

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:

- 11-23-1: Intent
- 11-23-2: Definitions
- 11-23-3: Prohibited Signs
- 11-23-4: Exempt Signs
- 11-23-5: Permitted Signs for Specified Districts
- 11-23-6: General Signs Standards
- 11-23-7: Nonconforming Signs
- 11-23-8: Removal of Signs

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 as a whole, secure pedestrian and vehicular safety, and preserve the historic aspects of the city.

B. APPLICABILITY: 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 chapter. Nonconforming signs are subject to the provisions of §11-23-7.

C. PERMIT REQUIRED: Unless specifically exempted in §11-23-4 a permit must be obtained prior to erection, installation, display, structural alteration, or change of any sign.

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

D. 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:
 - i. Encroachments cannot impede the sight distance triangle as specified in Section §7-3-7 of this code;
 - ii. The sign cannot encroach within a vertical plane measured 2' (two feet) from the back of the curb;
 - iii. 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);
 - iv. The encroachment cannot constitute a hazard to the use of the right-of-way by the public;
 - v. 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 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 (60) days written notice from the City.

2. MAINTENANCE:

All signs must meet the following provisions for maintenance. Signs that do not meet these provisions must be repaired or removed within 30 days after receipt of notification from the Sign Administrator. Nonconforming signs are subject to the provisions of §11-23-7.

- a) The area around a sign must be properly maintained so as to make the sign readily visible.
- b) All non-functioning bulbs or damaged sign faces or panels must be replaced or repaired.
- c) All sign copy must be maintained securely on the sign face or panel and all missing copy must be replaced within 10 (ten) days of written notice.
- d) All sign structures, framework, and poles must be structurally sound.

3. COMPLIANCE WITH BUILDING AND ELECTRICAL CODES:

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

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

4. AGGREGATION OF SIGNAGE:

Freestanding signage for multiple entities must be aggregated onto Common Signs where access and parking is shared.

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.

60-DAY 6SF SIGN: A sign that may be displayed without receiving a permit for no more than 60 days and is no greater than 6sf (six square feet). A 60-DAY 6SF SIGN may be erected in windows, on walls, in the ground or elsewhere on a property so long as it is secured from creating a hazard or impeding the use of any easements. A 60-DAY 6SF sign is exempt from other aggregated size or window opacity requirements.

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.



ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

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.

BEACON: Any light source with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

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.

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.

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.

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: Attached, installed, altered, built, constructed or reconstructed, enlarged or moved, and inclusive of the painting of walls and signs, or the relocation, placement or alteration of individual sign letters (excluding manual reader board copy) or cabinets

FEATHER FLAG: A sign named for its feather-like shape, made of a flexible flag material and designed to be legible without the aid of wind.

FESTOONS AND PENNANTS: A string of ribbons, lightweight plastic, fabric or other material, tinsel, small flags or pinwheels.

FREESTANDING SIGN: A sign supported by structures or supports that are placed on, or anchored in, the ground, and that are independent from any building or any other structure.

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 is less.

INFLATABLE SIGN: A sign that is a balloon, inflatable figure or structure excluding passenger hot air balloons used for air travel.

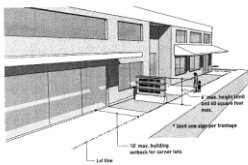
ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

MARQUEE SIGN: A 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 and 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.

FIGURE 10: MONUMENT SIGN



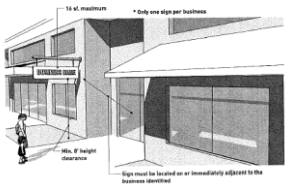
MURAL: See sec. 9 of this chapter.

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

PORTABLE MESSAGE CENTER: A freestanding sign that is not permanently affixed or attached to the ground.

PROJECTING SIGN: A sign affixed to the exterior wall of a structure and extends perpendicular to the facade of the building or structure.

FIGURE 11: PROJECTING/SUSPENDED SIGN



ROOF SIGN: A 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 movable sign that rests on the sidewalk and which is not permanently attached to the ground.

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,

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

activity, person, institution, business, or solicitation, designed to advertise, identify, or convey information.

