

ORDINANCE 3600

A City of Missoula initiated ordinance amending Chapter 20.75 entitled “Signs” and Chapter 20.100 entitled “Terminology” of Title 20, Missoula Municipal Code, the City Zoning Ordinance. Amendments are being proposed to bring the chapters into compliance with a U.S. Supreme Court Decision (Reed vs. Town of Gilbert, AZ); to bring them into compliance with other Municipal codes, and address staff suggested amendments.

Be it ordained that the following sections are hereby amended as follows: Section 20.75.010, Purpose; 20.75.020, General Sign Regulations; 20.75.030, Prohibited Signs and Sign Characteristics; 20.75.040, Signs Allowed Without a Sign Permit; 20.75.050, Signs in Residential and Open Space/Public Districts; 20.75.060, Signs in Nonresidential Districts; 20.75.070 Regulations of Specific Types of Signs; 20.75.080, Signs for Businesses that Lack Street Frontage; 20.75.090, Off-Premises Sign Options; 20.75.130, Sign Variances; 20.75.160, Billboards; and the definitions listed in Chapter 20.100 Terminology.

Chapter 20.75 - Signs

20.75.010 - Purpose

The sign regulations of this chapter are intended to protect the health, safety and general welfare by establishing standards for the design, construction, location, illumination, and maintenance of all signs and sign structures. The City Council declares that such regulations are necessary and desirable for the following reasons:

- A. To protect the public safety by ensuring that traffic signs and devices are easily visible and free from obstruction or other distraction caused by improper use and placement of signs;
- B. To reduce the distractions, obstructions and hazards to pedestrians, bicyclists, and motorists caused by the inappropriate means of illumination or movement, improper placement, or overconcentration of signs;
- C. To ensure that signs are designed, constructed, installed and maintained in a way that protects life, health, property, and the public welfare, especially during periods of high winds;
- D. To support the desired character of Missoula, as expressed in adopted city plans and policies;
- E. To promote an attractive visual environment;
- F. To control the size, placement, and use of signs and other attention-gathering paraphernalia in order to preserve the right of citizens to enjoy Missoula's natural scenic beauty;
- G. To address the ongoing technological advancements in the sign industry that continue to result in new sign types;
- H. To ensure fair and equitable treatment of sign users; and
- I. To ensure that the right to free speech is protected.

20.75.020 - General Sign Regulations

C. Placement of Allowed Signs

1. Except as otherwise expressly stated, wall signs allowed on a parcel may be placed on building frontage and ground signs may be placed along any frontage upon which the parcel has frontage.
2. No sign, including temporary signs, or supporting structure may extend beyond the property except as otherwise expressly stated.
3. Allowed signs above sidewalks and other pedestrian areas must maintain a vertical clearance from the ground of at least nine feet.
4. Signs and supporting structures that overhang or extend within vehicle traffic lanes or parking spaces must have a minimum vertical clearance of 14 feet.
5. Signage placed in the public right-of-way in accordance with the City's comprehensive Wayfinding Plan are not subject to this ordinance, but are subject to other City and State requirements, including encroachment permits.
6. Except as otherwise expressly stated, temporary signs allowed on a parcel may be placed on the ground, on a building, structure or fence. Banners may only be placed on a wall or fence.

D. Construction

Construction and erection of all signs and supporting structures must comply with the International Building Code (commercial), as adopted by the City Council. Building permits are required for all ground signs over seven feet in height.

20.75.030 - Prohibited Signs and Sign Characteristics

The following signs are expressly prohibited in all zoning districts unless expressly allowed by other provisions of this zoning ordinance:

- A. Signs that simulate or which are likely to be confused with traffic control signs commonly used by agencies of government and construction contractors to draw attention to traffic or roadway hazards;
- B. Searchlights;
- C. Animated, flashing, blinking or scintillating signs;
- D. Roof signs;
- E. Signs that are located so as to obstruct the view of traffic-control devices or vehicles at intersections or pedestrians at marked crosswalks, as determined by the city engineer.
- F. Dynamic display billboards;
- G. Mobile billboards;
- H. Vehicles signs are not permitted in public rights-of-way, on public property or on private property where such objects are visible from the public right-of-way;
- I. Temporary (portable) changeable copy signs;
- J. Inflatable signs, any sign that moves or gives the appearance of moving, and any sign which flutters, undulates, swings, rotates, oscillates or otherwise moves by natural or artificial means, including balloons, flags, pennants, streamers, spinners or other types of wind signs, except national and governmental subdivision flags as noted in 20.75.040G;
- K. Human signs, human directional signs, and sign walkers that display, advertise, or promote commercial activity or provide direction to commercial activity.; and,
- L. Signs not expressly allowed by the regulations of this chapter.

