices (including but not limited to air dancers);~~

1. Balloons;

~~e) Festoons;~~

~~d) Feather flags; and,~~

~~e) Pennants.~~

~~2. Flashing, blinking, scrolling, video, or varying light intensity signs.~~

~~3. Off-premises signs including but not limited to billboards.~~

~~4.2. Portable signs.;~~

~~5.3. Reflective or mirrored signs.;~~

~~6.4. Vehicle signs that are on-premises and not involved in the regular operations of the advertised business in a non-advertising function or used off-premises in the performance of an explicitly advertising function.;~~

~~7.5. Signs that are flashed or projected on walls or other structures by means of a slide projector, laser, or other ~~device~~ are prohibited devices.~~

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11-23-4: EXEMPT SIGNS:

A. The following signs are allowed by right in all zoning districts without a permit but must adhere to the specific size restrictions in this chapter. A permit is not required for the following types of signs, provided all applicable provisions of this section are met. Such signs are not considered in determining the allowable number or size of signs on a lot. The signs cannot be internally illuminated (including but not limited to electronic faces).

1. GHOST SIGNS:

a. Nothing in this chapter ~~should~~shall interfere with the restoration of a ghost sign.

b. Ghost signage shall not be included in calculating the allowable signage on a property.

2. House numbers and street names for the purpose of identifying the property for emergency services and mail delivery.

3. Public interest signs, erected by or on the order of a public officer in the performance of their duty, such as public notices, safety sign, danger signs, trespassing signs, traffic and street signs, wayfinding signs, memorial plaques, and signs of historical interest.

4. Any sign internal to a development not intended to be visible from the right-of-way or neighboring property.

5. One under-marquee or under-awning signs where allowed, under six square feet (6sf) in size per business, and where the bottom edge of the sign is at least eight (8) feet above grade.

B. Temporary signs are allowed to be erected so long as the following conditions are met:

~~1. That the start and end date of the timeframe they will be up is listed on the sign and clearly visible from the right of way they are adjacent to;~~

~~2. That the start and end date does not exceed 60 calendar days;~~

~~3.1.~~ That the signs are not illuminated in any ~~fashion~~manner;

~~4.2.~~ That the signs are not erected in a permanent manner; and

~~5.3.~~ That they follow the requirements of their zoning districts outlined below:

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- a. R-1, R-2, and R-3 zoning districts: ~~one temporary freestanding~~ Temporary sign ~~that(s)~~ may not exceed six (~~6~~12) square feet in aggregate area.
- b. R-4, R-O, R-U, TR, DT, and B-1 zoning districts: ~~one temporary freestanding~~ Temporary sign ~~that(s)~~ may not exceed twelve (12) square feet in aggregate area.
- c. B-2, CLM, M-I, and PLI zoning districts: ~~two temporary~~ Temporary signs ~~that~~ may not individually exceed twenty-four (24) square feet or exceed thirty-two (32) square feet in the aggregate.

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11-23-5: REGULATIONS FOR SPECIFICIED DISTRICTS:

TABLE 1: ALLOWABLE BUILDING SIGNAGE:

For DT and TR districts see Ch. 9.

For district specific dimensional standards see "Design Guidelines" in this chapter (11-23-9) in this chapter.

ZONE ▶	R-1, R-2, R-3	R-4, R-O, R-U	B-1, B-2, CLM, M-I	PLI	Airport
SIGN TYPE ▼					
MARQUEE, AWNING AND/OR CANOPY SIGN:	P	P	P	P	P
PROJECTING SIGN:	NP	P	P	NP	P
ROOF SIGN:	NP	NP	P	NP	NP
WALL SIGN:	P	P	P	P	P
WINDOW SIGN:	P	P	P	P	P

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TABLE 2: ALLOWABLE SITE SIGNAGE:

For DT and TR districts see Ch. 9.

For dimensional standards see "Design Guidelines" in this chapter (11-23-9) in this chapter.

ZONE ▶	R-1, R-2, R-3	R-4, R-O, R-U	B-1, B-2, CLM, M-I	PLI	Airport
SIGN TYPE ▼					
COMMON SIGN:	NP	P	P	P	P
BILLBOARD SIGN:	NP	NP	P	NP	NP
DIRECTIONAL COMMON SIGN:	PNP	P*	P*	P*	P*
FREESTANDING SIGN:	NP	P	P	P	P
SANDWICH BOARD INCIDENT AL MAJOR SIGN:	NP	P*	P*	P*	P*
SUSPENDED INCIDENT AL MINOR SIGN:	P	P	P	P	P
SANDWICH BOARD SIGN:	NP	P	P	P	P

*As part of an approved Planned Sign Program element.

