

## **CHAPTER 18.52 SIGNS**

### **18.52.010 INTENT AND PURPOSES**

It is the intent and purpose of this chapter to promote the health, safety and welfare of the residents and visitors of the City of Bozeman by regulating and controlling the size, location, type, quality of materials, height, maintenance and construction of all signs and sign structures not located within a building, or within a building and visible from the exterior for the following reasons:

- A. To preserve the Bozeman area's natural scenic beauty and character as expressed in adopted City plans and policies;
- B. To contribute to inviting entrances into Bozeman by eliminating clutter associated, in part, with the unrestricted proliferation of signs, lights and stringed devices;
- C. To encourage area beautification through creative, interrelated design of signage, landscaping, buildings, access and parking that enhances the community's built and natural environment;
- D. To give all businesses an equal opportunity to have a sign that will help people find the services they need; and
- E. To ensure that pedestrians and motorists are protected from damage or injury caused or partly attributable to the distractions and obstructions which are caused by improperly situated signs. The City Commission intends to provide a reasonable balance between the right of an individual to identify their business and the right of the public to be protected from the visual discord that results from the unrestricted proliferation of signs. Sections 18.28.070 and 18.30.080, BMC establish certain exemptions, and alternative procedures utilizing design review. The deliberations and decisions of the design review shall be directed to accomplish the intent and purpose of this section. It is determined that the regulations contained herein are the minimum necessary to further the interests of this title.
- F. To protect the public health and safety by minimizing distractions to the traveling public.

### **18.52.020 SIGN PERMIT REQUIREMENTS**

If a sign requiring a permit under the provision of this chapter is to be placed, constructed, erected or modified on a zone lot, the owner of the lot shall secure a sign and building permit prior to the construction, placement, erection or modification of such a sign. Furthermore, the property owner shall maintain in force, at all times, a permit for such sign. No permit of any kind shall be issued for an existing sign or proposed sign unless such sign is consistent with the requirements of this chapter.

### **18.52.030 PROHIBITED SIGNS**

All signs not expressly permitted under this chapter, or exempt from regulation, are prohibited in the City. Such signs include, but are not limited to:

- A. Portable signs (except as allowed under Title 12, Chapter 22, BMC);
- B. Roof signs;
- C. Revolving signs;
- D. Beacons, spot lights;
- E. Flashing, blinking, or animated signs, or LED or other electronic messaging signs except for incidental signs as defined in Chapter 18.80, BMC;
- F. Pennants, streamers, wind socks, pinwheels, or similar items;
- G. Stringed flags;

- H. Inflatable signs and tethered balloons (except as permitted per §18.52.040, BMC); and
- I. Signs located in public rights-of-way (except for those specifically permitted in this chapter.
- J. Signs that resemble an official traffic sign or signal, and signs that resemble traffic signs because they predominately display the words “STOP,” “GO SLOW,” “CAUTION,” “DANGER,” “WARNING,” or similar words that are commonly used by agencies of government and construction contractors to draw attention to traffic or roadway hazards;

**18.52.040 PERMITTED TEMPORARY AND SPECIAL EVENT SIGNS**

Temporary and special event signs, such as banners, tethered balloons and inflatable signs, but excluding those subject to §18.52.050, BMC, shall be allowed only as follows:

- A. Special event signs are permitted in the zones described in §18.52.060.A and §18.52.060.B, BMC.
- B. Applicants for temporary signs shall apply for, and have approved, a temporary sign permit
- C. All temporary signs shall comply with size, height, and location requirements of this chapter.
- D. For special commercial events, temporary signs shall be displayed for a consecutive period not to exceed fifteen days, for a maximum of thirty days per calendar year, from January 1 to December 31. There shall be a period of at least seven days between each fifteen day display period.
- E. Temporary signs which identify a new business may be may be displayed for a period not to exceed 60 days, additional temporary signs shall not be allowed until the next calendar year. Only one temporary sign identifying a new business shall be permitted for the life of the business. A subsequent temporary sign identifying a new business may be permitted when business ownership has transferred to another owner, or when the business moves to a new location on a different zone lot.
- F. Temporary signs that identify a new business may be displayed until the business erects a permanent sign, only if the business is in the process of obtaining a permanent sign, or 60 days, whichever comes first. If the business has previously had a temporary sign in the same location , the business will be allowed a maximum of an additional 30 more days of temporary signage.
- G. Itinerant vendors shall receive information about allowable temporary signs at the time they apply for a business license, but no permit is required if the itinerant vendor is operating less than 7 days.
- H. Temporary signs that are seasonal in nature, such as garden greenhouses, boat showrooms, or ski rental, may apply for a long term temporary sign which may be approved for a period not to exceed 180 days.
- I. Businesses may promote events in the community, such as the County Fair or Sweet Pea, by applying for and receiving a temporary sign permit for their location. When notice of the event and non-sponsorship related information occupies more than 75 percent of the banner area, such a temporary sign will not count in their temporary and special event signage limit of 30 days a year.

**18.52.050 SIGNS EXEMPT FROM PERMIT REQUIREMENTS**

The following signs shall be exempt from the permitting requirement but must comply with the criteria for signs allowed by this chapter, except Section 18.52.060:

- A. Residential Zones ( R-S, R-1, R-2, R-3, R-4, RMH).

1. Temporary, nonilluminated signs, e.g. real estate sale, political campaign and other noncommercial speech signs that do not exceed 9 square feet in total area and, if freestanding, 5 feet in height. No more than one such sign per street frontage.
2. Businesses working at a residentially zoned lot, such as landscapers or window treatment installers, may post an identifying sign only when they are physically at the residence, and the sign shall be removed immediately when the working party leaves the property. Such sign shall not exceed 9 square feet in total area and, if free standing shall not exceed five feet in height. Not more than one such sign per street frontage per lot is allowed. Such signs shall not be considered off-premise advertising so long as the identified business is actively engaged on the site.

B. Commercial and Manufacturing Zones (R-O, B-1, B-2, B-3, UMU, M-1, M-2, BP, PLI, HMU).

1. Window signs painted on the window or physically affixed to the interior of a window, provided that such signs do not occupy more than 25 percent of the area of the window in which it is displayed. If it exceeds 25 percent of the area of the window, it will be classified as a wall sign.
2. Signs within a structure or building or other enclosed area of property when such signs are not legible when viewed from outside the structure or property.
3. Temporary non-illuminated signs, e.g. real estate sale, for rent or lease, political campaign, noncommercial speech signs shall not exceed 32 square feet in size, shall be no more than 5 feet high and shall be at least 5 feet from the property line. Only one sign of each subject per street frontage per lot is allowed.
4. A temporary, non-illuminated sign identifying the businesses working at a construction site may be posted. The signs for multiple businesses shall be aggregated among all those working on the site and in total shall not exceed 32 square feet in size, shall be no more than 5 feet high and shall be at least 5 feet from the property line. All parties to the development, including but not limited to, banks, architects, contractors, developers, future occupants of the lot, real estate agent, landscape company shall be on a single sign per street frontage per lot. Such signs shall not be considered off-premise advertising so long as the identified business is actively engaged on the site.
5. Not more than four on-premises directional signs not exceeding 4 square feet in area and 5 feet in height which shall not contain any commercial messages.

C. All Zones.

1. Government and Public Utility Signs. Directional, warning, street, traffic control, informational or temporary special event signs that are erected, installed or placed by or on behalf of any federal, state, county or city government. Public utility signs showing locations of underground facilities or public telephones, and safety signs on construction sites, are included within this exemption.
2. Incidental Signs. A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking,” “entrance,” “loading only,” and other similar directives. No sign with a commercial message, which is designed with the intent to be legible from a position off the zone lot on which the sign is located, shall be considered incidental.