20.75.040 - Signs Allowed Without a Sign Permit

The following signs are allowed without a permit and are not counted toward the applicable limits on the number or area of signs allowed, unless otherwise noted . In order to be exempt from sign permit requirements, such signs may not be internally illuminated, cause glare, or cast light onto adjacent property:

- A. Minor signs up to six signs per business with none exceeding six square feet in area. Commercial messages may comprise no more than 50% of the area of any minor sign;
- B. Incidental signs not exceeding two square feet in area;
- C. Signs posted by or required to be posted by any government or governmental agency;
- D. Signs located on private property that are not visible from a public right-of-way or public lands;
- E. Barber-pole signs not exceeding four feet in height, attached to a building;
- F. National register district identification signs;
- G. Ideological signs;
- H. Flags, emblems, crests or insignia of any nation, or governmental subdivision located on a pole a minimum of twenty feet from the property line. A maximum of three poles will be permitted, the United States flag shall be flown in accordance with Federal Law (Title 4 U.S.C.); and
- I. The following temporary signs, provided they are removed upon completion of the activity (in real estate, "completion" means closing) or activity identified on the sign:
 - 1. Notices posted by public agencies (i.e., notice of proposed rezoning);
 - 2. Temporary signs protecting private property or identifying property hazards;
 - 3. Seasonal signs and holiday decorations erected for periods of time not exceeding the customary duration of general celebration;
 - 4. Temporary signs as allowed by each zoning district; and
 - 5. Temporary window signs displayed in ground level windows only, with no more than 25% of the window area covered by temporary signs at any one time.

20.75.050 - Signs in Residential and Open Space/Public Districts

- A. The regulations of 20.75.040 and the temporary sign regulations found in Table 20.75-1, apply to detached houses, lot line houses, townhouses, and two-unit houses in R and OP districts.
- B. Signs for other uses allowed in R and OP districts are subject to the following standards:

Table 20.75-1 Signs in Residential and Open Space/Public Districts

District/Sign Type	Maximum Number	Maximum Area (sq. ft.)	Maximum Height (feet)
R215, R80, R40, R20, RT10, R8, R5.4, R3, OP1, OP3			
^L Wall	1	12	6
^L Ground	1[1]	24	6
^L Temporary Signs	N/A	6	8
^L Other Signs	See 20.75.040 and 20.75.070		
RT5.4, RT2.7, RM2.7, RM2, RM1.5, RM1, RM0.5, RMH, OP2			
^L Wall	1	24	22[2]
^L Ground	1[1]	24	6
^L Temporary Signs	N/A	6	8
^L Other Signs	See 20.75.040 and 20.75.070		

[1] Where a parcel contains nonintersecting street frontage on two or more streets, a sign is permitted on each nonintersecting street. The formula for each sign is the same as the formula used to determine the maximum allowable for one ground sign.

[2] Wall sign height limit also applies to signs on canopy structures, such as porte-cocheres and all other structures. Such signs are subject to all other wall sign regulations of this chapter.

20.75.060 - Signs in Nonresidential Districts

A. B1, B2, and B3 Districts

1. Applicability

The sign regulations of this subsection (20.75.060.A) apply in B1, B2, and B3 districts.