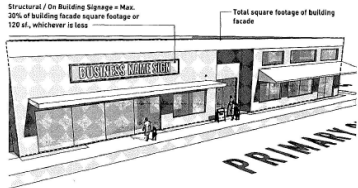
SIGN AREA: The entire area within any type of perimeter or border which encloses the outer limits of writing, representation, emblem, figure, or character. The area of the sign having no such perimeter or border is computed by enclosing the entire area with parallelograms, triangles, or circles of the 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.

TEMPORARY SIGN: A sign intended for a limited period of time under specially defined requirements.

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 (does not include license plates, license plate frames, or vehicle brand).

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

FIGURE 9: WALL SIGNS



WINDOW SIGN: A sign installed inside or upon the window surgance for the purpose of viewing from outside the premises.



11-23-3: PROHIBITED SIGNS:

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

- A. Signs that are not listed as permitted within a district are prohibited except as may be separately approved by variance granted by the Board of Adjustment.
- B. Balloons.
- C. Festoons.
- D. feather flags.
- E. Flashing, blinking, or varying light intensity signs (does not including scrolling messages and video).
- F. Off-premises signs.
- G. Pennants.
- H. Portable message centers.
- I. Reflective or mirrored signs.
- J. Vehicle signs.
- K. Air activated devices;
- L. 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.
- M. Signs may not be placed on or extend into any public rights-of-way except as outlined in §11-23-1-D-1, 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.
- N. 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.
- O. Signs that are flashed or projected on walls or other structures by means of a slide projector, laser, or other device are prohibited.

Commented [A1]: Is this problematic?

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

11-23-4: EXEMPT SIGNS: 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. GENERAL:

1. A permit is not required for the following types of signs, provided all applicable provisions of this section are met.
2. Such signs are not considered in determining the allowable number or size of signs on a lot.
3. Signs cannot be internally illuminated.

B. House numbers and street names, for purposes of identifying the property for emergency services and mail delivery.

C. PUBLIC INTEREST SIGNS:

Signs of public interest, 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.

D. SIGNS NOT VISIBLE:

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

E. FLAGS:

Flags are any fabric or other flexible material designed to be flown from a flagpole. Flags must meet the following standards:

1. The flag area cannot exceed 1.5 times the height of the pole. For example, a 40-foot tall flag pole yields a maximum 60 square foot flag;
2. The maximum height of a flagpole is 40 feet, measured from the highest point of the flagpole to average adjacent grade; and
3. A freestanding flagpole must be set back from a lot line a distance equal to the height of the pole. For example, a flagpole 40 feet in height must be set back at least 40 feet from a lot line.

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

11-23-5: REGULATIONS

FOR

SPECIFICIED

DISTRICTS:

~~A. R-1, R-2, and R-3 Districts:~~

~~1. Each lot, tract, or parcel, or group of lots, tracts, or parcels held in common ownership in the R-1, R-2, and R-3 zoning districts may have one freestanding sign that may be placed and maintained on the property indefinitely and without a permit. The freestanding sign may be a maximum of _____ feet tall and not larger than _____ square feet/inches in sign area. The freestanding sign may not be permanently affixed or attached to the ground.~~

~~2. In addition to the one permit exempt freestanding sign, each lot, tract, or parcel, or group of lots, tracts, or parcels held in common ownership may have up to _____ temporary freestanding signs without a permit. These temporary freestanding signs cannot be placed or maintained on the property for more than _____ days each calendar year and may not be permanently affixed or attached to the property in any way. Each individual temporary frees maye maximum of up _____ inches/feet tall and not larger than _____ square feet/inches in individual sign area.~~

~~3. _____ wall or window sign up to _____ in sign area may be maintained on the property.~~

~~B. R-4, R-O, and B-1 Districts:~~

~~1. For residential uses:~~

~~a. Each lot, tract, or parcel, or group of lots, tracts, or parcels held in common ownership in the R-1, R-2, and R-3 zoning districts may have one freestanding sign that may be placed and maintained on the property indefinitely and without a permit. The freestanding sign may be a maximum of _____ feet tall and not larger than _____ square feet/inches in sign area. The freestanding sign may not be permanently affixed or attached to the ground.~~

~~b. In addition to the one permit exempt freestanding sign, each lot, tract, or parcel, or group of lots, tracts, or parcels held in common ownership may have up to _____ temporary freestanding signs without a permit. These temporary freestanding signs cannot be placed or maintained on the property for more than _____ consecutive or total days each calendar year and may not be permanently affixed~~

Commented [A2]: Is this necessary considering #2 below?