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TABLE 3: ALLOWABLE DISPLAY FACE TYPES:

For DT and TR districts see Ch. 9.

ZONE ▶	R-1, R-2, R-3	R-4, R-O, R-U	B-1, B-2, CLM, M-I	PLI	Airport
FACE TYPE ▼					
ELECTRONIC MESSAGE DISPLAY FACE:	NP	NP	P	NP	P
EXTERNALLY ILLUMINATED W/ DOWNWARD FACING LIGHTS	P	P	P	P	P
HALO LIT:	NP	P	P	P	P
INTERNALLY ILLUMINATED	NP	NP	P	NP	P
NON-ILLUMINATED AND PERMANENT IN NATURE	P	P	P	P	P
READER BOARD (MANUAL CHANGE) :	NP	NP	P	NP	P

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11-23-6: SIGN LIGHTING STANDARDS:

- A. Signs that are permitted to be lighted may only be lighted in such a manner that the light therefrom may shine only on the sign or on the property on which it is located and may not shine onto any other property, in any direction, except by indirect reflection. No lighting arrangement is permitted which, by reason of brilliance or reflected light, is a detriment to surrounding properties or prevents the reasonable enjoyment of residential uses.
- B. Electronic message display luminance must have ambient light monitors and automatic controls so that the electronic message display does not exceed ~~7650 nits between sunrise and sunset and 1350 nits between sunset and sunrise.~~ .3 footcandle above ambient light when measured according to the following chart:
- ~~C. Electronic message displays may not exceed fifty percent (50%) of the total allowable sign area allowed in the district or a maximum of seventy-five (75) square feet, whichever is less, and must be computed as part of the sign's total area.~~
- ~~D. Electronic message displays may not have a color temperature above 4000K (four thousand kelvin) between sunset and sunrise.~~

<u>ARE OF SIGN IN SQUARE FEET</u>	<u>MEASUREMANT DISTANCE</u>
<u>10</u>	<u>32</u>
<u>15</u>	<u>39</u>
<u>20</u>	<u>45</u>
<u>25</u>	<u>50</u>
<u>30</u>	<u>55</u>
<u>35</u>	<u>59</u>
<u>40</u>	<u>63</u>
<u>45</u>	<u>67</u>
<u>50</u>	<u>71</u>
<u>55</u>	<u>74</u>

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<u>60</u>	<u>77</u>
<u>65</u>	<u>81</u>
<u>70</u>	<u>84</u>
<u>75</u>	<u>87</u>
<u>80</u>	<u>89</u>
<u>85</u>	<u>92</u>
<u>90</u>	<u>95</u>
<u>95</u>	<u>97</u>
<u>100</u>	<u>100</u>
<u>110</u>	<u>105</u>
<u>120</u>	<u>110</u>
<u>130</u>	<u>114</u>
<u>140</u>	<u>118</u>
<u>150</u>	<u>122</u>
<u>160</u>	<u>126</u>
<u>170</u>	<u>130</u>
<u>180</u>	<u>134</u>
<u>190</u>	<u>138</u>
<u>200</u>	<u>141</u>
<u>220</u>	<u>148</u>
<u>240</u>	<u>155</u>
<u>260</u>	<u>161</u>
<u>280</u>	<u>167</u>
<u>300</u>	<u>172</u>

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~~E.C.~~ Awning, billboard, canopy, ~~directional, monument incidental,~~ projecting, roof, suspended, and wall signs may not have electronic display faces.

~~F.D.~~ Portable signs and sandwich boards may not be illuminated or electrified in any way.

~~G.E.~~ Sign illumination in residential districts must be turned off after business hours.

~~F.~~ Electronic message displays may not change their display face faster than once every ~~eight (8) minutes~~ seven and one half (7.5) seconds.

~~H.G.~~ Changes from one message to another shall be accomplished by the change of all illumination elements on the face of a changing sign (electronic) simultaneously, with the provision that the sign may fade to complete darkness and then re-illuminate with or fade to the new message.

