

## **Article 4.6.0 OUTDOOR ADVERTISING**

### **4.6.10 Purpose and Intent**

To promote the public health, safety and general welfare through reasonable, consistent, and non-discriminatory regulations for the installation and maintenance of signs. This Section is intended to preserve free speech, expression, and content neutrality while balancing the need to regulate the secondary effects of signs, particularly those that may adversely impact scenic views; safety for motorists, bicyclists, and pedestrians; and the interests of the public. These regulations are intended to ensure that signs are not overwhelming; and are not a distraction or impediment due to brightness, movement, size, or height; and do not create a hazard.

The City recognizes that signs are a necessary means of visual communication for public convenience and way-finding; and businesses, services, and other activities have the right to identify themselves by using signs that are accessory and incidental to the uses on the premises where the signs are located.

This Section is not intended to regulate government signs.

The City has the authority to regulate signs under the United States Constitution, the State Constitution, and the Statutes of the State of Montana.

To the extent any provision of the sign standards can be read in a manner that makes such provision legally invalid, such interpretation is unintended and the provision shall be interpreted only in a manner that is legally compliant. If any provision is or becomes legally unenforceable, then such provision shall be deemed stricken and all remaining provisions shall be enforced as if the offensive provision did not exist.

### **4.6.20 Applicability**

The standards of this Section shall apply to the erection, construction, relocation, installation or alteration of any outdoor advertising sign, structure, markings, symbol or other advertising device unless exempted in Subsection 4.6.30, Exemptions.

### **4.6.30 Definitions**

For the purpose of this Section, certain words and terms shall have the meaning as established in this Subsection.

#### **4.6.31 Sign**

For purposes of this Ordinance the term sign shall mean any structure, marking, symbol, display, illustration or other advertising device designed or intended to announce, market or attract attention to a business, product or service.

#### **4.6.32 Sign Area**

A. Sign Area means the area of the surface of a sign designed to contain a message, logo, symbol, or other communication, and excludes the structural support members

and any decorative finials.

- B. Sign area for free-standing signs, or signs projecting from a building (i.e. not signs mounted to the surface of the building in a more or less parallel manner) may display a message on multiple sides. The sum total of the area of each side shall not exceed the allowed sign area.

#### **4.6.33 Sign, Neon**

Signs lit with luminous gas-filled tubes or exposed bulbs visible from outside the sign cabinet in a historic manner.

#### **4.6.34 Sign, Externally Illuminated**

Sign illuminated by light sources from the outside.

#### **4.6.35 Sign, Internally Illuminated**

Illumination in which neon, fluorescent, incandescent or other light sources are placed within a semi-transparent "can" and shine through sign panels, typically made of plastic, and bulbs not directly visible from outside the sign.

### **4.6.40 Exemptions**

The standards of this Section shall not apply to the following:

#### **4.6.41 Official Notices, Warning Signs, Historical Information**

Notices posted by an official of a public body or utility that provides legal notification or information or warning of a dangerous area, including signs communicating information about the history of a property or the community.

#### **4.6.42 Window Displays, Indoor Signs**

Indoor signs and displays except as otherwise regulated herein.

#### **4.6.43 Building Identification, Minor Residential**

Signs, plaques and similar features not to exceed four (4) square feet in area containing building names, dates of erection, commemorative information or similar content. Wall signs not to exceed one (1) square foot in area identifying occupants or owners of a residential property.

#### **4.6.44 Temporary and Seasonal Lighting**

Temporary and seasonal lights and displays containing no commercial message and erected no sooner than forty-five (45) days prior to the holiday and removed no later than fifteen (15) days following the holiday. Seasonal lighting shall not exceed 70 lumens (See Section 4.5.73-G).

#### **4.6.45 Real Estate**

Not more than one (1) real estate sign per lot, parcel or tract of land or a building "for sale" or "for rent" that does not exceed six (6) square feet in area.

**4.6.46 Religious Symbols, Non-commercial and Political Signs**

Religious symbols, signs conveying a non-commercial message and temporary political signs.

**4.6.47 Way Finding, Traffic Control and Events**

Signs that provide directional information, identify entrances/exits and control traffic that does not exceed six (6) square feet in area. Temporary advertising for special events may be located at the Red Lodge Chamber of Commerce, but are still subject to Section 4.6.120 Temporary Signs.