Commented [A3]: Allowing for on-going temporary signage for purposes of changing political messages/campaigns/elections, etc...But can specify the period allowed, number of signs, and size...for any message.No permit required.

Commented [A4]: Allows office and limited retail uses.

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

~~or attached to the property in any way. Each individual temporary freestanding sign may be a maximum of up to _____ inches/feet tall and not larger than _____ square feet/inches in individual sign area.~~

Commented [A5]: Allowing for on-going temporary signage for purposes of changing political messages/campaigns/elections, etc...

~~_____ c. _____ wall or window sign up to _____ in sign area may be maintained on the property.~~

~~_____ 2. For non residential uses: _____~~

~~_____ a. Each lot, tract, or parcel, or group of lots, tracts, or parcels held in common ownership may have _____ freestanding sign/signs that may be placed and maintained on the property indefinitely after obtaining a sign permit from the city. Freestanding sign/signs may be a maximum of _____ feet tall and not larger than _____ square feet/inches in sign area.~~

~~_____ b. In addition to the permit approved freestanding sign/signs, each lot, tract, or parcel, or group of lots, tracts, or parcels held in common ownership may have up to _____ temporary permit exempt freestanding signs without a permit. These temporary freestanding signs cannot be placed or maintained on the property for more than _____ consecutive or total days each calendar year and may not be permanently affixed or attached to the property in any way. Each individual temporary freestanding sign maybe _____ maximum of up _____ inches/feet tall and not larger than _____ square feet/inches in individual sign area.~~

~~_____ c. _____ wall and/or _____ window/awning/marquee sign up to _____ in sign area may be maintained and displayed on the property.~~

~~C. B-2 District:~~

~~_____ 1. One freestanding sign no more than thirty four feet (34') in overall height and one hundred and fifty (150) square feet per lot, tract, or parcel that is affixed or attached to the ground.~~

~~_____ 2. In addition to the permit approved freestanding sign, each lot, tract, or parcel, or group of lots, tracts, or parcels held in common ownership may have up to _____ temporary permit exempt freestanding signs without a permit. These temporary freestanding signs cannot be placed or maintained on the property for more than _____ consecutive or total days each calendar year and may not be permanently affixed or attached to the property in any way. Each individual temporary freestanding sign maybe _____ maximum of up _____ inches/feet tall and not larger than _____ square feet/inches in individual sign area.~~

Commented [A6]: Blade banners, pennants, and the like...?

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

~~3. Wall, awning, or marquee signs up to thirty percent (30%) of the building facade to which they are attached or two hundred (200) square feet in aggregate sign area, whichever is less.~~

~~4. Signs on windows may not exceed twenty five percent (25%) of the total window area. If the sign on a window exceeds that limitation, the sign is considered a wall sign and subject to the wall sign limitation above.~~

~~5. One projecting sign that is no more than forty (40) square feet in size.~~

~~6. One roof sign that is no more than one hundred fifty (150) square feet in size.~~

~~7. One electronic message displays subject to the specific size and luminance regulations in this chapter. No electronic message display sign may be erected or maintained closer than one hundred feet (100') from any OSR, R-1, R-2, R-3, R-4, R-O, or Airport zoning districts unless the sign is constructed and oriented in such a manner that the sign cannot be seen from said districts.~~

~~8. Directional signs that do not exceed six (6) square feet in area and four feet (4') in height. Logo identification on directional signs may not be more than twenty five percent (25%) of the sign area. If the logo identification is more than 25% then the sign is not a directional sign and is considered a freestanding sign.~~

~~E. B-3 District:~~

~~1. A wall, awning, or marquee signs up to thirty percent (30%) of the building facade to which they are attached or two hundred (200) square feet in aggregate sign area, whichever is less.~~

~~2. Sandwich board sign that is no taller than ___ feet and ___ in area is permitted on the adjacent public right of way subject to encroachment permit approval pursuant to Title 7, Chapter 13 of this code.~~

~~3. Signs on windows may not exceed twenty five percent (25%) of the total window area. If the sign on a window exceeds that limitation, the sign is considered a wall sign and subject to the wall sign limitation above.~~