**18.52.060 SIGNS PERMITTED UPON THE ISSUANCE OF A SIGN PERMIT**

The following on-premise signs are permitted in the indicated zones subject to a sign permit:

- A. Commercial, Manufacturing, and Public Land Zones ( B-2, B-3, UMU, M-1, M-2, BP, PLI, HMU). A lot in a B-2 district is permitted total signage not to exceed 400 square feet. The

maximum allowable total signage in the other districts listed herein shall not exceed 250 square feet per lot. A comprehensive sign plan is required for all commercial centers consisting of two or more tenant spaces on a lot and shall be designed in accordance with §18.52.070, BMC.

1. Freestanding Signs. One freestanding sign is permitted per zoned lot. The maximum area for a freestanding sign shall be 32 square feet. A low profile freestanding sign shall be set back a minimum of 5 feet with a maximum height of 5 feet. A pole-style freestanding sign shall be set back a minimum of 15 feet with a maximum height of 13 feet. The pole-style sign will maintain at least an 8-foot minimum vertical clearance from the ground.
2. Wall Signs. Wall signs are not to exceed a total signage allowance of 1.5 square feet per linear foot of building frontage minus any area devoted to freestanding or projecting signs. Canopy, window and awning signs shall be classified as wall signs. Wall signs shall not project above the top of a wall or parapet. Lots fronting on two or more streets shall be permitted an additional 35 percent of the already permitted wall sign area for each subsequent building frontage.
3. Projecting Signs. One projecting sign per tenant. Projecting signs shall not exceed 8 square feet in area nor extend more than 4 feet from the building. In the B-3 district, projecting signs shall not exceed 12 square feet in area nor extend more than 6 feet from the building. Projecting signs shall provide a minimum sidewalk clearance of 8 feet.

B. Business and Office Zones (B-1, R-O). The maximum allowable total signage for a lot with one building shall not exceed 80 square feet in a B-1 district or non-residentially planned R-O district, the maximum allowable total signage for a lot with two or more buildings shall not exceed 160 square feet in a B-1 district or non-residentially planned R-O district and 32 square feet in a residential planned R-O district. A comprehensive sign plan is required for all commercial centers consisting of two or more tenant spaces on a lot. Such plans shall be designed in accordance with this section.

1. Low Profile Freestanding Signs. One low profile sign not to exceed 32 square feet in area in the B-1 district, and 12 square feet in area in the R-O district. In both the B-1 and the R-O districts, the low profile sign shall have a minimum setback of 5 feet and a maximum height of 5 feet. Pole-style freestanding signs are not permitted in the B-1 and R-O zones.
2. Wall Signs. Wall signs in the B-1 district are not to exceed a total signage allowance of 1 square foot per linear foot of building frontage minus any area devoted to freestanding or projecting signs. Wall signs in the R-O district are not to exceed a total signage allowance of 0.5 of a square foot per linear foot of building frontage minus any area devoted to freestanding and/or projecting signs. Canopy, window and awning signs shall be classified as wall signs. Wall signs shall not project above the top of a wall or parapet. Lots fronting on two or more streets shall be permitted an additional 35 percent of the already permitted wall sign area for each subsequent building frontage.
3. Projecting Signs. One projecting sign per tenant. Projecting signs shall not exceed 8 square feet in area nor extend more than 4 feet from the building. Projecting signs shall provide a minimum sidewalk clearance of 8 feet.
4. Subdivision Identification Signs. For residential subdivisions consisting of more than four residential units, one low profile, freestanding, neighborhood identification sign per development entrance is allowed. Each sign shall not exceed 16 square feet in area or 5 feet in height from the finished grade. The sign must be setback at least 5 feet from the property line.

