



**CITY/COUNTY ZONING COMMISSION**  
**PROJECT RECODE JOINT MEETING**  
**AGENDA-Wednesday September 16, 2020, 4:30 p.m.**  
**Senior Center at the Billings Community Center at 360 N 23<sup>rd</sup> St, Billings, MT**

**NOTICE TO THE PUBLIC**

**Public Comment:**

There will be a Public Comment Section as noted on the agenda. This is the time members of the public may comment on any item not appearing on the agenda. Under State law, matters presented under this section cannot be discussed or acted upon by the Zoning Commission during this time. For items appearing on the agenda, the public will be invited to make comments at the appropriate time. It is very important to speak clearly, and state your name and address for the record. Please limit your comments to three (3) minutes or less.

**Call the meeting to order.**

**Introduction of City Zoning Commission and YC Zoning Commission Members and Planning Department Staff.**

**Public Comment**

**Regular Business:**

- A. Opening of public hearings. The public hearing will be broadcast on the Planning Community Services Department Facebook page <https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260/?ref=bookmarks> and Community 7 TV Facebook Page <https://www.facebook.com/comm7tv>. The hearings will be recorded and available for viewing at any time on both Facebook pages above. The public may call in to (406) 237-6120 to provide testimony and comment during the hearing.
- B. Reading of rules for the procedure by which the public hearings will be conducted.
- C. Reading of notices of the public hearings on the following items:

**Public Hearings:** The public hearing will be broadcast on the Planning Community Services Department Facebook page <https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260/?ref=bookmarks> and Community 7 TV Facebook Page <https://www.facebook.com/comm7tv>. The hearings will be recorded and available for viewing at any time on both Facebook pages above. The public may call in to (406) 237-6120 to provide testimony and comment during the hearing.

- a. **Text Amendment - Project Re:Code – Proposed Draft Sections: 27-1400 – Signs; 27-1500 – Nonconformities; 27-1800 – Measurements and Definitions** This is the fifth meeting of the City Zoning Commission and the fourth meeting of County Zoning Commission on the Public Review Draft sections of the new Zoning Codes for the City and County. This session will cover Signs, Nonconformities, Measurements and Definitions. The City and County Public Review Drafts are very similar and will be presented together in this hearing.

**Adjournment**

The Zoning Commissions will hear all persons wishing to speak relative to the proposed Text Amendments. Testimony regarding the above mentioned item may also be submitted in writing to the Planning Division, 2825 3<sup>rd</sup> Avenue North, 4<sup>th</sup> Floor, Miller Building, Billings, MT 59101 (247-8676).

The Zoning Commissions are conducting multiple topic-focused hearings on the draft zoning codes. The Zoning Commissions will meet after all hearings are completed to make formal recommendations to the City Council and Board of County Commissioners. Additional public hearing notices will be published for future dates, times & locations.

Additional information and copies of the draft amendments are available in the Planning and Community Services Office, the County Clerk and Recorder, the County Commissioners' Office, the City Clerk's Office, and online at <https://project-recode.com/code-outline>

Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Robbin Bartley, Administrative Assistant, at 247-8676 or e-mail to [bartleyr@billingsmt.gov](mailto:bartleyr@billingsmt.gov)



## City and County Zoning Commission-Project ReCode

**Meeting Date:** 09/16/2020

**SUBJECT:** Project ReCode - City & County Zoning Commissions - Sec 27-1400, Signs: Sec 27-1500, Nonconformities; Section 27-1800, Measurements and Definitions

**THROUGH:** Monica Plecker

**PRESENTED BY:** Nicole Cromwell

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### Information

#### REQUEST

**Text Amendment - Project Re:Code – Proposed Draft Sections: 27-1400 – Signs; 27-1500 – Nonconformities; 27-1800 – Measurements and Definitions** This is the fifth meeting of the City Zoning Commission and the fourth meeting of County Zoning Commission on the Public Review Draft sections of the new Zoning Codes for the City and County. This session will cover Signs, Nonconformities, Measurements and Definitions. The City and County Public Review Drafts are very similar and will be presented together in this hearing.