**4.6.48 Murals**

Murals depicted on sides of buildings that contain an advertising message of an historical nature and not a specific existing business. Acknowledgement of fundraising and donors is permissible when not the dominant message.

**4.6.49 Time and Temperature**

Signs displaying time and temperature that do not contain blinking, rotating or moving lights.

**4.6.50 Permit Required**

The erection, construction, relocation or alteration of a sign or other advertising device not exempted in Subsection 4.6.30, Exemptions, requires a Sign Permit. Electrical and building permits pursuant to the currently adopted electrical and building codes may be required in addition to the Sign Permit from the Zoning Administrator.

**4.6.51 Secondary and Tertiary Conditional Uses**

All Secondary and Tertiary Conditional Use Permits are required to submit their advertising package as part of Design Review for review and approval.

**4.6.60 General Standard****4.6.61 Size****A. Residential Districts**

The maximum amount of sign area allowed in a residential zoning district is six (6) square feet per lot, parcel or tract of land. Notwithstanding the above limitation, the size of sign area announcing the name of a development is one (1) square foot of sign area per one (1) linear foot of street frontage of the lot containing the sign, not to exceed forty (40) square feet.

**B. Non-residential Districts**

The total amount of sign area allowed in non-residential zoning districts shall not exceed one hundred twenty (120) total square feet per lot, parcel, or tract of land. The maximum size of any single sign shall not exceed forty (40) square feet. Total signage and sign area is calculated by measuring the surface area of one face of the sign.

**4.6.62 Number, Type**

There is no maximum number of signs permitted on a property and no restriction on the types of signs provided the total sign area of all signs does not exceed the amount permitted in Section 4.6.61, Size.

**4.6.63 Height**

The maximum height of all freestanding signs, including all embellishments, shall be eight (8) feet above natural grade. For properties below the grade of adjacent public road(s), the height limit including all embellishments shall be eight (8) feet above the adjacent road grade.

**4.6.64 On-Site**

Signs shall be on the same property as the business, service or product advertised.

**4.6.65 Construction, Electrical Codes**

Signs and other advertising devices shall comply with applicable construction and electrical codes.

**4.6.66 Illumination**

Sign luminance levels for operation between sunset and sunrise shall not exceed 700 candelas per square meter as measured under conditions of a full white display. Sign illumination shall be dimmed or extinguished completely at business closing.

**A. Neon**

Neon signs shall not have their luminous outputs counted toward the lumen allowances of Section 4.5.74, Non-Residential Lighting Limits Table 2 or 3.

**B. Internally Illuminated**

Outdoor internally-illuminated advertising signs constructed with faces of translucent materials and wholly illuminated from within do not require shielding. Colored or dark backgrounds with light lettering or symbols are preferred to minimize the detrimental effects of light pollution. Lamps used for internal illumination of such signs shall not be counted toward the lumen caps in Section 4.5.70, Lighting.

**C. Externally Illuminated**

Externally illuminated signs shall conform to the lamp source, shielding restrictions of Section 4.5.70, Lighting, and lumen allowances of Section 4.5.74, Non-Residential Lighting Limits, Table 2 or 3.

**4.6.70 Prohibited Signs**

The following signs shall be prohibited:

**4.6.71 Flashing, Blinking, Moving Signs**

Flashing, blinking, fluttering, rotating or otherwise moving signs including pennants,

rotating light beams, inflatable devices, holograms, balloons and similar devices.

#### **4.6.72 Neon and Illuminated Signs**

Neon and Illuminated signs are only allowed in the Downtown Historic Overlay District by Design Review, Section 4.6.80, Neon, Illuminated Signs in the Downtown Historic Overlay District.

#### **4.6.73 Internally Illuminated Signs in the Downtown Historic Overlay District**

Internally illuminated signs are prohibited in the Downtown Historic Overlay District and Residential Districts. They are subject to Design Review in all other Commercial Districts, Section 4.6.90, Internally Illuminated Signs.