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11-23-7: NONCONFORMING SIGNS:

Nonconforming signs are permitted to remain, subject to the following exceptions and restrictions:

- A. The abandonment of a nonconforming sign terminates the right to maintain such sign.
- B. A nonconforming sign may be continuously maintained or repaired in its original form with materials compatible with the existing construction until damaged or destroyed from any cause in excess of seventy percent (70%) of replacement costs or until the sign becomes substandard structurally, materially, or electrically from obsolescence or other cause, so as to pose a hazard or endangerment to the public, and is not promptly repaired as ordered by the sign administrator.
- C. When a nonconforming sign is replaced or relocated, a sign permit must be obtained, and the sign must then comply with this chapter.
- D. A nonconforming sign may be altered only when the proposed alterations bring the sign fully into conformance with the restrictions for the district in which the sign is located.
- E. A nonconforming sign shall cease to be used when the business, activity, or use on ~~or to~~ which ~~the property~~it is ~~put,~~located is enlarged by more than fifty percent (50%) of either the original lot area or the building area lot coverage in place at the time the sign was installed.

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11-23-8: REMOVAL OF SIGNS:

Signs placed within the jurisdiction may be removed or cited for a violation in accordance with section 11-1-13 for the following reasons:

- A. Failure to comply with a written order of removal for a sign in violation of this chapter. The sign owner shall be responsible for all costs incurred by the city in connection with the removal and demolition of the sign and may be subject to the penalties of section 11-1-13 until the sign is removed.
- B. Signs found to be structurally, materially, or electrically defective or in any way found to be a hazard or an endangerment to the public shall be ordered repaired or removed by the owner within a time frame not to exceed a maximum of thirty (30) calendar days, as established by the administrator based upon the degree of hazard presented by the sign.
- C. Signs abandoned by reason of a change of occupancy or vacation of the building or use, shall be removed within ninety (90) calendar days by the sign owner. Failure to remove shall subject the sign owner to the responsibility for all costs incurred in removal or demolition of the sign by the jurisdiction and may be subject to the penalties of section 11-1-13 until the sign is removed.
- D. The administrator, in case of an emergency when a dangerous or defective sign poses an immediate hazard, may cause the removal of the sign without the standard notice. Following removal of the sign, the administrator shall make available to the owner a statement of the work performed and a copy of the costs of the removal for payment.
- E. In the case of removal of a sign by the jurisdiction, all costs incurred are the responsibility of the sign owner. If the costs for removal are not paid by the owner of the sign within thirty (30) calendar days of receipt of notice of those costs and attempt to serve notice of those costs, the amount specified shall become an assessment or lien against the property.
- F. Signs described in section 11-23-3C of this chapter erected on public property or rights of way without prior approval shall be subject to immediate removal where and when possible, by city personnel without obligation to notify the owner of said ~~sign~~removal.

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11-23-9: DESIGN GUIDELINES:

A. COMMON SIGN:

1. GENERAL STANDARDS:

- a) 1 per lot, tract, or parcel held in common ownership.
- b) Common signs must be used when applicable in place of freestanding sign requirements.

2. DESIGN STANDARDS BY ZONING DISTRICT:

Table 1.

ZONE ▶	R-1, R-2, R-3	R-4, R-O, R-U	B-1, B-2, CLM, M-I	PLI	Airport
SIGN TYPE ▼					
COMMON SIGN:	NP	Max Height: 5' <u>24'</u> Max Area: 6sf <u>40sf</u>	1 per lot, tract, or parcel held in common ownership. Max Height: <u>30' (B-1)</u> <u>34' (B-2, CLM, and M-I)</u> Max Area: <u>40sf (B-1)</u> <u>200sf (B-2 and CLM)</u> <u>300sf (M-I)</u>	1 per lot, tract, or parcel held in common ownership. Max Height: 24' Max Area: 100sf <u>120sf</u>	1 per lot, tract, or parcel held in common ownership. Max Height: 24' Max Area: 100sf <u>120sf</u>

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~~B. DIRECTIONAL SIGN:~~

~~1. GENERAL STANDARDS:~~

~~a) One per curb cut for property.~~

~~b) No more than twenty-five percent (25%) of the sign face may be devoted to graphics other than an arrow(s) or the words "enter", "exit", the name of a building, "parking", or "one way".~~

