

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: GENERAL:
- 11-23-2: DEFINITIONS:
- 11-23-3: PROHIBITIONS:
- 11-23-4: EXEMPT SIGNS:
- 11-23-5: REGULATIONS FOR SPECIFICIED DISTRICTS:
- 11-23-6: SIGN LIGHTING STANDARDS:
- 11-23-7: NONCONFORMING SIGNS:
- 11-23-8: REMOVAL OF SIGNS:
- 11-23-9: DESIGN GUIDELINES:
- 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, placement, and ~~erection 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:

1. 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~~:

a. Review, approve and process applications for and issue sign permits; ~~to conduct~~

b. Conduct public hearings to resolve requests received for variances to the general sign regulations before the governing body; ~~to approve~~

c. Approve a Planned Sign Program; ~~to enter;~~

~~d. 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.~~~~

e. Enforce and carry out all provisions of this code.

D. PERMIT REQUIRED:

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.

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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.

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:~~

a. Correct or remove said violation within ten (10) days ~~;~~ or

b. To make appeal of the administrator's determination in writing to the city manager within ~~that same period. ten (10) days.~~

~~5.~~ 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). The notice requirements of this part do not apply in a case of emergency as provided in §11-23-8D.

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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.

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:

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- 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 governing body);
 - 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 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 ninety (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 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 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.

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

H. A planned sign program in accordance with §11-23-10 is required to receive sign permits for any business or group of business uses on a parcel or group of parcels greater than 2 acres with common access and parking.

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

J. Sandwich Board Signs must be:

1. Located on-premise, or immediately adjacent to the premise in the public right-of-way if the building has a 0' lot line setback;
2. Positioned so as not to interfere in any way with the use of the public right-of-way;
3. Removed from location at the close of business.

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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, face type, 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.

ANIMATED SIGN: A sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means exclusive of electronic message display faces.

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 temporary, on-premise, nonrigid sign that is generally hung from a permanent or temporary structure for the purpose of advertising.

BILLBOARD BUSINESS PERMIT(s): Business permit(s) required for each billboard sign face in the city.

BILLBOARD SIGN: A permanent off-premise sign in a fixed location used, in whole or in part, for the display of off-site commercial messages with a minimum size of one hundred and fifty (150) 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.

CANOPY SIGN: A sign affixed to or a part of an open, ~~permanent,~~ roof like accessory structure, which is not attached or a part of a principal

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building, that is generally designed and constructed to provide protection from the weather.

COMMON SIGN: An on-premise, 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.

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.

EXTERNALLY ILLUMINATED: A sign that is illuminated by an artificial light source that is not contained within the sign itself and is intended or positioned to illuminate the sign.

FREESTANDING SIGN: An on-premise 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 more than fifty (50) years old, and which generally advertises an extinct business or product.

HALO LIT: The illumination of a sign that is comprised of individually mounted opaque raised letters or symbols with back-lighting so the light source is not directly visible.

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.

INCIDENTAL SIGN (MAJOR OR MINOR): An on-premise, 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.

INTERNALLY ILLUMINATED: A sign supplied with light from an internal light source.

MARQUEE SIGN: An on-premise 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.

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MONUMENT SIGN: A freestanding sign mounted directly to the ground, or with its bottom edge flush to the ground, not more than 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.

OFF-PREMISE 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-PREMISE 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: An on-premise sign affixed to the exterior wall of a structure and extends perpendicular to the facade of the building or structure.

READER BOARD: A sign or portion of a sign containing a message for public display that is manually altered periodically.

ROOF SIGN: An on-premise 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 area 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

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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: An on-premise freestanding sign comprised of a vertical column, a horizontal decorative sign support, and a suspended sign face.

TEMPORARY SIGN: An on-premise sign intended for a limited period under specially defined requirements.

UNDER MARQUEE OR AWNING SIGN: An on-premise 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-premise, or additional on-premise signage for a commercial entity.