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

~~F. M I and CLM Districts:~~

~~1. 1. One freestanding sign no more than thirty four feet (34') in overall height and three hundred (300) square feet per lot, tract, or parcel that is affixed or attached to the ground.~~

~~2. In addition to the permit approved freestanding sign/signs, each lot, tract, or parcel, or group of lots, tracts, or parcels held in common ownership may have up to _____ temporary permit exempt freestanding signs without a permit. These temporary freestanding signs cannot be placed or maintained on the property for more than _____ consecutive or total days each calendar year and may not be permanently affixed or attached to the property in any way. Each individual temporary freestanding sign maybe _____ maximum of up _____ inches/feet tall and not larger than _____ square feet/inches in individual sign area.~~

~~3. Wall, awning, or marquee signs up to thirty percent (30%) of the building facade to which they are attached or three hundred and ten (300) square feet in aggregate sign area, whichever is less.~~

~~3. Signs lettered on the exterior or interior of a window may not exceed twenty five percent (25%) of the window on which they are lettered or a maximum of four (4) square feet, whichever is more. If the sign on a window exceeds those limitations, the sign is considered a wall sign and subject to the wall sign limitation above.~~

~~4. One roof sign that is no more than three hundred (300) square feet in aggregate sign area.~~

~~5. One projecting sign that is no more than two hundred (200) square feet in aggregate sign area.~~

~~6. One electronic message display subject to the specific size and luminance regulations in this chapter. No electronic message display sign may be erected or maintained closer than one hundred feet (100') from any OSR, R-1, R-2, R-3, R-4, R-O, or Airport zoning districts unless the sign is constructed and oriented in such a manner that the sign cannot be seen from said districts.~~

~~7. Directional signs that do not exceed six (6) square feet in area and four feet (4') in height. Logo identification on directional signs may not be more than twenty five percent (25%) of the sign~~

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

~~area. If the logo identification is more than 25%, then the sign is not a directional sign and is considered a freestanding sign.~~

~~G. — PLI District:~~

~~1. — Freestanding, wall, awning, or marquee signs whose aggregate sign area may not exceed more than one hundred (100) square feet per per lot, tract, or parcel that is held in common ownership. Freestanding signs may not exceed eighteen feet (18') in overall height.~~

~~2. — Signs lettered on the exterior or interior of a window may not exceed twenty five percent (25%) of the window on which it is lettered or a maximum of four (4) square feet, whichever is more. If the sign on a window exceeds those limitations, the sign is considered a wall sign and subject to the wall sign limitation above.~~

~~3. — One electronic message display subject to the specific size and luminance regulations in this chapter. No electronic message display sign may be erected or maintained closer than one hundred feet (100') from any OSR, R-1, R-2, R-3, R-4, R-O, or Airport zoning districts unless the sign is constructed and oriented in such a manner that the sign cannot be seen from said districts.~~

~~4. — Directional signs that do not exceed than six (6) square feet in area and four feet (4') in height. Logo identification on directional signs may not be more than twenty five percent (25%) of the sign area. If the logo identification is more than 25%, then the sign is not a directional sign and is considered a freestanding sign.~~

~~H. — Airport District:~~

~~1. — One freestanding sign no more than twenty four feet (24') in overall height and one hundred (100) square feet of sign area per lot, tract, or parcel that is held in common ownership.~~

~~2. — Wall, awning, or marquee signs up to thirty percent (30%) of the building facade to which they are attached or two hundred and ten (200) square feet in aggregate sign area, whichever is less.~~

~~3. — Signs lettered on the exterior or interior of a window may not exceed twenty five percent (25%) of the window on which it is lettered or a maximum of four (4) square feet, whichever is more. If~~

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

~~the sign on a window exceeds those limitations, the sign is considered a wall sign and subject to the wall sign limitation above.~~

~~6. One roof sign that is no more than three hundred (300) square feet in aggregate sign area.~~

~~7. One electronic message display subject to the specific size and luminance regulations in this chapter. No electronic message display sign may be erected or maintained closer than one hundred feet (100') from any OSR, R-1, R-2, R-3, R-4, R-O, or Airport zoning districts unless the sign is constructed and oriented in such a manner that the sign cannot be seen from said districts.~~