#### RECOMMENDATION

NA

#### APPLICATION DATA

OWNER: NA

AGENT:

LEGAL DESCRIPTION:

ADDRESS:

CURRENT ZONING:

EXISTING LAND USE:

PROPOSED USE:

SIZE OF PARCEL:

#### CONCURRENT APPLICATIONS

NA

#### APPLICABLE ZONING HISTORY

NA

#### SURROUNDING LAND USE & ZONING

NORTH:

Zoning: NA

Land Use:

SOUTH:

Zoning:

Land Use:

EAST:

Zoning:

Land Use:

WEST:

Zoning:

Land Use:

#### BACKGROUND

The current zoning regulations for the City were adopted on May 3, 1972 and the County zoning codes were adopted on November 6, 1973. The City and County amended and revised their separate zoning regulations several times before the codes were unified in December 1997. The 1972 City zoning regulations for signs referred readers to a separate section of the city code (Section 22). This sign code was adopted in 1959. This was the sign code for the city until 1980 when the sign code was incorporated into the zoning code. The City Code structure was updated in the early 1980s and the sign code was re-numbered to Section 27-700. The County zoning regulations adopted a sign code in the late 1980s and this section has not been amended since that time. In addition, the County sign code was not included in the unification of the city and county zoning codes in 1997. It has been a stand alone county sign code.

Over the past 40 years the city has adopted seven separate sign codes that apply in certain areas. These include:

- Standard Sign Code (27-700)
- Montana Avenue (27-730)
- Medical Corridor and S 27th St Corridor (27-800, 27-900 & 27-706.d)
- Entryway Zone Districts (27-1000)
- North Shiloh Corridor (27-1401)
- South Shiloh Corridor (27-1427)
- East Billings Urban Renewal Districts (27-1800)

In 1983, the City adopted the S 27th St Corridor district that included a performance point system. Signs with less height and sign area were given more points in the performance evaluation for permitting. Later on, the performance point system was eliminated from the S 27th St Corridor and a separate sign code section was amended into the standard sign code.

In 1986, the city created the Medical Corridor zone district that also included a performance based point system for new developments. Extra points were awarded for smaller signs but this eventually was incorporated into the city sign code with the S 27th St Corridor sign requirements. The Medical Corridor sign requirement were extensively amended in 2006 although the S 27th St Corridor sign requirements were left in place.

The Entryway zone districts were created and adopted by the city and county in 1993 and this code section has separate sign requirements. Entryway district sign regulations are similar to the County sign code requirements and can allow a taller and larger sign (40 feet tall and 350 square feet) when the property is adjacent to Interstate right of way. Not all Entryway zone districts are close to the Interstate Corridor including Montana Sapphire Subdivision at Shiloh Road and King Avenue West. Conversely, not all land along the Interstate is within the Entryway zone districts.

A complete re-vamping of the standard city sign code (Sec 27-700) was completed in 1989, but no major changes were adopted in this revision. In 1999, two major changes were made to the city sign code: 1) the addition of the Montana Avenue special sign district and the adoption of the off-premise billboard sign moratorium. The Montana Avenue sign district was a point based permit evaluation system with a specially appointed committee in charge of reviewing new signs along Montana Avenue from N 30th St to N 22nd Street. The sign district encouraged the use of period materials, neon lighting and similar sign standards. The billboard sign moratorium was adopted due to the rapid expansion of billboard signs throughout the city as new arterial streets were constructed along with a major increase in average daily traffic throughout the community. The moratorium does allow new locations if a sign company takes down a non-conforming billboard sign face. The largest billboard sign owner in the city is Lamar. Lamar has accrued over 20 sign face credits over the past 20 years as older Lamar signs are removed. New billboard signs are limited to just a few zone districts and have structure standards to make them more compatible with surrounding land uses. For example, no billboards are allowed on roof tops, the support structure must consist of a single pole and sign faces cannot be stacked.