WALL SIGN: An on-premise 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: An on-premise 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~~ §11-23-1D11F1 and §11-23-1J, 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. Off-premise signs with the following exceptions:
 - a. Billboards (see: §11-23-11);
 - b. ~~Sponsorship signs~~ Signs placed by the local authority in the public right-of-way;
 - c. ~~Sponsorship signs~~ Signs in a PLI zone type with the following uses:
 - i. Indoor entertainment, sports and recreation;
 - ii. Outdoor entertainment, sports and recreation;
 - iii. Parks/playgrounds;
 - iv. Outdoor concerts and theatrical performances.
- F. Any of the following sign types are expressly prohibited:
 - 1. Animated signs;
 - ~~1-2.~~ Balloons;
 - 3. Bench signs;
 - 4. On-premise canopy signs;
 - ~~2-5.~~ Portable signs;
 - ~~3-1. Reflective or mirrored signs;~~
 - 4-6. Powered, air-activated devices;
 - 7. Reflective or mirrored signs;
 - ~~5-1. On-premise canopy signs;~~
 - 6-8. Vehicle signs that are on-premise and not involved in the regular operations of the advertised business ~~in a non-advertising function~~

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or used off-premise in the performance of an explicitly advertising function;

~~7.~~ Signs that are flashed or projected on walls or other structures by means of a slide projector, laser, or other devices;

~~8. Bench signs.~~

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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.

1. GHOST SIGNS:

a. Nothing in this chapter 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. Canopy signs for the duration of a temporary event.

~~5-6.~~ 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.

~~6-7.~~ Feather flags are only permitted in R-4, R-O, B-1, B-2, CLM, and PLI zoning districts at the rate of one per primary structure with an additional flag permitted per 200' linear feet of frontage beyond the first 100'.

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

1. That the signs are not illuminated in any manner;
2. That the signs are not erected in a permanent manner; and
3. That they follow the requirements of their zoning districts outlined below:

a. Any lot, parcel, or group of parcels serving a common purpose may have two temporary signs up to 24sf for as long as there is an active building permit for a new primary structure.

~~a. R-1, R-2, and R-3 zoning districts: Temporary sign(s) may not exceed twelve (12) square feet in aggregate area.~~

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

~~C. Political signs per state law.~~

~~D.C.~~ C. Incidental minor signs.

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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.~~).

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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 AND/OR AWNING 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 ▼					
BILLBOARD SIGN:	NP	NP	P	NP	NP
COMMON SIGN:	P	P*	P*	P*	P*
FREESTANDING SIGN:	P	P	P	P	P
INCIDENTAL MAJOR SIGN:	NP	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	P*	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	P	P

*Not permitted with open lands uses in PLI

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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.

Table 4:

AREA OF SIGN IN SQUARE FEET	MEASUREMANT DISTANCE
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97

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100	100
110	105
120	110
130	114
140	118
150	122
160	126
170	130
180	134
190	138
200	141
220	148
240	155
260	161
280	167
300	172

- B. Awning, canopy, incidental, projecting, roof, suspended, and wall signs may not have electronic display faces.
- C. Sandwich boards may not be illuminated or electrified in any way.
- D. Sign illumination in the R-1, R-2, R-3, R-4, R-O, and R-U residential districts must be turned off after business hours.
- E. Billboards with electronic message centers may not change their display face faster than once every seven and one half (7.5) seconds.
- F. On-premise signs with electronic message centers may not change their display face faster than once every two (2) seconds.
- 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 or dissolve

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to complete darkness and then re-illuminate with or fade-in to the new message. A transition sequence must be completed in no more than two (2) seconds.

~~G.~~

H. Any electronic message center(s) that is located within 300 feet of any residential use must automatically turn off between the hours of 11:00 p.m. and 6:00 a.m. daily unless the business is operating during these hours.

~~H.~~

I. An electronic message shall not scroll, travel, or flash.

~~I.~~

J. No portion of any sign may change its message or background in a manner or by a method of display characterized by motion or animation, including the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns, bands of light, or expanding or contracting shapes, except as provided by §11-23-6 (G).

~~J.~~

K. Electronic message displays must have ambient light monitors that automatically adjust their brightness and shall not exceed .3 footcandle above ambient light when measured according to table 4.

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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 which it is 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 removal.

