

ORDINANCE NO. 579

AN ORDINANCE TO AMEND ORDINANCE 562, SIGNS AND SIGNAGE, TO ACHIEVE INTERNAL CONSISTENCY AND UNIFORMITY WITH COUNTY OF LAKE, STATE OF MONTANA, SIGN REGULATIONS

WHEREAS, the City Council for the City of Polson passed and approved Ordinance 562 on June 21, 1999, which became effective on July 21, 1999, as Appendix B to the Polson Development Code; and,

WHEREAS, in the ensuing period the City Council has been made aware of certain deficiencies in Ordinance 562, reflecting a lack of internal consistency in some particulars; and,

WHEREAS, the City Council is desirous of correcting the said errors, and of achieving a uniformity of regulation on the subject of signs and signage with those regulations currently in use and force in the County of Lake, State of Montana; and,

WHEREAS, the proposed additions and deletions to Appendix B of the Polson Development Code are set forth in Exhibit A hereto, the said additions and deletions marked throughout the text for the benefit of the reader; and,

WHEREAS, the final form of amendment to Appendix B to the Polson Development Code is attached hereto as Exhibit B, the same being a form of Exhibit A omitting the marks showing additions and deletions; and,

WHEREAS, public hearing on this ordinance was duly published and had pursuant to law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POLSON

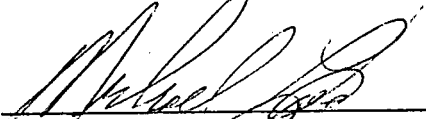
1. The foregoing recitals are part of the within Ordinance and not mere recitals.
2. Appendix B to the Polson Development Code is hereby amended in its entirety to conform with the terms set forth in Exhibit B hereto.
3. All other ordinances or parts of ordinances in conflict herewith are repealed.

FIRST READING: May 21, 2001
SECOND READING: June 4, 2001

NOW THEREFORE, it is resolved that the subject Ordinance shall become effective on Independence Day, 2001.

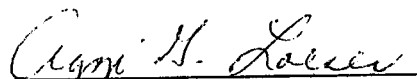
PASSED AND ADOPTED THIS 4th day of June, 2001.

CITY OF POLSON



Mike Lies, Mayor

ATTEST:



Aggi Loeser, City Clerk

EXHIBIT B

APPENDIX B – DETAILED PERFORMANCE STANDARDS FOR SIGNS
(City Ord. 579 – 6/4/01; County Res. 01-17)

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**SECTION ONE --
PURPOSE AND SCOPE**

SEC. 1.01 – PURPOSE

The purpose of this Ordinance/Resolution is to promote and protect the health, safety, morals, and the general welfare of the community; to coordinate the type, placement, and physical dimensions of signs within the different land-use zones; to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; and to guarantee equal treatment under the law. The use is regulated according to zone.

SEC. 1.02 – SCOPE

These Regulations shall not relate to building design. Nor shall these regulations regulate official traffic or government signs; the copy of message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays (i.e. – newspaper dispensers); scoreboards on athletic fields; flags of any nation, government, or noncommercial organization; gravestones; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

Thus, the primary intent of this Ordinance shall be to regulate signs of a commercial nature intended to be viewed from any vehicular or pedestrian public right-of-way. This Ordinance shall supercede any existing sign ordinance governing commercial signage.

**SECTION TWO --
DEFINITIONS**

Certain terms are defined for the purpose of this Ordinance as follows:

Abandoned Sign: A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found. This definition also applies to any/all portion(s) of the sign structure not required for maintaining the structural integrity and not part of an architectural embellishment for a legal permitted sign [compare “Seasonal Business Sign”].

Administrator: The City of Polson or its designated representative or employee within the City Limits and the Board of Lake County Commissioners or its designated representative or employee within the County jurisdiction of the Polson Planning Area.