~~8. Directional signs that are no larger than six (6) square feet in area and four feet (4') in height. Logo identification on directional signs may not be more than twenty five percent (25%) of the sign area. If the logo identification is more than 25%, then the sign is not a directional sign and is considered a freestanding sign.~~

~~9. All signs must be installed and designed in accordance with the rules regulations promulgated by the United States federal aviation administration.~~

TABLE 1: ALLOWABLE SIGNAGE:
For DT and TR districts see Ch. 9.

| <u>ZONE</u> → | <u>OSR, 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>Supplemental Requirements</u> |
|-------------------------|---|---|---|---|---|----------------------------------|
| <u>SIGN TYPE</u> ↓ | | | | | | |
| <u>60-DAY 6SF SIGN:</u> | <u>MAX 3 per year per dwelling unit or business</u> | <u>MAX 3 per year per dwelling unit or business</u> | <u>MAX 3 per year per dwelling unit or business</u> <u>Permitted only in windows and as part of allowed window signage</u> | <u>MAX 3 per year per dwelling unit or business</u> | <u>MAX 3 per year per dwelling unit or business</u> | |

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

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| <u>COMMON SIGN:</u> | <u>NP</u> | <u>1 per frontage</u> <u>Max Height: 5'</u> <u>Max Area: 6sf</u> | <u>1 per frontage</u> <u>Max Height: 34'</u> <u>Max Area: 150sf</u> | <u>1 per lot, tract, or parcel held in common ownership</u> <u>Max Height: 18'</u> <u>Max Area: 100sf</u> | <u>1 per lot, tract, or parcel held in common ownership</u> <u>Max Height: 24'</u> <u>Max Area: 100sf</u> | <u>Common signs must be used when applicable in place of freestanding sign requirements.</u> |
| <u>DIRECTIONAL SIGN:</u> | <u>Max Height: 4'</u> <u>Max Area: 6sf</u> | <u>Max Height: 4'</u> <u>Max Area: 6sf</u> | <u>Max Height: 4'</u> <u>Max Area: 6sf</u> | <u>Max Height: 4'</u> <u>Max Area: 6sf</u> | <u>Max Height: 4'</u> <u>Max Area: 6sf</u> | |
| <u>FREESTANDING SIGN:</u> | <u>NP</u> | <u>Total #: 1</u> <u>Max Height: 5'</u> <u>Max Area: 12sf</u> | <u>Total #: 1</u> <u>Max Height: 34'</u> <u>Max Area: 75sf</u> <u>Plus 1 monument sign per additional frontage</u> | <u>Total #: 1</u> <u>Max Height: 6'</u> <u>Max Area: 12sf</u> | <u>Total #: 1</u> <u>Max Height: 6'</u> <u>Max Area: 12sf</u> | |
| <u>INFLATABLE SIGN:</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | |
| <u>MARQUEE, AWNING AND/OR CANOPY SIGN:</u> | <u>NP</u> | <u>NP</u> | <u>30% of the building facade to which they are attached.</u> | <u>30% of the building facade to which they are attached.</u> | <u>30% of the building facade to which they are attached.</u> | <u>Square footage to be aggregated with wall signage and not exceed total allowed.</u> |
| <u>PORTABLE MESSAGE</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>Signs must be located on</u> |

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

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| <p><u>CENTER (SANDWICH BOARD SIGN):</u></p> | | | | | | <p><u>premises or on the sidewalk immediately adjacent and removed from location at the close of business. May not impede travelers on the sidewalk.</u></p> |
| <p><u>PROJECTING SIGN:</u></p> | <p><u>NP</u></p> | <p><u>1 per business Max Area: 6sf</u></p> | <p><u>1 per business Max Area: 40sf.</u></p> | <p><u>NP</u></p> | <p><u>1 per business Max Area: 40sf.</u></p> | <p><u>Projecting signs may not extend more than ten feet (10') measured at a right angle between the outer extremity of the sign and the wall or structure to which it is attached. The sign must appear to be free of any extra bracing, angle iron, guy wires,</u></p> |