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11-23-9: DESIGN GUIDELINES:

A. COMMON SIGN:

~~A.~~

1. GENERAL STANDARDS:

- a) 1 per lot, tract, or parcel held in common ownership.
- b) In mixed-use residential (R-4, R-O, R-U), commercial (B-1, B-2, B-3, CLM, M-I), PLI, and airport zones 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.
- c) 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:	Total #: 1 Max Height: 6' Max Area: 12sf	Max Height: 24' Max Area: 40sf	1 per lot, tract, or parcel held in common ownership. Max Height: 30' (B-1) 34' (B-2, CLM, and M-I) Max Area: 40sf (B-1) 200sf (B-2 and CLM) 300sf (M-I)	1 per lot, tract, or parcel held in common ownership. Max Height: 24' Max Area: 120sf	1 per lot, tract, or parcel held in common ownership. Max Height: 24' Max Area: 120sf

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G. FREESTANDING SIGN:

1. GENERAL STANDARDS:

- a) One sign is permitted per principal building.
- b) In mixed-use residential (R-4, R-O, R-U), commercial (B-1, B-2, B-3, CLM, M-I), PLI, and airport zones 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:	Total #: 1 Max Height: 6' Max Area: 12sf	Max Height: 18' Max Area: 32sf	Total #: 1 Max Height: 24' (B-1) 34' (B-2, CLM and M-I) Max Area: 32sf (B-1) 150sf (B-2 and CLM) 250sf (M-I)	Total #: 1 Max Height: 18' Max Area: 100sf	Total #: 1 Max Height: 24' Max Area: 100sf

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H. 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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I. 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) The R-1, R-2, and R-3 zoning districts are only allowed one (1) awning sign up to six (6) square feet in size.

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

~~b) c)~~ 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 principal building.
- 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.

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

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F. 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 four feet (4') 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.

2. DESIGN STANDARDS BY ZONING DISTRICT:

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

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G. 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.
- b) The highest point of a roof sign may not exceed the max height of the zoning district.

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H. 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: 8% of the building façade or sixty (60) square feet (per façade) , whichever is greater.	Max Area: 100sf	Max Area: 8% of the building façade or sixty 60sf, whichever is greater.

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I. 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 in commercial districts (B-1, B-2, CLM, M-I, PLI, and Airport).

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.	Up to 25% of the window	Aggregated with wall signage requirements unless exempt	Aggregated with wall signage requirements unless exempt	Aggregated with wall signage requirements unless exempt

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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~~section:
 - 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. Appeals to the Sign Administrators determination on a Planned Sign Program application are to be handled by the governing body.

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11-23-11: Off-premises/billboard signs.

A. Applicability: This section applies to all billboards located in the City of Helena.

A.B. Purpose and intent: This section is enacted to provide more particular and uniform standards for the location, spacing, height, lighting, and regulation of ~~off-premise signs and~~ billboards within the city. It is the intent of these regulations to achieve the following:

1. Enhance the economic value of the landscape by avoiding visual clutter;
2. Enhance the aesthetics and impression of the city as it conveyed to tourists and visitors;
3. Acknowledge the economic value that ~~providing room for~~ advertising may bring to the community;
4. Protect adjacent and/or nearby properties from the negative impact of lighting, size, height and location of signs;
5. Encourage and enforce the removal of non-conforming off-premises signs from scenic, cultural, and historic districts or corridors;
6. Bring the business of outdoor advertising in-line with business permitting practices within the city.

B.C. Billboard business permit (BBP) required: Each sign face in the city is considered a separate location where a commercial activity is engaged in (e.g. advertising). All billboard sign faces must have one or more valid BBP(s) by the 30th of January of the second calendar year after adoption (for example: if this title is adopted anytime in 2024, the sign owner/operator would need their valid billboard business permit(s) by 01/30/2026).