Animated Sign: Any sign that uses movement or change of lighting to depict action or to create a special effect or scene [compare “Flashing Sign,” “Changeable copy sign (automatic)”].

Area: [see “Sign, Area of”]

Awning: A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid or rigid materials on a supporting framework [compare “Marquee”].

Awning Sign: A sign painted on, printed on, or attached flat against the surface of an awning.

Banner Sign: A sign made of fabric or any non-rigid material with no enclosing framework. [Compare “Wall Sign”]

Billboard: Off-Premise sign with a surface area of any one side exceeding 128 square feet in area. This type of sign is not permitted. [Compare “Off-Premise Sign”]

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Changeable Copy Sign (Automatic): A sign on which the copy changes automatically on a lampbank or through mechanical means, e.g., electrical or electronic time and temperature units.

Changeable Copy Sign (Manual): A sign, on which copy is changed manually in the field, e.g., reader boards with changeable letters.

City: Unless the context clearly discloses a contrary intent, the word "City" shall mean the City of Polson and its extra-jurisdictional area.

Clearance (of a Sign): The smallest vertical distance between the existing grade at the base of the sign and the lowest point of such sign, including framework and embellishments, extending over that grade.

Construction Sign: A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Copy: The wording, design or lighting on a sign surface in either permanent or removable form. It is intended that "lighting" in this definition be limited to the lighting on the sign itself.

County: Unless the context clearly discloses a contrary intent, the word "County" shall mean Lake County. The jurisdictional area of Lake County under this Resolution is the area within the Polson/Lake County City/County Planning Area that is outside of the Polson City Limits.

Directional/Informational Sign: An on-premise sign giving directions, instructions, or facility information, e.g., parking or exits and entrance signs.

Double Faced Sign: A sign with two faces. If the thickness between the two faces of the sign(s) exceed 36" the area of the sign face(s) will be calculated separately.

Electrical sign: A sign or sign structure in which electrical wiring, connections, or fixtures are used.

Electronic Message Center: [see "Changeable Copy Sign, Automatic"]

Facade: The entire building front including the parapet.

Face of Sign: The area of a sign on which the copy is placed, this includes any design or lighting on such face.

Festoons: A string of ribbons, tinsel, small flags, or pinwheels.

Flashing Sign: A sign that contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing or intermittent light [compare "Animated Sign," "Changeable Copy Sign"].

Freestanding Sign: A sign supported upon the ground by poles or braces and not attached to any building [compare "Billboard & Off-Premise Sign"].

Frontage: The length of the property line of any one premise along a public right-of-way on which it borders.

Frontage, Building: The length of an outside building wall fronting on a public right-of-way.

Government Sign: Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical

site, or public service, property, or facility.

Ground Mounted Sign (Monument): Any sign attached to or supported directly on the surface below by masonry, wood, or similar materials.

Height (of a sign): The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of the public street or the grade of the land at the principal entrance to the principal structure on the premises, whichever is lower [compare "Clearance"].

Identification Sign: A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

Illegal Sign: A sign that does not meet the requirements of this Ordinance exclusive of legal-nonconforming signs.

Illuminated Sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Incidental Sign: A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

Legal Nonconforming Sign: A sign that does not conform to the specific provisions of this ordinance but may be designated "legal nonconforming" pursuant to Section 5.01.

Lot: A parcel of land legally defined on a subdivision plat recorded with the assessment department or land registry office, or a parcel of land defined by a legal record of survey.

Maintenance: For the purposes of this Ordinance, the cleaning, painting, repair, or replacement of defective parts of a sign.

Mansard: A sloped roof or roof-like façade architecturally comparable to a building wall.

Marquee: A permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building [compare "Awning"].

Marquee Sign: Any sign attached to the front or side of a marquee structure.

Nameplate: A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Nonconforming Sign: A sign that was installed or erected in violation of this Ordinance exclusive of legal nonconforming signs.