5. Residential Building Identification Signs. For properties used for multi-household residential buildings, one residential identification wall sign per street frontage. Each sign shall not exceed 8 square feet in area.
- C. Residential Zones (R-S, R-1, R-2, R-3, R-4, RMH).
1. Subdivision Identification Signs. For residential subdivisions consisting of more than four residential units, one low profile, freestanding, neighborhood identification sign per development entrance is allowed. Each sign shall not exceed 16 square feet in area or 5 feet in height from the finished grade. The sign must be setback at least 5 feet from the property line.
  2. Residential Building Identification Signs. For properties used for multi-household residential buildings, one residential identification wall sign per street frontage. Each sign shall not exceed 8 square feet in area.
  3. Signs Appurtenant To Residential Principal and Conditional Uses and Home Occupations.
    - a. Principal residential uses and home occupations shall be permitted commercial message signage not to exceed 4 square feet in area and shall not be located in any required setback area. In addition, home occupations shall be permitted 1 square foot signs on a mailbox or lamp post or 1.5 square feet of freestanding signage located a minimum of 5 feet from the property line.
    - b. Principal residential uses shall be permitted noncommercial speech signs which do not exceed 30 square feet in area nor 5 feet in height. Such sign(s) must be setback at least 15 feet from the property line.
    - c. Conditional nonresidential type uses, such as churches, veterinary uses, golf courses, day care centers and schools shall be permitted signage as if the underlying zoning were B-1. Conditional residential type uses such as bed and breakfast homes, and fraternity and sorority houses, shall be permitted signage as if the underlying zoning were R-O. Such signs may only be illuminated during the hours of operation.
  4. Planned Unit Developments. Commercial establishments within planned unit developments where the underlying zoning is residential shall be permitted signage as if the lot were in a B-1 zone.
- D. Special Districts And Zones. The guidelines for the underlying zoning districts apply unless otherwise addressed below.
1. Neighborhood Conservation Overlay District. Within this district, all signage is subject to issuance of a Certificate of Appropriateness after review for compliance with the Design Guidelines for the Neighborhood Conservation Overlay District. If the applicant is not requesting sign deviations, the sign application will be reviewed by ADR staff. If the applicant is requesting deviations, the sign application shall be subject to review by the Design Review Board and the City Commission.
  2. Entryway Overlay District. Within this district, all signage is subject to issuance of a Certificate of Appropriateness after review for compliance with the Design Objectives Plan for entryway corridors. If the applicant is not requesting sign deviations, the sign application will be reviewed by ADR staff. Signage may exceed the underlying zoning district limitations by up to 20 percent upon review and approval of a deviation by the City Commission, upon the recommendation of the Design Review Board, and upon receipt of a Certificate of Appropriateness.

3. Interchange Zone. Signage may exceed the maximum total sign area permitted by §18.52.060, BMC by up to 25 percent upon review and approval of a deviation by the City Commission, upon the recommendation of the appropriate design review advisory body, and upon receipt of a Certificate of Appropriateness. Each lot shall be permitted one freestanding sign.
  - a. Low Profile Signs. One low profile sign per zoned lot. The maximum area for a low profile sign shall be 40 square feet. The sign shall be setback a minimum of 5 feet with a maximum height of 8 feet.
  - b. Pole-Style Signs. A pole-style freestanding sign shall be set back a minimum of 15 feet and will maintain at least an 8-foot minimum vertical clearance. Pole-style signs shall not exceed a total area of 40 square feet or 16 feet in height, provided however, that for every 2 feet said sign is set back from 15 feet beyond the street right-of-way, the height measured at grade may be increased 1 foot, not to exceed a total of 32 feet, and the area may be increased by 2.5 square feet for every 2 feet that said sign is set back 15 feet beyond the street right-of-way up to a maximum of 120 square feet.
4. Main Street Historic District. Permits for signs that encroach into the public right-of-way shall be obtained from the City Manager's office in City Hall.