~~2.1. DESIGN STANDARDS BY ZONING DISTRICT:~~

~~a) Signs are limited to a max area of six (6) square feet and four (4) feet in height.~~

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~~C.F.~~ FREESTANDING SIGN:

~~1. GENERAL STANDARDS:~~

1. GENERAL STANDARDS:

- a) One sign is permitted per principal building.
- b) Freestanding signs shall be set back from a point two feet (~~2'-2'~~) inside the street front property line(s) beginning at a height of six feet (~~6'-6'~~) above grade so as not to encroach either above or forward of an imaginary line drawn up and inward at a sixty degrees (60°) angle from that point.
- c) The bottom edge of the sign face must be at least eight feet (8') above ground level or the standards for a monument sign or suspended sign must be used.

2. DESIGN STANDARDS BY ZONING DISTRICT:

Table 1.

ZONE ▶	R-1, R-2, R-3	R-4, R-O, R-U	B-1, B-2, CLM, M-I	PLI	Airport
SIGN TYPE ▼					
FREESTANDING SIGN:	<p>NP<u>Total #: 1</u></p> <p><u>Max Height: 5'</u></p> <p><u>Max Area: 12sf</u></p>	<p>Max Height: 18'</p> <p>Max Area: 32sf</p>	<p>Total #: 1</p> <p>Max Height: 24' (B-1) 34' (B-2, CLM and M-I)</p> <p>Max Area: 32sf (B-1) 150sf (B-2 and CLM) 250sf (M-I)</p>	<p>Total #: 1</p> <p>Max Height: 18'</p> <p>Max Area: 100sf</p>	<p>Total #: 1</p> <p>Max Height: 24'</p> <p>Max Area: 100sf</p>

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G. INCIDENTAL MAJOR SIGN:

1. GENERAL STANDARDS:

a) Location and number as approved with a Planned Sign Program.

2. DESIGN STANDARDS BY ZONING DISTRICT:

a) Signs are limited to a max area of thirty-two (32) square feet and eight (8) feet in height.

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H. INCIDENTAL MINOR SIGN:

3. GENERAL STANDARDS:

a) One per curb cut for property.

4. DESIGN STANDARDS BY ZONING DISTRICT:

a) Signs are limited to a max area of six (6) square feet and four (4) feet in height.

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D. MARQUEE, AWNING AND/OR CANOPY SIGN:

1. GENERAL STANDARDS:

a) Marquee, awning, and canopy signs are only permitted on the ground floor.

b) Marquee, awning, and canopy signs may not exceed thirty percent (30%) of the ground floor elevation of a building. Not to exceed the total square footage allowed when aggregated with wall signage.

2. DESIGN STANDARDS BY ZONING DISTRICT:

a) Square footage of signs aggregated with wall signage requirements where permitted.

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E. MONUMENT SIGN:

3. GENERAL STANDARDS:

- a) One sign is permitted per frontage.
- b) A monument sign is a freestanding sign and not an additional sign type.

4. DESIGN STANDARDS BY ZONING DISTRICT:

- a) A monument sign may be placed on a berm not exceeding two and one-half feet (2½') above the adjacent street grade or surface beneath the sign, whichever is less.

<u>ZONE</u> ▶	<u>R-1, R-2, R-3</u>	<u>R-4, R-O, R-U</u>	<u>B-1, B-2, CLM, M-I</u>	<u>PLI</u>	<u>Airport</u>
<u>SIGN TYPE</u> ▼					
<u>MONUMENT SIGN:</u>	<u>NP</u>	<u>Max Height: 6'</u> <u>Max Area: 32sf</u>	<u>Total #: 1</u> <u>Max Height: 6' (B-1)</u> <u>12' (B-2, CLM and M-I)</u> <u>Max Area: 32sf (B-1)</u> <u>150sf (B-2 and CLM)</u> <u>250sf (M-I)</u>	<u>Total #: 1</u> <u>Max Height: 12'</u> <u>Max Area: 120sf</u>	<u>Total #: 1</u> <u>Max Height: 12'</u> <u>Max Area: 120sf</u>

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E. PROJECTING SIGN:

1. GENERAL STANDARDS:

a) Projecting signs may not project more than six inches (6") above the parapet on the façade they are installed upon.

b) Projecting signs shall not extend more than ~~ten~~six feet (10') measured at a right angle between the outer extremity of the sign and the wall or structure to which it is attached or as limited by section 11-23-1D.

