



October 19, 2023

City of Helena Mayor Wilmont J. Collins

Honorable Mayor Collins:

I am contacting you on behalf of the Northwest Sign Council (NWSC) and the International Sign Association (ISA), representing the on-premises sign industry. Both organizations work with jurisdictions throughout the Northwest to assist in the creation of beneficial and enforceable sign regulations.

The proposed sign regulations are not business friendly and will place an economic burden or limit economic opportunities for the business community. Some of the issues includes: a severe reduction in allowable wall sign area from 30% of the façade to 3%, an increase in hold time for electronic signs from 7.5 seconds to 8 minutes and a 50% reduction in the allowable area for electronic signs. In addition, the proposed changes are not in concert with City of Helena’s 2019 Growth Policy or the 2015 SCOTUS decision Reed v. Town of Gilbert.

2019 City of Helena’s Growth Policy Land Use 3 pg. 3.21

The proposed sections of the code that require additional limitations and regulations on sign types such as: a severe reduction in the allowable sign area for wall signs, a 50% reduction in the allowable area for electronic signs, and an increase in the hold time for messages on electronic signs from 7.5 seconds to 8 minutes conflicts with the 2019 City of Helena’s Growth Policy Land Use 3 pg. 3.21, which states the following:

Land Use Goals & Objectives

Goals

[G.01] Promote and sustain Helena’s economic vitality, supporting existing businesses and attracting a diverse range of economic sectors that provide employment opportunities.

The proposed sign code amendments are not in concert with this goal of Helena’s Growth Policy since the proposed amendments may very well be in direct conflict with this goal since the noted amendments to the sign code may not: promote and sustain Helena’s economic vitality, support existing businesses and limit employment opportunities. Sign code regulations need to directly support adopted land use policies. The proposed sign code amendments do not support Helena’s 2019 Land Use Growth Policy for Land Use Goals and Objectives.

11-23-2: DEFINITIONS: Monument Sign pg. 5

A monument sign is defined to not exceed 6’ in height. We recommend that monument signs be allowed so as to not exceed 12’ in height. The American Planning Association document “Street Graphics and the Law states the following: “Based on the research, the USSC minimum height standard for copy on signs placed on roads ... is no less than five feet above grade.” This is due to safety issues to ensure adequate visibility and a reasonable viewer reaction time, considering the blocking potential of other vehicles on the road.



Therefore, due to safety and visibility issues, we recommend that the minimum height for monument signs be 12' above grade. (The referenced document Street Graphics and the Law previously sent to Michael Alvarez.)

11-23-4: EXEMPT SIGNS B. TEMPORARY SIGNS pg. 8

This section is too vague since it does not describe the type, size and number of temporary signs that are allowed, except for the signs by district which is too restrictive since the number of signs allowed do not accommodate sufficient free speech allowances. For instance, the draft only allows for a temporary sign not to exceed 12 sq. ft in the B-1 District and 25 sq. ft, which may not safely function as intended due to visibility and legibility issues. See attached references *Best Practices in Developing Temporary Sign Regulations* and *Content Neutrality Post Reed & Austin*.

We recommend working with the stakeholders, such as the business community, sign companies, realtors, etc. to develop reasonable temporary sign regulations that will work in Helena.

11-23-6: SIGN LIGHTING STANDARDS: B.C. D. H. pg. 13

Section H. of the Lighting Standards propose hold time for electronic signs is 8 minutes, the existing code has a hold time of 7.5 seconds per message. We recommend allowing animation with no flashing as stated in the existing code. Many of the existing electronic signs do not comply with the existing 7.5 second hold time. The proposed standard will not be supportive of the business community and others. In these highly competitive times for brick-and-mortar businesses the need to provide information to the public is critical. The attached study *Digital Signs and Traffic Safety: A Statistical Analysis* states the following: "The data revealed there is no significant increase in crash frequency after the installation of on-premise digital signs."

Therefore, we recommend to allow for animation with electronic signs.

(Section 11-23-3: PROHIBITIONS: 2. Would need to be amended as follows:

2. Flashing and blinking, scrolling, video, or varying light intensity signs. Section 11-23-6 Sign Lighting Standards would need to be amended to allow for animation and Section H on message hold time deleted.)

Section B. of the Lighting Standards proposes a daytime limitation of electronic signs and a nighttime limitation that is about 4 times as bright as our recommendations in the attached document, *Recommended Night-time Brightness Levels for On-Premise Electronic Message Centers*. Daytime limitations are not needed since we have not seen any issues or complaints during the daytime, especially with automatic dimming. Brightness issues are the most common issue with regulating electronic signs. We recommend our .3 footcandle approach for nighttime brightness limitations. This standard is easy to enforce and has been adopted by at least 3 jurisdictions in Montana that we are aware of including: Kalispell, Hamilton and West Yellowstone. See attached *Recommended Illumination Standards for electronic signs* which includes some model language.

Therefore, we recommend no daytime brightness limitations and our brightness standards to ensure that electronic signs are not too bright.



Section C of the Lighting standards proposes a limitation of 50% of the sign area or 75 sq. ft. whichever is less. The existing code does not have a limitation on the area of electronic signs other than what is allowed in a zoning district. Since EMCs are no brighter than a typical static sign if our illumination standards are utilized, we do not see any justification to limit the allowable area. In addition, electronic signs pose no safety issues as previously noted and are similar in brightness to static signs. The business community along with the sign companies should be able to determine the appropriate size needed within the zoning limitations to meet their needs.

C. FREESTANDING SIGN: 1. GENERAL STANDARDS: pg. 18

This section only allows for one freestanding sign per principal building. We strongly recommend that one freestanding sign be allowed per street frontage and an additional freestanding sign be allowed for each outlet where a project has multiple buildings. This will ensure safe and effective freestanding signs for corner parcels and developments that include outlots.

Therefore, we recommend that one freestanding sign be allowed per street frontage and one additional freestanding sign for outlots.

WALL SIGN Table 1. pg. 24

The proposed wall area allowances for commercial, industrial and airport districts represent a decrease in allowable area from 30% to 3% of the building facade and 300, 200 or 100 square feet to 24 square feet. These proposed standards are not reasonable. The proposed standard of 24 sq. ft. may very well result in signs that are not legible depending on the viewing distances, ROW widths and speed limits. This will result in many existing wall signs becoming non-conforming.

We recommend maintaining the existing wall area standards of 30% of the building façade to not make many existing signs nonconforming, placing a burden on the business community.

Therefore, we recommend that the area limitation of 50% or 75 sq. ft. section be deleted.

Legal Issues

Content Neutrality B. Direction Sign pg. 17

The section for directional signs conflicts with Reed v. Town of Gilbert. This section should refer to this sign type as a minor sign or a similar type of term with no reference to content. See attached reference Content Neutrality Post Reed and Austin.

Substitution Clause

Sign codes should contain a substitution clause, as recommended in the reference Content Neutral Signs Codes Post Reed & Austin. A substitution clause simply allows a sign to substitute a noncommercial message on any



sign that permits a commercial or another noncommercial message. This simply clarifies that a sign code regulates only the physical characteristics of the sign and not its message.

We appreciate your consideration of these recommendations. Do not hesitate to contact me with any questions at 480-773-3756 or james.carpentier@signs.org

Sincerely,

A handwritten signature in black ink that reads 'James Carpentier'.

James B. Carpentier AICP
Director State & Local Government Affairs

Cc
Zoning Commission
Michael Alvarez