2. Signs Permitted

- a. The regulations of 20.75.040, and the temporary sign regulations found in Table 20.75-2, apply to detached houses, lot line houses, townhouses and two-unit houses, in B1, B2, and B3 districts.
- b. All other uses allowed in B1 and B2 districts are subject to the following standards:

Table 20.75-2 Signs in Nonresidential Districts, B1, B2, and B3 Districts

Sign Type	Maximum Number	Maximum Area (sq. ft.)	Maximum Height (feet)
^L Wall	1 per building frontage	50	N/A
^L Ground	1 per parcel [1]	16	6
^L Temporary Signs	N/A	32	8
^L Other Signs	>See 20.75.040 and 20.75.070		

[1] Where a parcel contains nonintersecting street frontage on two or more streets, a sign is permitted on each nonintersecting street. The formula for each sign is the same as the formula used to determine the maximum allowable for one ground sign.

B. Commercial and Industrial

1. Applicability

The regulations of this subsection apply in C1, C2, M1R, M1 and M2 zoning districts.

2. Regulations

Any sign located within 100 feet of a residential zoning district that is visible from that residential zoning district, is subject to the regulations of 20.75.060.A. Other signs are subject to the following standards:

Table 20.75-3 Signs in Nonresidential Districts, Commercial and Industrial

Sign Type	Maximum Number	Maximum Area	Bonus area	Maximum Height (feet)
^L Wall	1 per building frontage	50 sq. ft., plus 1 sq. ft. for each foot of building frontage in excess of 50 feet.	Parcels without ground signs may increase the area of 1 wall sign by 25%. Each building on a parcel in single ownership may use the 25% wall sign bonus.	N/A
^L Ground	1 per parcel [1]	50 sq. ft., plus 1 sq. ft. for each 2 ft. of street frontage in excess of 100 ft. to a maximum of 72 sq. ft.	An additional 2 sq. ft. in sign area is allowed for each linear ft. the sign is set back from the right-of-way, up to a maximum of 122 sq. ft. [2]	22

^L Projecting [3]	1	16 sq. ft., plus 1 sq. ft. for each 3 ft. of building frontage in excess of 50 feet, to a maximum of 32 sq. ft.	NA	14
^L Temporary signs	N/A	32 sq. ft.	NA	8
^L Other Signs		See 20.75.040 and 20.75.070		

[1] Where a parcel contains nonintersecting street frontage on two or more streets, a sign is permitted on each nonintersecting street. The formula for each sign is the same as the formula used to determine the maximum allowable for one ground sign.

[2] When the permitted size of a ground sign includes a bonus derived from street frontages on intersecting streets (i.e., a corner parcel), the location of the sign must be as close as practicable to the corner of the parcel at the street intersection.

[3] A projecting sign may be used instead, but not in addition to, a ground sign; projecting signs are not permitted on any building frontage that also contains a wall sign associated with the same business or entity. Projecting signs may have copy on only two sides.

C. Central Business District

1. Applicability

The provisions of this subsection (20.75.060.C) apply in the CBD district.

2.

Standards for Individual Sign Types

Any sign located within 100 feet of a residential zoning district that is visible from that residential zoning district, is subject to the regulations of 20.75.060A.

In addition to the locational criteria in 20.75.060C.2, individual signs in the CBD district are subject to the following standards:

Table 20.75-4 Signs in Nonresidential Districts, Central Business District

Sign Type	Maximum Number	Maximum Area	Maximum Height (feet)
^L Wall	1 per building frontage	50 sq. ft., plus 1 sq. ft. for each foot of building frontage in excess of 50 feet.	N/A

^L Ground	1 per parcel [1]	32 sq. ft.	22
^L Projecting	1[2]	12 sq. ft.	14
^L Temporary Signs	N/A	32 sq. ft.	8
^L Other Signs		See 20.75.040 and 20.75.070	

[1] Where a parcel contains nonintersecting street frontage on two or more streets, a sign is permitted on each non-intersecting street.

[2] A projecting sign may be used instead, but not in addition to, a ground sign; projecting signs are not permitted on any building frontage that also contains a wall sign associated with the same business or entity. Projecting signs may have copy on only two sides.

20.75.070 - Regulations of Specific Types of Signs

B. Canopy and Marquee Signs

Canopy and marquee signs must comply with the standards of this subsection. They are allowed in addition to other signs allowed by this chapter, and they do not count against the maximum wall sign allowance.