#### **18.52.065 WAY FINDING SIGNAGE**

- A. Purpose. Wayfinding signs shall serve to assist travelers in navigating the larger community and identifying defined districts. Wayfinding signs or kiosks are not intended to serve as off-premise advertising for individual entities.
- B. Defined Districts. To qualify as a district an area must have a significant commonality of purpose, identity and shared functions serving the larger community. Designation as a district is at the discretion of the City and shall only be granted when found to be consistent with the intent of this chapter and the City's other adopted regulations, policies and plans. Approval of district designation is the duty of the Planning Director who shall make written findings of the decision.
- C. Wayfinding signage is intended to add to the district's "sense of place" and may include district identification signs, directory signs to designate shared or common spaces such as parking facilities, parks, trails and open space. It may also include pedestrian-scale informational kiosks to announce district events and/or to list a directory that corresponds with a map presented in the kiosk. Wayfinding signs shall not advertise specific businesses or otherwise constitute off-premise signs. Wayfinding signage is permitted within districts only after approval of a comprehensive signage plan for the wayfinding signs.
- D. Submittal of a comprehensive signage plan for wayfinding must be made by a single individual or entity legally authorized to represent the area within the plan and with the consent of relevant governing authority. In addition to the requirements of 18.52.170, a comprehensive signage plan for wayfinding must:
  1. Include a description of the installation and maintenance program for the signs including but not limited to: who is responsible for installation and maintenance, identified reliable funding for installation and maintenance, contact plan for the responsible individual, and a description of how the sign program will be kept updated or removed. If the signs are to be illuminated a description of how the power source may be removed and made safe shall be included.
  2. Demonstrate how it will enhance the streetscape by promoting a unified and enhanced visual aesthetic consistent with the streetscape design elements in the district; coordinate

information to pedestrians and drivers in a clear, consistent, and understandable format; and reduce visual clutter.

3. Include information on how the district stakeholders were given opportunity to collaboratively participate in the selection of the sign types and designs.
4. Clearly describe the hierarchy of signs and include the criteria for determining sign placement and size. Any signs intended to be read from the right of way shall comply with the lettering standards of the Manual for Uniform Traffic Control Devices for the road type and speed.
5. The wayfinding signage plan shall include signage elevations and plans with corresponding map(s) designating signs types and locations.

E. Design Standards. The wayfinding signs shall include and meet the following standards and provisions:

1. Color Schemes, Fonts and Materials. Coordinated color schemes, fonts and materials, including base supports, cabinet details and mounting methods, shall serve to distinguish wayfinding signage within the district from other districts.
2. Lighting. Lighting is not required. If any lighting is proposed, the wayfinding signage plan shall include cut-sheets and lighting details in accordance with the standards established in Section 18.42.150.
  - a. Photovoltaic panels to provide power, where appropriate, are encouraged.
3. Size and Location. Signage may be located within required setbacks and may be located within the right-of-way, with approval from the applicable review agencies including the City of Bozeman and/or the Montana Department of Transportation. Restrictions for signs within the public right-of-way may be more strict than those on private property in order to avoid conflict or confusion with official regulatory and warning signs or interference with travel.
4. Wayfinding signs shall comply with the following standards:
  - a. Wayfinding signs that are affixed to a light post, traffic post or sign within the right-of-way shall not exceed 4 square feet in area and are limited to one sign per block face (or equivalent).
  - b. Any signs intended to be located within the right of way shall comply with the construction standards of the Manual for Uniform Traffic Control Devices.
  - c. Free-standing wayfinding kiosks or signs are limited to one sign per 2 blocks (or equivalent), shall not exceed 30 square feet in area per face and shall not exceed 7 feet in height.
  - d. Wayfinding signage may be located within the street-vision triangle at intersections controlled by a traffic light.
  - e. Decorative features including but not limited to post caps may extend an additional 2 feet for a total of 9 feet in height.
  - f. Photovoltaic panels are exempt from the height requirement.
  - g. Business names, logos, or other marks identifying specific parties on a directory list or map in a kiosk shall not exceed one inch in height.
  - h. Wayfinding signage may not interfere with the clear passage of pedestrians or vehicles or otherwise cause safety hazards.

- i. Wayfinding signs shall not obscure or obstruct any existing regulatory, warning, or parking control signs.
- 8. Wayfinding signs are allowed for parks, or for districts containing more than 30 acres of platted lots.
- 9. A performance bond or other surety acceptable to the City may be required for the maintenance, replacement, updating, and/or removal of signs in an amount acceptable to the Planning Director.