~~c) The sign shall appear to be free of any extra bracing, angle iron, guy wires, cables, etc., and sign supports shall appear to be an architectural feature and integral part of the building.~~

2. DESIGN STANDARDS BY ZONING DISTRICT:

a) Square footage of signs aggregated with wall signage requirements where permitted.

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F. ROOF SIGN:

1. GENERAL STANDARDS:

a) A roof sign may be used in place of a primary wall sign where permitted.

b) The sign shall appear to be free of any extra bracing, angle iron, guy wires, cables, etc., and sign supports shall appear to be an architectural feature and integral part of the building.

2. DESIGN STANDARDS BY ZONING DISTRICT:

a) Roof signs are calculated with and may not exceed wall signage requirements where permitted.

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~~G. SANDWICH BOARD SIGN:~~

~~1. GENERAL STANDARDS:~~

~~a) Signs are not permitted to obstruct or impede in any manner free movement along sidewalks and roadways.~~

~~b) Signs are only permitted on or immediately adjacent to the property where the business is located.~~

~~c) a) Signs must be brought in at the end of the business day.~~

~~2.1. DESIGN STANDARDS BY ZONING DISTRICT:~~

~~a) One allowed per business.~~

~~b) Max area of sign is twelve (12) square feet.~~

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~~H. SUSPENDED SIGN:~~

~~1. GENERAL STANDARDS:~~

~~a) A suspended sign may not be used on the same tract, parcel, or aggregation of tracts and parcels under common ownership and with a common land use if said property has a freestanding sign (including but not limited to monument signs).~~

~~2.1. DESIGN STANDARDS BY ZONING DISTRICT:~~

Table 1.

ZONE →	R-1, R-2, R-3	R-4, R-O, R-U	B-1, B-2, CLM, M-I	PLI	Airport
SIGN TYPE →					
SUSPENDED SIGN:	Total #: 1 Max Height: 5' Max Area: 12sf	Total #: 1 Max Height: 5' Max Area: 12sf	Total #: 1 Max Height: 5' Max Area: 12sf	Total #: 1 Max Height: 5' Max Area: 12sf	Total #: 1 Max Height: 5' Max Area: 12sf

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~~I.G.~~ WALL SIGN:

1. GENERAL STANDARDS:

a) Sign areas are given per building façade.

2. DESIGN STANDARDS BY ZONING DISTRICT:

Table 1.

ZONE ▶	R-1, R-2, R-3	R-4, R-O, R-U	B-1, B-2, CLM, M-I	PLI	Airport
SIGN TYPE ▼					
WALL SIGN:	Max Area: 40sf	Max Area: 40sf	Max Area: 3% % of the building façade or 24sf <u>sixty</u> () <u>square</u> <u>feet (per</u> <u>façade)</u> , whichever is greater.	Max Area: 100sf	Max Area: 3% % of the building façade or 24sf <u>sf</u> , whichever is greater.

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J. WINDOW SIGN:

1. GENERAL STANDARDS:

A. Window signs may be displayed on ground floor windows only.

B. Window signage occupying less than twenty-five percent (25%) of the aggregated window area per building elevation or tenant occupied portion of a building is exempt.

C. If window signage exceeds twenty-five percent (25%) of the aggregated window area per building elevation the total square footage of the window signage is to be aggregated with and not to exceed the requirement of wall signage.

2. DESIGN STANDARDS BY ZONING DISTRICT:

Table 1.

ZONE ▶	R-1, R-2, R-3	R-4, R-O, R-U	B-1, B-2, CLM, M-I	PLI	Airport
SIGN TYPE ▼					
WINDOW SIGN:	1 window sign up to 6sf.	Aggregated with wall signage requirements <u>Up to 25% of the window</u>	Aggregated with wall signage requirements <u>unless exempt</u>	Aggregated with wall signage requirements <u>unless exempt</u>	Aggregated with wall signage requirements <u>unless exempt</u>

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11-23-10: PLANNED SIGN PROGRAM:

- A. INTENT: The intent of a Planned Sign Program is to ensure that all signs are in harmony with other on-site signs, buildings, surrounding developments and to reduce visual clutter. Sign programs are also intended to provide a means of flexible application of sign regulations to encourage maximum creativity in the design and display of signs.
- B. APPLICABILITY: Any business or group of business uses on a parcel or group of parcels greater than 2 acres with common access and parking.
- C. Each new sign applied for under a Planned Sign Program shall be accompanied by the appropriate fee as described in §11-23-1D3.
- D. The Sign Administrator may approve a Planned Sign Program that follows the applicable standards of this chapter and may grant the following deviations to the chapter as outlined in this subsection:
1. The Sign Administrator may approve of incidental minor and major signs.
 2. The Sign Administrator may approve of an additional freestanding sign where the subject property has an additional frontage and an incidental major sign would prove inadequate for wayfinding purposes.
 3. The Sign Administrator may order the use of common sign(s) in place of freestanding sign(s) where it will reduce visual clutter.
 4. The Sign Administrator may increase allowable wall signage by no more than twenty percent (25%) of wall signs so that they may match the largest wall sign allowed on the premises where it will create uniformity and/or to improve wayfinding.
 5. The sign administrator shall consider the intent of the Planned Sign Program in its evaluation of the application.
- E. A Planned Sign Program may not be used to circumvent the sign variance process or to simply permit larger, more visible, or additional signs than may otherwise be permitted.
- F. Appeals to the Sign Administrators dispensation of deviations under this subsection are to be handled by the Board of Adjustments.

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11-23-11: BILLBOARDS

- A. Billboard signs shall not be established at a location having principal frontage on a street within five hundred feet (500') of any property which is used for a public park, public school, church, courthouse, city hall or public museum having principal frontage on the same street.
- B. No billboard signs shall be established closer to the street than the building setback line, if such a line exists. If none exists, the billboard sign shall maintain a minimum setback of two feet (2') from all streets and/or property lines.
- C. All billboard signs shall meet the standards set forth in 11-23-1F of this chapter.
- D. BILLBOARD SIGN USES FOR SPECIFIED ZONES:
1. Billboard signs shall be permitted in the interstate highway corridor as defined by Montana law. All billboard sign faces in the interstate highway corridor must read to the interstate highway. Billboard signs are permitted on properties zoned B-2, CLM and M-I as follows:
 - a. Billboard signs located within the interstate corridor shall have a maximum size of six hundred (600) square feet in area, including border and trim but excluding base or apron, supports, and other structural members.
 - b. Billboard signs may not exceed forty-eight feet (48') in length.
 - c. The maximum height of billboard signs, including the sign face, shall be thirty feet (30').
 - d. Minimum distance between billboard signs shall be five hundred feet (500').
 2. Billboard signs shall be permitted in B-2, CLM and M-I districts along routes covered by the Federal-aid primary system and the Highway Beautification Act but not within the interstate corridor as follows:
 - a. Billboard signs shall be a maximum of three hundred (300) square feet in area, including border and trim but excluding base or apron, supports, and other structural members.
 - b. Billboard signs may not exceed twenty-four feet (24') in length.
 - c. The maximum height of billboard signs, including the sign face, is thirty feet (30').
 - d. Minimum distance between billboard signs shall be five hundred feet (500').
 - e. All new billboard signs constructed outside the interstate corridor shall be self-supporting structures erected upon or permanently attached to concrete foundations. Billboard signs shall be erected using single pole construction.
- E. NONCONFORMING BILLBOARDS: Nonconforming billboards will be permitted to remain subject to the following exceptions and restrictions:

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1. The abandonment of a nonconforming sign shall terminate the right to maintain such sign. Removal shall be subject to the provisions of section 11-23-8 of this chapter.
 2. A nonconforming sign may be continuously maintained or repaired in its original form with compatible materials to the existing construction until damaged or destroyed from any cause in excess of seventy percent (70%) of replacement costs or until the sign becomes substandard structurally, materially or electrically from obsolescence or other cause and is not promptly repaired as ordered by the sign administrator, so as to pose a hazard or endangerment to the public. Removal shall be subject to the provisions of section 11-23-8 of this chapter.
 3. A nonconforming sign may be altered only when the proposed alterations bring the sign fully into conformance with the restrictions for the district in which the sign is located.
 4. A nonconforming sign shall cease to be used when the business, activity or use on, or to which the property is put, is enlarged in excess of fifty percent (50%) of either the original lot area or the building area lot coverage in place at the time the sign was installed.
 5. A nonconforming sign that is required to be re-permitted shall have that fee doubled.
 6. A sign which projects into the right of way beyond the curb line is hereby declared to be a traffic hazard and public nuisance. Such signs shall be reconstructed.
- F. PERMIT ISSUANCE: In addition to the permitting requirements of 11-23-1D, the following permitting requirements shall apply to Billboards in particular:
1. Permits for existing Billboards. All Billboards having valid sign permits prior to the adoption of this chapter, or which existed prior to permitting requirements, shall be required to be permitted or re-permitted within ninety (90) calendar days of the adoption of this chapter, but shall not be required to meet the present standards and requirements as a condition for receiving said permitting or re-permitting. In order to be eligible for initial permitting or re-permitting, the owner shall furnish the Sign Administrator with the following information on each Billboard:
 - a. Location;
 - b. Color photograph, taken within ten (14) calendar days of submission to the Sign Administrator of each face and support structure; and
 - c. Sign face area of each face.
 2. No fee shall be charged for initial permitting or re-permitting of Billboards having valid sign permits prior to the adoption of this chapter, or which existed prior to permitting requirements.