In 2004 and 2005, the City adopted the North and South Shiloh Corridor Districts that contain separate sign codes. These sign regulations apply to all property within the city limits and within 500 feet of the centerline of Shiloh Road. The Shiloh Overlay District sign standards require lower heights and smaller sign area for new signs. New signs also are required to have an opaque background for internally illuminated signs. Logos, brands and lettering can have light shine through but not the background of a sign. Internally illuminated building fascia is also

prohibited.

In 2008, the city adopted a major amendment to the Standard sign code in reference to electronic signs. This was in response to the advent of LED technology and software that could allow video and animation on signs of all sizes and in all weather conditions. An ad hoc committee was formed to review and update the sign code to include new regulations and standards. The work of the committee took approximately 18 months to complete.

In 2012, the city adopted the EBURD zone districts for the re-development district east of downtown. A separate sign code was adopted for this 400-acre area as well. The EBURD sign code allows between 150 and 200 square feet of signage on a property depending on the type of building on the property.

All of the amendments to the city sign code as well as the improvements in materials and technology have led to challenges with administering the existing sign codes. This includes the lack of definitions, how to measure sign height, sign area, determining the effect of new regulations on the legal status of an existing sign or sign structure and creating difficulty for both sign owners, and sign code administrators.

## **SUMMARY**

### **Signs - Draft Code Section 27-1400**

The Project Re:Code Steering Committee appointed a Sign Code Working Group in December 2017. The working group consisted of eight members with staff assistance from the Zoning Coordinator, Nicole Cromwell. The group met monthly throughout 2018 and 2019 to discuss, review, draft and re-draft the proposed sign code. The Working Group adopted four goals:

- Context is crucial – not just the street, but the type of traffic, the adjacent land uses and other context considerations.
- Clarity – make sure the code is orderly, using clear language and definitions.
- Consolidation – try to incorporate the best qualities of each sign code within the framework of any new draft sign code.
- Content Neutrality and other Legal Issues – make sure known legal issues get addressed and content neutrality is maintained throughout the code.

Most sign codes are aimed at regulating primarily commercial sign messages. Since sign codes regulate "public speech" these codes are subject to the strict scrutiny of the constitutional right to free speech. In 2015, a landmark US Supreme Court Case (Reed v Town of Gilbert, AZ) determined that local sign codes must be absolutely "content neutral". The court decided that if the regulator had to read the sign to know if it was allowed or not, then the sign code was not compliant with the constitutional protection of free speech. Cities and towns are allowed to regulate signs but content neutral regulations are required. The current city and county sign codes do have sections that do not meet this neutrality requirement. The Public Review Draft was created with this legal requirement at the forefront of the drafting effort.

The draft code also uses graphics and tables to clearly and concisely illustrate the types of signs, where they are allowed, the area of signage allowed and other limitations. The current codes have few illustrations or charts. The current combined sign code sections of the city total over 120 pages of text. Consolidating the codes included a review of the existing provisions and then incorporating the best qualities of each in the new code. The new city sign code includes 55 pages of text and graphics and the county draft code is slimmer at 50 pages. The draft eliminates the special sign districts of Montana Avenue, North and South Shiloh Corridor, S 27th St Corridor, Medical Corridor and EBURD. The city draft sign code lists allowed signs by zone district and keeps the existing billboard moratorium in place.

The city draft code includes a section for all the Historic Districts approved by city including the Billings Townsite (Montana Avenue), Old Town ( Minnesota Avenue) and North Elevation (N 31st to N 32nd north of 9th Ave N) districts. This code section will allow signs in keeping with the historic nature of the districts without additional permitting requirements.