1. Hanging Signs
 - a. One hanging sign is allowed per public entrance.
 - b. Hanging signs may be constructed of rigid material, and they may be externally illuminated. They may not be internally illuminated.
 - c. Hanging signs must be suspended below the under-side of the structure, such as a marquee or canopy.
 - d. The lowest point of hanging signs must be at least nine feet above the sidewalk, driveway or grade line beneath the sign.
 - e. Hanging signs may not exceed ten square feet in area, and may not have more than two sign faces.
2. Above Canopy and Marquee Signs:
 - a. Must be channel letters mounted flush on top of a canopy or marquee,
 - b. May not exceed a maximum of ten square feet in area,
 - c. May have up to two sign faces,
 - d. Cannot be placed on freestanding canopies.

C. Window Signs

Window signs must comply with the standards of this subsection. Window signs are allowed in addition to other signs allowed by this chapter.

Permanent Window Signs

- a. Permanent window signs affixed to a ground floor exterior window are permitted. Not more than 30% of a window area may be covered.

- b. Permanent window signs for businesses that are not located on the ground floor are permitted (see also 20.75.080). Such window signs are permitted only for businesses located within the room situated behind the window on which such signs are located. Not more than 30% of a window area may be covered.

D. Multi-tenant Signs

In addition to other allowed signs, multi-tenant developments may have up to one multi-tenant sign per building entrance that is open to the general public. Multi-tenant signs may not exceed 16 square feet in area and, if freestanding, may not exceed six feet in height.

F. Dynamic Displays

Dynamic displays on signs are allowed subject to the following regulations:

1. Where Allowed

a. Prohibited Locations

Dynamic displays are prohibited in Residential (R), Open Space (OP), Central Business District (CBD), and historic districts.

b. Allowed Locations

Dynamic displays are permitted for all allowed uses in C1, C2, M1 and M2 zoning districts on parcels with frontage on principal arterials, subject to the dynamic display regulations of this subsection.

G. Changeable Copy Signs for Specific Uses

2. Service Stations

A. One changeable copy (wall or ground) sign as allowed by 20.75.070.E or 20.75.070.F, and;

B. One changeable copy sign per street frontage on which the station gains access, subject to the following;

- 1. Signs may not be larger than 15 square feet in area;
- 2. Signs may be double-faced and illuminated; and
- 3. The numbers, letters and characters may be displayed in no more than two colors; and
- 4. Signs shall contain static messages only.

I. Sidewalk Signs

3. Exceptions

Within the Business Improvement District (BID) the following exceptions will apply. Any business taking advantage of the exception will be required to come into immediate compliance with all other portions of Section 20.75.070.I.

a. Number

Each business may have two sidewalk signs, regardless of frontage.

b. Location

- (1) If a business has only one sidewalk sign it may be placed on the sidewalk on the same side of the street, and within three blocks, of the building being occupied by the advertiser on the sign.
- (2) If a business has two sidewalk signs one of the signs must be placed immediately in front of the building occupied by the advertiser on the sign. The

second sign may be placed on the sidewalk on the same side of the street, and within three blocks, of the building being occupied by the advertiser on the sign.

c. **Other Requirements**

All other requirements of 20.75.070.I apply to a second sidewalk sign.

J. **Stacking Lane Signs**

Stacking lane signs accessory to allowed drive-through uses are permitted in addition to other allowed signs, as follows:

1. **Number and Dimensions**

a. **Primary Sign**

One primary sign not to exceed 36 square feet in area or eight feet in height is allowed per order station, up to a maximum of two primary menu boards per parcel.

b. **Secondary Sign**

One secondary sign not to exceed 16 square feet in area or six feet in height is allowed per parcel.

2. **Visibility**

Stacking lane signs are intended to convey information to vehicles within the boundaries of the development site and therefore may not be located or oriented to be legible from off-site.

L. **Banner Signs**

Banners are allowed for two consecutive weeks, three times a year. One banner is allowed on each building frontage and each must receive a permit. Banners can be a maximum of 32 square feet, or 20% of the total wall sign allowance permitted by the zoning district, whichever is greater.