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3. Permits for new or relocated Billboards. A sign permit for new Billboards or for the relocation of an existing Billboard shall not be issued by the Sign Administrator unless:
- a. The Sign Administrator has verified that an existing Billboard has been completely removed, the new or relocated Billboard has no greater sign face area than that Billboard it is replacing and the new or relocated Billboard does not exceed present Billboard size requirements; and,
 - b. An officer of the company applying for the permit verifies in writing to the Planning Department that the new or relocated Billboard shall be completely constructed or reconstructed within twelve (12) months from the date the sign permit for the new or relocated Billboard is issued; and,
 - c. An officer of the company applying for the permit certifies in writing to the Sign Administrator that the new or relocated Billboard shall have no more sign faces than the Billboard it is replacing and meets all present Billboard face requirements; and,
 - d. An officer of the company applying for the permit certifies in writing to the Sign Administrator that the company had provided the information required by subsection 11-23-11F1 above for all of its existing Billboards in the city and has received re-permitting for said Billboards as required hereunder, and as of the date of the adoption of this ordinance; and,
 - e. The Sign Administrator has verified that the new or relocated Billboard and its proposed location meet all present standards and requirements of this ordinance and all Federal, State and local statutes; and,
 - f. All other requirements for obtaining a permit have been met, including, but not limited to the payment of an initial permit fee.
 - g. Notwithstanding the foregoing no sign permit for the relocation of a Billboard or for a new Billboard, shall be issued in violation of any of the provisions of this ordinance as to any Billboard or Billboard location in the City.

G. PERMITS FOR REPLACEMENT BILLBOARDS IN SAME LOCATION. A replacement Billboard for an existing nonconforming Billboard may be erected on the exact same location, provided the replacement Billboard meets the requirements set forth in 11-23-11E and does not exceed the height and display area of the sign to be replaced.

H. RENEWAL: All sign permits issued in accordance with this section shall be valid for the calendar year in which they are issued and shall be renewed not later than January 30th of each calendar year. An annual renewal fee of _____ dollars (\$), subject to periodic adjustment by City Commission, shall be charged at the time of issuance and must

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be paid prior to the issuance of the renewal permit. No renewal permit shall be issued if the company requesting such permit is known by the Sign Administrator to be in violation of any of the provisions of this chapter. Any Billboard that does not have a renewal permit issued for it by January 30th of any given calendar year shall be removed by the Owner within (90) days after written notification from the Sign Administrator unless a renewal permit is obtained within that ninety (90) day period. Failure to renew the permit within the time guidelines as set forth above is a violation of the code and will subject the Billboard owner and the landowner to the following penalties in addition to the annual renewal fee listed above:

1. One (1) to twenty-nine (29) days past due - dollars (\$) penalty
2. Thirty (30) to fifty-nine (59) days past due - dollars (\$) penalty
3. Sixty (60) to eighty-nine (89) days past due - dollars (\$) penalty
4. Beyond 90 days - forced removal of sign

I. Billboard signs not located along routes covered by the Federal-aid primary system and the Highway Beautification Act must be removed after ten (10) years of the effective date of this ordinance, or ten (10) years after their annexation into city limits if annexed after the adoption of this ordinance.

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FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS ____
DAY OF _____, 2023.

ATTEST:

MAYOR

CITY CLERK

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS
____ DAY OF _____, 2023.

ATTEST:

MAYOR

CITY CLERK