**18.52.070 COMPREHENSIVE SIGN PLAN**

A comprehensive sign plan shall be submitted for all commercial, office, industrial and civic uses consisting of two or more tenant or occupant spaces on a lot or two or more lots subject to a common development permit or plan. A comprehensive sign plan shall not be approved unless it is consistent with this chapter, the underlying zoning regulations applicable to the property and any discretionary development permit or plan for the property. The plan should include the size and location of buildings and the size and location of existing and proposed signs. The purpose of the plan is to coordinate graphics and signs with building design. The coordination shall be achieved by:

- A. Using the same type of cabinet supports or method of mounting for signs of the same type; using the same type of construction for components, such as sign copy, cabinet and supports; using other types of integrating techniques, such as common color elements, determined appropriate by the Planning Director.
- B. Using the same form of illumination for all signs, or by using varied forms of illuminations determined compatible by the Planning Director.

**18.52.080 MULTITENANT COMPLEXES WITH LESS THAN 100,000 SQUARE FEET OF GROUND FLOOR AREA**

The guidelines for the underlying zoning districts apply unless otherwise addressed below:

- A. The maximum permitted wall sign area allowed for each tenant space shall be the percentage of the total floor area on the zoned lot that the tenant occupies multiplied by the wall area allowed by §18.52.060.A.2 or §18.52.060.B.2, BMC. If the lot has more than one building frontage, the individual tenant space may derive sign area only from the frontage(s) which the space faces. Lots under this section shall be allowed a low profile sign that identifies the complex, which otherwise conforms to this chapter, in addition to the sign area already permitted under §18.52.060.A.2 or §18.52.060.B.2, BMC.

**18.52.090 MULTITENANT COMPLEXES WITH MORE THAN 100,000 SQUARE FEET OF GROUND FLOOR AREA**

The guidelines for the underlying zoning districts apply unless otherwise addressed below:

- A. Freestanding Signs.
  - 1. Pole-style Signs. One pole-style sign per street frontage not to exceed 48 square feet in area or 16 feet in height. The sign area computed for a pole-style sign shall not be subtracted from the maximum allowable wall signage permitted for the entire complex.
  - 2. Low Profile Signs. One low profile sign shall be permitted at each secondary entrance of the complex, provided each sign shall not exceed 32 square feet in area, not 5 feet in height, and must be setback a minimum of 5 feet from the property lines. All low profile signs shall only identify the complex and must display the street number address in

figures which are at least 6 inches high. Low profile signs complying with these regulations will not be factored when calculating the maximum permitted wall sign area.

- B. Wall Signs. Each tenant shall be permitted wall signage square footage calculated from 1.5 times the linear store frontage. For the maximum allowable total signage, please see §18.52.060.A or §18.52.060.B, BMC.

#### **18.52.100 INDOOR SHOPPING MALL COMPLEXES WITH MORE THAN 100,000 SQUARE FEET OF GROUND FLOOR AREA**

The guidelines for the underlying zoning districts apply unless otherwise addressed below:

- A. Freestanding Signs.
  - 1. Pole-style Signs. One pole-style sign per street frontage not to exceed 48 square feet in area or 16 feet in height. The sign area computed for a pole-style sign shall not be subtracted from the maximum allowable wall signage permitted for the entire complex.
  - 2. Low Profile Signs. One low profile sign shall be permitted at each secondary entrance of the complex, provided each sign shall not exceed 32 square feet in area, nor 5 feet in height, and must be setback a minimum of 5 feet from the property lines. All low profile signs shall only identify the complex and must display the street number address in figures which are at least 6 inches high. Low profile signs complying with these regulations will not be factored when calculating the maximum permitted wall sign area.
- B. Wall Signs. Each anchor tenant occupying 20,000 square feet or more shall be permitted 300 square feet of wall signage. Each tenant with an exclusive outdoor customer entrance shall be permitted wall signage square footage calculated from 5 percent of the ground floor area.