1. The owner/operator of a billboard face must have the required BBP to display copy on the billboard face for which they have received compensation.
2. The total number of BBPs issued within city limits is fixed per the following count on the date of the adoption of this title:
 - 1) Each non-illuminated or externally illuminated billboard face requires one (1) BBP.
 - 2) Each electronic message center billboard face requires two (2) BBPs.
3. BBPs 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.
4. An annual BBP renewal fee, subject to periodic adjustment by City Commission, shall be charged at the time of issuance and must be paid prior to the issuance of the renewal BBP according to the following fee schedule:
 - a) One hundred dollars (\$100) per BBP for any non-illuminated, or externally illuminated BBP-
 - b) Fifty dollars (\$50) per electronic message center BBP erected prior to the adoption of this title until such a

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time ~~a time~~ the face is altered or the sign reconstructed and/or moved.

c) One hundred (\$100) per electronic message center BBP erected after the adoption of this title.

5. It is a violation of this title for a company to receive compensation for display copy on their sign faces without valid BBP(s).
6. No BBP shall be issued if the company requesting the BBP is known by the Sign Administrator to be in violation of any of the provisions of this chapter.
7. Any Billboard that does not have a BBP 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.
8. 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:
 - a) One (1) to twenty-nine (29) days past due - one hundred dollars (\$100) penalty
 - b) Thirty (30) to fifty-nine (59) days past due - two hundred dollars (\$200) penalty
 - c) Sixty (60) to eighty-nine (89) days past due - four hundred dollars (\$400) penalty
 - d) Beyond 90 days - forced removal of sign per §11-23-8-A.
9. The owner of a valid BBP or BBPs may renew the BBP(s) for two years after the removal of their sign. If the BBPs are no longer associated with a specific sign face the BBP(s) are forfeited.
10. The City Commission may choose to auction off or destroy a forfeited BBP pending a public hearing.

~~C.D.~~ No new off-premises/billboard signage pending removal of non-conforming signs (cap and replace).

1. New billboards prohibited. No billboard sign shall be constructed or erected in any district after the date of the enactment of this ~~subsection~~ chapter.
2. Billboard replacement provisions: New billboard faces may be constructed with valid BBP(s) once the face and structure that ~~the~~ BBP had previously been associated with has been completely removed and the BBP ~~has been~~ updated to reflect the new pending location.

~~D.E.~~ Location standards for newly constructed billboards: All billboards shall be located in accordance with the following standards:

1. Billboard signs shall be permitted in the I-15 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:

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- a) Billboard signs located within the interstate corridor shall have a maximum size of four hundred and thirty-two (432) 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') measured to the centerline of the interstate right of way.
 - d) Minimum distance between non-illuminated or externally illuminated billboard signs shall be five hundred feet (500').
 - e) Minimum distance between electronic message center billboard signs shall be one thousand feet (1000').
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') (see §11-23-2 Definitions: Height of Sign).
 - d) Minimum distance between billboard signs shall be a radius of five hundred feet (500').
 - e) No billboard shall be placed within three hundred (300) feet of the DT (downtown), TR (transitional residential), R-1 (residential), R-2 (residential), and R-3 (Residential) zone types.

E-F. Property standards.

1. Billboards shall be set back twenty (20) feet from any property line.
2. No billboard shall be placed on the roof of any building or structure.

F-G. Faces:

1. There shall be no more than a total of two (2) faces per supporting structure.
2. All structures must be single face, back-to-back, or "v" type of construction. Stacked faces are prohibited.

G-H. Pole construction:

1. All billboard signs shall be self-supporting structures erected upon or permanently attached to concrete foundations.

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2. Billboard signs shall be erected using single pole construction.

H.I. Preservation of viewsheds:

1. No billboard sign shall interrupt the view in either direction along Helena Avenue.
2. Signs shall not cover or blanket any prominent view of a structure or facade of historical or architectural significance.
3. The sign will not obstruct views of users of adjacent buildings to side yards. This requirement does not include views of distant vistas.

F.J. Discontinuance. The city may order the removal of any billboard, without compensation, upon which the advertising or other message has been discontinued for more than sixty (60) continuous days. The owner shall either advertise upon or remove the billboard within thirty (30) days of written notification by the city.

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FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS ____
DAY OF _____, 2024.

ATTEST:

MAYOR

CITY CLERK

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS
____ DAY OF _____, 2024.

ATTEST:

MAYOR

CITY CLERK