Occupancy: The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

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 said sign is located. Such signage is limited to a maximum area of 128 square feet per face, and shall have minimum spacing between signs of 750 lineal feet. The minimum spacing requirement also applies to the distance between Off-Premise signs and freestanding or ground mounted signage.

On-Premise Sign: A sign that pertains to the use of the premises on which it is located.

Owner: A person recorded as such on official records. For the purposes of this Ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Administrator, e.g., a sign leased from a sign company or constructed by a renter.

Painted Wall sign: Any sign that is applied with paint or similar substance on the face of a wall.

Parapet: The extension of a false front or wall above a roofline.

Person: For the purpose of this Ordinance, any individual, corporation, association, firms, partnership, or similar defined interest.

Point of Purchase Display: Advertising of a retail item accompanying its display, e.g., an advertisement on a product dispenser.

Pole Cover: Covers enclosing or decorating poles or other structural supports of a sign.

Political Sign: For the purposes of this Ordinance, a temporary sign used in connection with a local, state, or national election or referendum.

Portable Sign: Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

Premises: A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate within a specific zoning district.

Projecting Sign: A sign which is attached to, suspended from, or supported by a building and which projects more than sixteen (16) inches from the building.

Real Estate Sign: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Roofline: The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

Roof Sign: Any sign erected upon or above any portion of a roof or parapet wall of a building and which is wholly or partially supported by said building [compare "Mansard," "Wall Sign"].

Rotating Sign: A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

Seasonal Business Signage: A sign that is used to advertise a business that is operated on a seasonal basis for less than eight months in one calendar year.

Sign: Any device, structure, fixture, enclosure, or placard using graphics, symbols, lighting, and/or written copy designed specifically for the purpose of advertising, identifying, or attracting attention to any establishment, product, goods, or services [compare Sec. 1.02].

Sign, Area of:

- (1) **Projecting, Freestanding or monument sign:** The area of a projecting, freestanding or monument sign shall have only one face [the largest one] of any double or multi-faced sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one or two individual cabinets:

- (a) The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy, design, or lighting on such embellishments.
- (b) If the sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all sign cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy, design, or lighting.

(2) **Wall Signs:** The area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising copy, design, and lighting. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.

Snipe Sign: A temporary sign or poster affixed to a tree, fence, etc.

Subdivision Identification Sign: A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

Temporary Sign: A sign not constructed or intended for long-term use.

Under-Canopy Sign: A sign suspended beneath a canopy, ceiling, roof, or marquee.

Use: The purpose for which a building, lot, signs, or structure is intended, designed, occupied, or maintained.

Wall Sign: A sign attached parallel to and extending not more than 16 inches from the wall of a building. This definition includes painted, individual letter, cabinet signs, and signs on a mansard. Banners with a rigid enclosed framework or attached to a solid support on three sides may be considered a wall sign.

Window Sign: A sign installed inside or outside a window and intended to be viewed from the outside.

SECTION THREE -- GENERAL PROVISIONS

It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the City/County Planning Area except in accordance with the provisions of these regulations.

SEC. 3.01 – SIGNS PROHIBITED

The following types of signs or attractive devices are prohibited in all districts:

- (a) Any sign which identifies or advertises an activity, business, product, service or special event no longer produced, conducted, performed or sold on the premises where the sign is located. [see “seasonal business signage”]
- (b) Signs imitating or resembling official traffic or government signs or signals.
- (c) Any sign attached to a utility pole or structure, street light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench or other location on public property except as otherwise provided. This prohibition is not intended to include any tags, signs or other informational signs required by utility companies.

SEC. 3.04 – MAINTENANCE

All signs shall be properly maintained.

SEC. 3.05 – LIGHTING

Unless otherwise specified by this Ordinance, all signs may be illuminated. However, no sign regulated by this Ordinance shall create a public nuisance or utilize an exposed incandescent lamp without an external reflector, screen or comparable diffusion.