#### **18.52.110 ILLUMINATION**

- A. Illumination, if any, shall be provided by artificial light which is constant in intensity and color. Internally illuminated “can signs” are acceptable provided background and copy are coordinated to avoid excessive light output. Neon and other gas type transformers shall be limited to 60 milliamperes and fluorescent transformers shall be limited to 800 milliamperes to soften light output. The output of lumens from lighting provided by other types of light emitters shall not exceed that possible from gas type transformers as regulated in this paragraph. Additionally, neon and other gas type signs with exposed tubing shall be equipped with dimmers.
- B. Externally illuminated wall-mounted and pole signs shall be lighted by fixtures mounted at the top of the sign and aimed downward; ground-mounted sign lighting may only be used for monument style signs. Fixtures used to illuminate signs shall be aimed so as not to project their output beyond the sign.

#### **18.52.120 STREET VISION TRIANGLES**

Signs shall not be placed in sight vision triangles as they are established in §18.44.100, BMC, unless specifically authorized in this chapter.

#### **18.52.130 REQUIRED ADDRESS SIGNS**

Street numbers shall be required for all residential, commercial, industrial, and civic uses in all zones, consistent with the requirements of the Fire Department. All freestanding signs shall display the address of the lot in 6-inch numbers.

#### **18.52.140 BILLBOARDS AND OTHER OFF-PREMISE ADVERTISING**

Off-premises commercial advertising signs are not permitted within the Bozeman City limits except as permitted by state or federal law.

- A. Exception: Off-premises signs may be placed on the interior of transit shelters reviewed and approved by the City of Bozeman and served by an active fixed route transit service. Signage within a transit shelter shall not distract drivers of vehicles nor be legible from the driving lanes.

**18.52.150 SIGNS ERECTED IN CONJUNCTION WITH NONPROFIT ACTIVITIES ON PUBLIC PROPERTY**

Signs erected on public property in support of nonprofit activities, such as signs advertising sponsors of youth and sports activities, shall be allowed only as follows:

- A. The sign(s) shall be permitted only at developed facilities in public parks or other publicly owned lands.
- B. The sign(s) may be erected two weeks prior to the commencement of the activity and shall be removed within two weeks after the cessation of the activity for which the sign(s) were erected.
- C. Each individual sign shall be no larger than 32 square feet. Freestanding signs must be setback a minimum of 15 feet from the property line with a maximum height of 5 feet. Signs attached to walls or scoreboards shall not be subject to the 5 foot height limitation. However, signs attached to walls or scoreboards shall not exceed the height of the wall or scoreboard to which they are attached. All signs shall be oriented towards spectators attending the activity who are at the facility.
- D. The sign(s) shall not:
  - 1. Be individually illuminated; nor
  - 2. Be placed in sight vision triangles or otherwise impede or obstruct the view of the traveling public.
- E. Applicants for such sign(s) must apply for, and have approved, a special temporary sign permit detailing the nature of the sign(s) to be erected and the duration the sign(s) will remain in place. Applications and review procedures shall be made as per §18.52.170, BMC.

**18.52.160 HISTORIC OR CULTURALLY SIGNIFICANT SIGNS**

Signs which have historical or cultural significance to the City but do not conform to the provisions of this chapter, maybe permitted provided that the City Commission adopts findings supporting the historical or cultural significance of the sign and issues a sign permit. Such findings shall be adopted by resolution of the City Commission.

**18.52.170 APPLICATION**

- A. An application for a sign shall be made on forms provided by the Planning Department. The application shall contain sufficient information and plans to permit review pursuant to this chapter, including but not limited to: building elevations; photographs; proposed locations of signs on building elevations; sign design layout showing number, types and dimensions of all signs; and a site plan showing proposed location of all signs.
- B. Acceptability and Adequacy of Application.
  - 1. The Planning Department shall review the application for acceptability within five working days to determine if the application does not omit any of the submittal elements required by this title. If the application does not contain all of the required elements, the application and a written explanation of what the application is missing shall be returned to the property owner or their representative. The five working day review period will be considered met if the letter is dated, signed and placed in the outgoing mail within the five day review period.