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

| | | | | | | |
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| | | | | | | <p><u>cables, etc., and sign supports must appear to be an architectural feature and integral part of the building. A projecting sign may not extend more than six inches (6") above the parapet, eave, or facade of the building to which it is attached.</u></p> |
| <u>ROOF SIGN:</u> | <u>NP</u> | <u>NP</u> | <p><u>1 per building and total area aggregated with wall signage</u></p> | <u>NP</u> | <u>NP</u> | <p><u>A roof sign must appear to be free of any extra bracing, angle iron, guywires, cables, etc. The supports must be an architectural feature and</u></p> |

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

| | | | | | |
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| | | | | | <p><u>integral part of the building. Supporting columns of round, square, or shaped steel members may be erected if the required bracing that is visible to the public is minimized or covered. The roof sign height may not exceed eight feet (8') measured from the lowest point of attachment to the roof nor exceed the allowable height of a structure for the underlying zoning.</u></p> |
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DRAFT

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

| | | | | | | |
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| <p><u>WALL SIGN:</u></p> | <p><u>1 wall or window sign up to 6sf.</u></p> | <p><u>1 wall or window sign up to 12sf.</u></p> | <p><u>wall signage up to 30% or 200sf per façade whichever is less.</u></p> | <p><u>Aggregate wall signage up to 100sf.</u></p> | <p><u>wall or window signage up to 30% or 200sf per façade whichever is less.</u></p> | <p><u>Wall signs must be affixed in a permanent manner to the outside of a building and be of rigid construction. Wall signs may not project more than eighteen inches (18") from the wall and may not extend more than six inches (6") above the parapet, eaves, or facade of the building upon which they are located.</u></p> |
| <p><u>WINDOW SIGN:</u></p> | <p><u>1 window sign up to 6sf. Signs may not occupy more than 40% of the window.</u></p> | <p><u>1 window sign up to 12sf. Signs may not occupy more than 40% of the window.</u></p> | <p><u>To be aggregated with and not to exceed the requirement of wall signage.</u></p> | <p><u>To be aggregated with and not to exceed the requirement of wall signage.</u></p> | <p><u>To be aggregated with and not to exceed the requirement of wall signage.</u></p> | |

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

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| | | | <u>Signs may not occupy more than 25% of the window.</u> | <u>Signs may not occupy more than 25% of the window, and no individual letter may exceed 4sf.</u> | <u>Signs may not occupy more than 25% of the window.</u> | |
|--|--|--|--|---|--|--|

TABLE 2: ALLOWABLE DISPLAY FACE TYPES:
For DT and TR districts see Ch. 9.

DRAFT

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

| <u>ZONE</u> → | <u>OSR, 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>Supplemental Requirements</u> |
|---|---------------------------|----------------------|---------------------------|------------|----------------|----------------------------------|
| Face <u>TYPE</u> ↓ | | | | | | |
| <u>ELECTRONIC MESSAGE DISPLAY FACE:</u> | <u>NP</u> | <u>NP</u> | <u>P</u> | <u>NP</u> | <u>P</u> | |
| <u>EXTERNALLY ILLUMINATED W/ DOWNWARD FACING LIGHTS</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | |
| <u>HALO LIT:</u> | <u>NP</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | |
| <u>INTERNALLY ILLUMINATED</u> | <u>NP</u> | <u>NP</u> | <u>P</u> | <u>NP</u> | <u>P</u> | |
| <u>NON-ILLUMINATED AND PERMANENT IN NATURE</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | |
| <u>READER BOARD (MANUAL CHANGE) :</u> | <u>NP</u> | <u>NP</u> | <u>P</u> | <u>NP</u> | <u>P</u> | |

11-23-6: SIGN LIGHTING STANDARDS:

A. D.—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

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

detriment to surrounding properties or prevents the reasonable enjoyment of residential uses.

A.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.

B.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.

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 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.

G. Billboard signs must be removed after ten (10) years of the effective date of this ordinance.

11-23-8: REMOVAL OF SIGNS: The city may remove unauthorized signs from public rights-of-way and city property without notice to the owner. The city shall make all reasonable efforts to ascertain the owner of the sign and inform the owner where the signs can be retrieved.