SEC. 3.06 – CHANGEABLE COPY

Unless otherwise specified by this Ordinance, any sign herein allowed may use manual or automatic changeable copy.

SEC. 3.07 – INDEMNIFICATION AND INSURANCE

All persons involved in the maintenance, installation, alteration, or relocation of signs near or upon any public right-of-way or property shall agree to hold harmless and indemnify the City/County, its officers, agents, and employees, against any and all claims of negligence resulting from such work or placement.

**SECTION FOUR ---
REGULATION OF ON-PREMISE
SIGNS BY ZONE**

SEC. 4.01 – GENERAL REGULATIONS

The following are general regulations that apply to all signs in all districts. Specific standards are contained in each of the zoning districts and may have restrictions beyond what is required by these general regulations.

- (a) **Total Number of Signs:** Commercial, special use and other non-residential uses are allowed: one freestanding or monument sign per premises unless restricted elsewhere in this ordinance. A combination of any of the permitted signs is allowed provided they do not exceed the total square footage allowed under the zoning district in which the property is located.
- (b) **Freestanding & Monument Signs:** Freestanding and/or monument signs shall be permitted according to the size and height standards of the sign district in which the property is located.
 - A freestanding or monument sign may consist of more than one sign panel provided all such sign panels are consolidated into one common integrated sign structure. In the event a sign is installed that does not utilize the maximum sign area permitted, any supplemental additions shall conform within, and be compatible with the existing sign structure.
 - The outermost edge on any freestanding or monument sign shall be set back so that such sign will not obstruct traffic visibility thereby creating a traffic hazard.
- (c) **Building Mounted Signs:** Building mounted signs include signs that are flush mounted on a building and signs which are attached to the building in some other manner. Building mounted signs are allowed in all zoning districts. The zoning district in which the property is located determines the allowable square footage. Building Mounted Signs would include, but not be limited to, Projecting Signs, Awning/Marquee Signs, Wall Signs and Under Canopy Signs, etc.

Streetward projection of such signs shall be determined as follows: 1) in diagonal parking areas, streetward sign projection shall not extend beyond the vertical curb plane, 2) in parallel parking areas, streetward projection shall not extend beyond the vertical plane 2 feet inward from curb, 3) along federal, state, or county highways or roadways, the applicable federal, state, or county regulations shall apply.

(d) **Multiple Occupants on a Premise:** Multiple occupants on a premise will be required to share the permitted number and area allowed for freestanding and non-freestanding signs in that zoning district.

(e) **Alley Entrance and Signs:** Businesses shall be permitted one flush mounted sign each.

(f) **Businesses without Frontage On a Public Street or Road:** Businesses shall be permitted one flush mounted sign each.

SEC. 4.03 – SIGNS PERMITTED IN HIGHWAY COMMERCIAL, & COMMERCIAL/INDUSTRIAL ZONING DISTRICTS (HCZD, & CIZD)

Signs are allowed as follows in HCZD, & CIZD

(a) All signs in compliance with Sec. 3.03

(b) Freestanding Signs

One Freestanding or monument sign per premises as follows:

Within the zoning districts listed above, the computed area of freestanding signs shall be the calculated average of the following not to exceed the Maximum Sign Area SF.

Maximum Height		14 Ft	20Ft
Max Sign Area SF		210	150
% Ground Floor Area of Principal Building		1%	1%
SF of Sign per lineal FT of Street Frontage		1	1

Example 1.		14 Ft	20Ft
Ground Floor Area	14000	140	140
Street Frontage	120	120	120
Maximum SF, from above		210	150
Average		157	137
Maximum Freestanding Sign Size		157	137
Actual Present Freestanding Signage	0		

Example 2.		14 Ft	20Ft
Ground Floor Area	3760	37.6	37.6
Street Frontage	200	200	200
Maximum SF, from above		210	150
Average		149	129
Maximum Freestanding Sign Size		149	129