20.75.080 - Signs for Businesses that Lack Street Frontage

Businesses that do not have ground floor building frontage or that are not visible from a public street may erect and use the following sign types:

- A. Window signs as allowed by 20.75.070.C and 20.75.040H.5;
- B. Sidewalk signs as allowed by 20.75.070.I;
- C. One wall-mounted sign that is not directly illuminated and that does not exceed four square feet in area; or
- D. One multi-tenant sign per public building entrance. Such signs may not be directly illuminated and may not exceed eight square feet in area.

20.75.090 - Off-Premises Sign Options

Off-premises signs may be permitted on some parcels to compensate for certain locational problems that create severe practical difficulties with adherence to this chapter.

A. **Special Exception**

The Board of Adjustment must grant a special exception for an off-premises ground sign prior to a permit being issued. The Board of Adjustment may grant a special exception if all of the following conditions apply:

20.75.130 - Sign Variances

- B. An "unnecessary hardship" related to a sign may result from the size, shape, location or dimensions of a site, or the existing structures located on the site, or from geographic,

topographic or other physical conditions on the site or in the immediate (adjacent) vicinity that are unique to the applicant's site. The Board of Adjustment is authorized to allow only the minimum variance necessary to overcome the unnecessary hardship, in keeping with the intent and purposes of this chapter.

20.75.160 - Billboards

E. Enforcement Adjacent to Highways

Unless the City Council directs otherwise, the provisions of 20.75.160.C may not be enforced within 660 feet of Federal-aid NHS Primary or Interstate Highway Systems in the city if, as of the date at which enforcement is begun, federal law provides for the automatic imposition of penalties against the city or the state upon the uncompensated abatement of billboards and off-premises signs located within the 660-foot strip of land on either side of such highways.

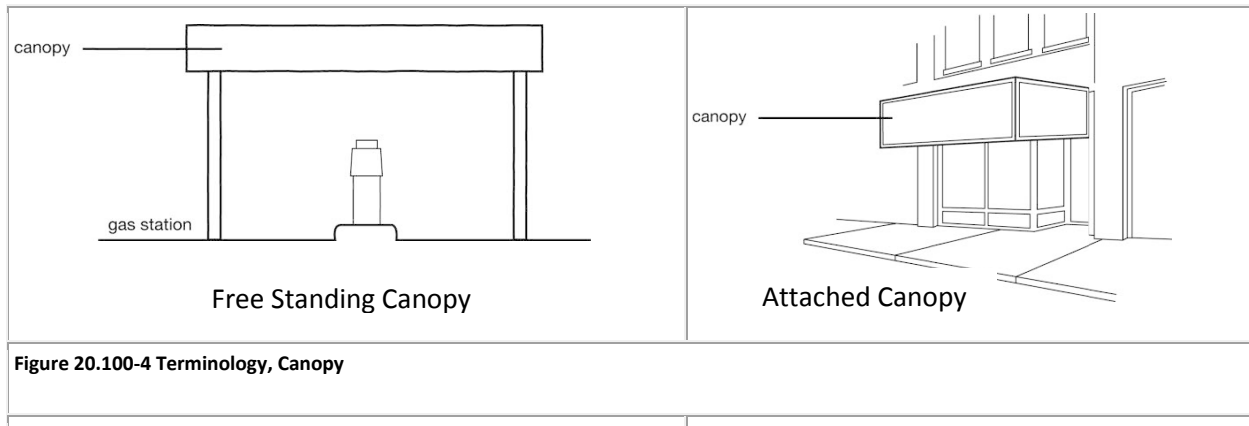
G. Violations and Penalties

Any person who violates or fails to comply with the provisions of this chapter is guilty of a misdemeanor and is punishable, by fine only, as provided in Chapter 1.20 of the Municipal Code. Each day a violation exists constitutes a separate offense. In addition to criminal penalties, the city attorney may file an appropriate civil action to prevent any violation from being allowed to continue.

Chapter 20.100 - Terminology

Canopy

A permanent roof-like shelter constructed of some durable material such as metal, glass, plastic or weather-resistant fabric that may be free standing or attached to a building.