11-23-9: MURALS:

A. PURPOSE:

The purpose of this Chapter is to permit and encourage original art murals on a content-neutral basis on certain terms and conditions. Original art murals comprise a unique medium of expression which serves the public interest. Original art murals have purposes distinct from signs and confer different benefits. Such purposes and benefits include: improved aesthetics; avenues for original artistic expression; public access to original works of art; community participation in the creation of original works of art; community building through the presence of and identification with original works of art; and a reduction in the incidence of graffiti and other crime. Murals can increase community identity and foster a sense of place and enclosure if they are located at heights and scales visible to pedestrians, are retained for longer periods of time and include a neighborhood process for discussion.

B. DEFINITIONS:

ALTERATION OF MURAL: Any change to the permitted mural, including but not limited to any change to the image(s), materials, colors or size of the Permitted Original Art Mural. "Alteration" does not include naturally occurring changes to the mural caused by exposure to the elements or the passage of time.

Minor changes to the mural which result from the maintenance or repair of it shall not constitute "alteration" of the mural within the meaning of this Title. This can include slight and unintended deviations from the original image, colors or materials that occur.

CHANGING IMAGE MURAL: A mural that, through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement, or change of mural image or message. Changing image murals do not include otherwise static murals where illumination is turned off and back on not more than once every 24 hours.

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

COMPENSATION: The exchange of something of value. It includes, without limitation, money, securities, real property interest, barter of goods or services, promise of future payment, or forbearance of debt. "Compensation" does not include:

1. Goodwill; or
2. An exchange of value that a property owner) or leaseholder with a right to possession of the wall upon which the mural is to be placed) provides to an artist, muralist or other entity where the compensation is only for the creation and/or maintenance of the mural on behalf of the property owner or leaseholder, the mproperty owner or leaseholder fully controls the content of the mural.

MURAL: A large picture painted directly on a wall with the permission of the property owner.

C. PERMIT REQUIRED:

Those wishing to erect a mural must apply for a mural permit.

D. PERMENANCE:

1. The mural shall remain in place, without alterations, for a period of 2 years. The applicant shall certify in the permit application that the applicant agrees to maintain the mural in place for a period of 2 years without alteration.

E. DESIGN STANDARDS:

Original Art Murals that meet all of the following criteria and which are not prohibited will be allowed upon satisfaction of the applicable permit requirements:

1. No part of the mural shall exceed 30 feet in height measured from the grade plane.
2. The mural shall not extend more than 6 inches from the plane of the surface upon which it is tiled or painted or to which it is affixed.

F. PROHIBITIONS:

1. Murals on sites developed with residential buildings with fewer than five dwelling units on the site.
2. Murals for which compensation is given or received for the display of the mural or for the right to place the mural on another's property. The applicant shall certify in the permit application that no compensation will be given or received for the display of the mural or the right to place the mural on the property.

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

G. NEIGHBORHOOD INVOLVEMENT PROCESS:

The Community Development Department shall require a community involvement process wherein an applicant for a mural permit must provide notice of and to hold a community meeting on the mural proposal at which interested members of the public may review and comment upon the proposed mural. No mural permit shall be issued until the applicant certifies that he or she has completed the required Neighborhood Involvement Process. This is a process requirement only and in no event will a mural permit be granted or denied based upon the content of the mural.

H. ADMINISTRATIVE RULES:

The Community Development Department is authorized and directed to adopt and administer Administrative Rules implementing this Chapter, and setting forth the substantive and procedural requirements and fees for a mural Permit. Such fees shall in no event exceed the actual costs of administration.

I. VIOLATIONS AND ENFORCEMENT:

1. It is unlawful to violate any provision of this Chapter, any Administrative Rules adopted by the Community Development Department pursuant to this Chapter, or any representations made or conditions or criteria agreed to in a mural permit application. This applies to any applicant for an mural permit, to the proprietor of a use or development on which a permitted mural is located, or to the owner of the land on which the permitted mural is located. For the ease of reference in this Chapter, all of these persons are referred to by the term "operator."
2. The Sign Administrator must give written notice of any violation to the operator. Failure of the operator to receive the notice of the violation does not invalidate any enforcement actions taken by the City. The regulations of this Chapter, and the conditions of mural permit approvals, shall be enforced by the sign administrator pursuant to §11-23 of the City Code.

FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS ____ DAY OF _____, 2016.

ATTEST:

MAYOR

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

CITY CLERK

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS _____ DAY OF _____,
2016.

ATTEST:

MAYOR

CITY CLERK

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