2. After the application is deemed to contain the required elements and to be acceptable, it shall be reviewed for adequacy. A determination of adequacy means the application contains all of the required elements in sufficient detail and accuracy to enable the City to make a determination that the application either does or does not conform to the requirements of this title and any other applicable regulations under the jurisdiction of the City of Bozeman. Determination of adequacy will be made by the Planning Department. The adequacy review period shall begin on the next working day after the date that the Planning Department determines the application contains all the required elements and shall be completed within not more than 15 working days. The 15 working day review period will be considered met if the letter is dated, signed and placed in the outgoing mail within the 15 working day review period. If the application is inadequate, a written explanation of why the application is inadequate will be returned to the property owner. Upon a determination of adequacy the review of the development will be scheduled.
  - a. In the event the missing information is not received by the City within 15 working days of notification to the property owner of inadequacy, all application materials shall be returned to the property owner or their representative. Subsequent resubmittal shall require payment of a review fee as if it were a new application.
  - b. A determination that an application is adequate does not restrict the City from requesting additional information during the review process.
3. Should the property owner choose not to provide the required information after an application has been found unacceptable, nor to accept return of the application, the application may be processed by the City with the recognition by the property owner that unacceptability is an adequate basis for denial of the application regardless of other merit of the application.
4. Action.
  - a. After an application is deemed adequate, the Planning Director or his designee shall act to approve or deny the application within 10 working days, or
  - b. After the application is determined to be adequate for review, if the application includes a request for a deviation or variance the City shall schedule the application to be heard at the next available meeting of the City Commission which allows for required public notice to be given, or
  - c. If the sign application is submitted in conjunction with a site plan or other similar review then the review process and final review authority shall be coordinated.
5. An applicant may appeal the denial of a permit request pursuant to the provisions of Chapter 18.66, BMC.

#### **18.52.180 MAINTENANCE OF PERMITTED SIGNS**

All signs shall be continuously maintained in a state of security, safety and repair. Abandoned signs and sign support structures shall be removed. If any sign is found not to be so maintained, or is in need of repair or has been abandoned, it shall be the duty of the owner and the occupant of the premises to repair or remove the sign within fourteen calendar days after receiving written notice to do so from the Planning Director. If the sign is not so repaired or removed within such time, the Planning Director shall cause the sign to be removed at the expense of the owner of the premises.

### **18.52.190 NONCONFORMING SIGNS**

- A. The eventual elimination of existing signs that are not in conformity with the provisions of this chapter is as important as the regulation of new signs. Except as otherwise provided herein, the owner of any zone lot or other premises on which exists a sign that does not conform with the requirements of this chapter and for which there is no prior, valid sign permit shall remove such sign.
- B. All signs which were legally permitted prior to June 22, 1997 are considered legal, permitted signs under this chapter. Except as provided for in subsection C of this section, said sign, if nonconforming with this chapter, may not be:
  - 1. Replaced except with a conforming sign;
  - 2. Changed in copy (except for signs specifically designed to be changed in copy, such as readerboards with changeable letters);
  - 3. Structurally altered to extend its useful life; or
  - 4. Expanded, moved or relocated.
- C. No legal, nonconforming sign may be altered or enlarged in any way which increases its nonconformity, but any existing signage, or portions thereof, may be altered by decreasing its nonconformity (except as provided in subsection D below).
- D. Any lot with a nonconforming sign may not add additional signage until all signs on the lot are brought into conformance with this chapter. Any site modification that requires a certificate of appropriateness (except when the certificate of appropriateness is solely for the purpose of placing energy collection equipment), site plan review or reuse application will necessitate compliance for all existing and proposed signage on the lot.

### **18.52.200 SUBSTITUTION**

Any sign allowed under this chapter may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity or service for sale or lease, or to any other commercial interest or activity, so long as the sign complies with the size, height, area and other requirements of this chapter. Authorized decision-making bodies may not consider the content of speech or the viewpoint of the speaker when taking action to approve or deny sign permits or other application for signs.

### **18.52.200 SEVERABILITY**

Where any word, phrase, clause, sentence, paragraph, or section or other part of this chapter is held invalid by a court of competent jurisdiction by express inclusion in the decision to be invalid, such judgment shall affect only that part held invalid and such decision shall not affect, impair or nullify this title as a whole or any other part thereof.