Sign

Any identification, description, illustration or device, illuminated or non-illuminated, that is visible from any public place or is located on private property and exposed to the public and that directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situation merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, with the exception of window displays, and flags emblems, crests or insignia of any nation, or governmental subdivision. The term sign also includes the sign's structure.

Sign, Abandoned

A sign that no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where the sign is displayed.

Sign, Banner

A temporary sign made of fabric, or any non-rigid material, secured or mounted on a wall or fence so as to prevent movement of the sign caused by movement of the atmosphere.



Sign, Hanging

A sign that is suspended below the ceiling, roof, awning, canopy, marquee, or floor overhang.

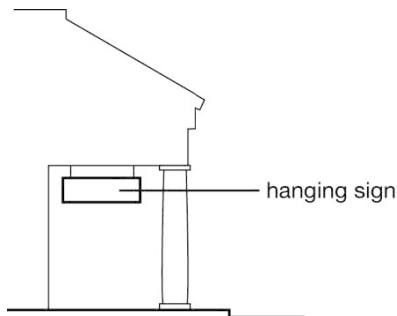


Figure 20.100-15 Terminology, Sign, Hanging

Sign, Ideological

A sign communicating a message or ideas for non-commercial purposes.

Sign, Incidental

A sign intended to indicate the types of credit cards accepted, an establishment's hours of operation or other similar information that pertain to the premises where the sign is located. Incidental signs cannot be free standing.

Sign, Inflatable

Any sign which uses compressed or forced gas to provide movement and/or support.

Sign, Minor

An on premise sign that does not exceed 6 square feet in area and is intended to designate the direction or location of any place or area.

Sign Multi-tenant

A sign on a multi-tenant development site that is intended to convey tenant information to pedestrians and motorists who have entered the site.

Sign, Pole

(See " Sign, Ground").

Sign, Political

A sign pertaining to candidates or issues and directed toward the ultimate exercise of voting by the general public, and is a type of ideological sign.

Sign, Stacking Lane

A sign displaying goods or services available through a drive-up window or available through a drive-in or drive-through establishment.

Sign, Temporary

A sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight materials not well suited to provide a durable substrate or, if made of some other material is neither permanently installed in the ground nor permanently affixed to a building or structure. When made of non-rigid material, temporary signs must be enclosed in a rigid frame. Temporary signs are intended to be signs such as yard sale, for rent, for sale, construction, development, and special event.

Sign, Vehicle

Vehicles and trailers existing for the primary purpose of on premises and off-premises advertising. Commercial transportation vehicles that are licensed, self-propelled, in compliance with State and City statute and/or ordinance requirements and are operating in the function for which they are intended are not subject to this prohibition. This definition shall not limit political signs mounted on vehicles.

Sign, Wind

An attention-getting device with or without copy, or a series of devices such as flags (excluding those flags in section 20.75.040G), including feather flags, pennants, streamers, spinners, balloons and inflatables with or without copy, fastened in such a manner as to move in the wind.

Effective date. The provisions of this ordinance shall be effective in 30 days after adoption.

Severability. If any selection, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

First reading and preliminary adoption on the 11th day of September, 2017 by a bot of: 11 Ayes, Julie Armstrong, Emily Bentley, John DiBari, Annelise Hedahl, Jordan Hess, Gwen Jones, Marilyn Marler, Ruth Ann Swaney, Bryan von Lossberg, Heidi West, Jon Wilkins; 0 Nays; 0 Abstain; 1 Absent, Michelle Cares.

Second and final reading and adoption on the 2nd day of October, 2017 by a vote of: 10 Ayes, Michelle Cares, John DiBari, Annelise Hedahl, Jordan Hess, Gwen Jones, Marilyn Marler, Ruth Ann Swaney,

Bryan von Lossberg, Heidi West, Jon Wilkins; 0 Nays; 0 Abstain; and 2 Absent, Julie Armstrong, Emily Bentley.

APPROVED by the Mayor this 2nd day of October, 2017.

ATTEST:

APPROVED:

/s/ Martha L. Rehbein

/s/ John Engen

Martha L. Rehbein
City Clerk

John Engen
Mayor

(SEAL)