#### **4.6.74 Strings of Lights, Upcast Lights**

Strings, banks or rows of lights including LED used to outline or highlight a building or portion of a building or create an advertising symbol, except holiday displays exempted in Section 4.5.73-G, Temporary and Seasonal Lightitng. Lights mounted on the ground or building aimed upward are prohibited.

#### **4.6.75 Digital, Electronic Graphic Display**

Signs that display moving or electronic images.

#### **4.6.76 Off-Site**

Signs located off-site or off-premises from the business, service or product advertised, including signs providing directions to a business.

### **4.6.80 Neon, Illuminated Signs in the Downtown Historic Overlay District**

The historic nature of Downtown Red Lodge provides the City with a unique attraction for residents and visitors. Neon and illuminated signs have a long history in Red Lodge and can be used to improve the visual landscape of downtown if the signs are historic in appearance and do not hide architectural elements of our historic downtown buildings. Neon and illuminated signs may be approved if they meet the following standards:

#### **4.6.81 Design Review Required**

All neon and illuminated signs proposed in the Downtown Historic Overlay District shall be approved through Design Review, and are subject to maximum size limitations and total signage limitations outlined in this chapter. Internally Illuminated signs are prohibited.

#### **4.6.82 Historically Appropriate Sign Design**

All signage applying for approval under these guidelines will be reviewed for compliance with the following criteria:

##### **A. Placement**

Signs shall be installed in appropriate "sign areas" as defined by the existing architecture of the façade.

1. No signs shall be placed or located so as to obscure or cover a vertical architectural element such as a column or pilaster.

2. Signage will fit entirely within horizontal divisions between floors to the extent feasible.
3. Where no architectural divisions exist or are evident, signage will be proportionately scaled to the façade and placed to respect window and door openings.
4. No sign shall cover the entire width of any façade.

**B. Material**

Allowed materials include: metal (iron, steel, brass, copper, aluminum and other natural finishes), painted metal, wood, vinyl or other sheet claddings (only for backing panels or cut lettering), glass, fiberglass, high density urethane foam, and similar "cast" or formed materials to create 3-dimensional objects, including individual lettering.

**C. Illumination**

Illuminated signs shall use lighting forms consistent with traditional historic signs which includes exposed neon tubing and exposed incandescent or similar bulbs. A mixture of neon and exposed bulbs are encouraged. Internally illuminated signage is not traditional or subject to approval under these guidelines.

**D. Shapes**

Signs shall have complex shapes rather than simple rectangles, circles or squares.

**E. Size**

Signs shall have a maximum of 22 square feet.

#### **4.6.90 Internally Illuminated Signs**

Internally illuminated signs inside Commercially Zoned Districts, other than the Downtown Historic Overlay District, may be approved through Design Review. Applicants must fill out the same application as those of non-illuminated signs.

#### **4.6.100 Nonconforming Signs**

Any sign legally existing on the effective date of this Ordinance which does not comply with the provisions of this Article shall be deemed a nonconforming sign. No nonconforming sign shall be moved, altered, re-erected, relocated or replaced unless it is brought into compliance with the standards of this Article. This shall not prevent the repair or restoration to a safe condition any part of a nonconforming sign or sign structure, or a change of message or normal maintenance on a sign or sign structure.

#### **4.6.110 Abandoned Signs**

Any sign that is not structurally sound or no longer serves to inform or attract attention of the public, including illegible signs and signs advertising or identifying abandoned uses, shall be considered abandoned and its removal required. The owner of an abandoned sign shall be responsible for the removal of the sign within sixty (60) days of the adoption of this Ordinance or within sixty (60) days termination of the use advertised by the sign.

#### **4.6.120 Temporary Signs**

The Zoning Administrator may approve temporary signs to be erected for not more than thirty (30) days to advertise non-commercial special events, and short-term activities. Short-term

sales promotions for private businesses are not eligible for temporary signs under this provision. Temporary signs shall not exceed sixteen (16) square feet in sign area except banners that span a street may not exceed ninety-six (96) square feet in sign area. Temporary real estate signs of greater than six (6) square feet, but not more than thirty-two (32) square feet, may be approved by the Zoning Administrator for tracts of land greater than two (2) acres for up to six (6) months and is subject to renewal. Temporary real estate signage does not count towards an advertising package.