Temporary signs are regulated by sign type rather than sign purpose. For example, temporary sign types include balloon signs, banners, inflatable signs, and yard signs. Each is allowed for a certain period of time by zone district and at a maximum size. There are some temporary signs that are tied to events as well.

Normalizing the way signs are measured for sign area, height, clearance from the bottom of the sign to the ground, setbacks are all important parts of the new sign code. Draft code Section 27-1404 covers all of these elements in one place. The definitions specific to signs were reviewed as part of the code drafting but were integrated into Section 27-1800 (Measurements and Definitions).

The Working Group has proposed to handle nonconforming signs in two categories: major and minor nonconforming.

A major nonconforming sign is classified as follows (Section 27-1403.B.1):

- (a) Off-premises signs;
- (b) Dangerous signs;
- (c) Signs that exceed the maximum height or size permitted in the zone district by more than 20%;
- (d) Nonconforming setback that encroaches on or over a public right-of-way, clear vision area, or public access easement;
- (e) Signs with nonconforming illumination;
- (f) Nonconforming sign types; and
- (g) Signs approved with a variance that permits any issue included in this major nonconformity list.

Minor nonconforming signs fall into these categories (Section 27-1403.B.2):

- (a) Signs that exceed the maximum height or size permitted in the zone district by 20% or less;
- (b) Nonconforming setback that does not encroach on or over a right-of-way, and
- (c) Nonconforming separation.

Signs in either category are allowed to be modified to a certain extent. Signs classified as major nonconforming signs can be altered with these limitations (Section 27-1403.C):

**1. Alterations**

- (a) A major nonconforming sign or sign structure may not be altered in any way that increases any nonconformity. A proposed change to any nonconforming aspect of a major nonconforming sign shall require the entire sign to be brought into conformance with this article.
- (b) General repairs, maintenance, and change to advertising copy that does not include replacing a static sign with an EMD are not considered alterations.

**2. Replacement**

- (a) A major nonconforming sign that is voluntarily replaced shall be replaced with a conforming sign.
- (b) A major nonconforming sign that loses its nonconforming status per Section 27- 1403.F shall be replaced with a conforming sign.

Signs considered as minor nonconforming signs can be altered as follows (Section 27-1403.D)

**1. Alterations**

- (a) A minor nonconforming sign may be altered in a manner that conforms to this Zoning Code while still maintaining the nonconforming elements. For example, a sign that is two feet over the height limit for the zone district may be altered provided the height is not increased.
- (b) General repairs, maintenance, and change to advertising copy that does not include replacing a static sign with an EMD are not considered alterations.

**2. Replacement**

- (a) A minor nonconforming sign that is voluntarily replaced shall be replaced with a conforming sign.
- (b) A minor nonconforming sign that loses its nonconforming status per Section 27- 1403.F shall be replaced with a conforming sign.

Electronic message signs will continue to be regulated in much the same manner as the existing code with owners and managers required to acknowledge in writing the operational limitations for EMDs in the sign code. No video greater than 29 frames per second will be allowed on EMDs. The draft code also will prohibit EMD signs in the Neighborhood Office, Neighborhood Mixed Use, all residential zones, historic districts and Public 1 zone districts. The proposed code also proposes to allow "static message" EMD signs in most zone district but not the full

animated display EMD. The draft code proposes to only allow the full animated EMD displays in the CBD and Downtown Support (DX) zone districts. In addition, where animated EMDs are allowed, they must be separated from a residential district by at least 100 feet.

### **Nonconformities - Draft Code Section 27-1500**

Whenever a major change occurs to a land use regulation, certain existing uses or structures may become nonconforming to the new code requirements. The proposed draft code is no different in this respect than previous amendments to the zoning regulations. The Steering Committee, Working Groups, staff and consultants considered the impact of each code change to existing development. Adjustments and revisions were made whenever a proposed regulation would create many nonconformities.

A legal nonconforming status of property carries a significant burden to the property owner. It is difficult to finance and insure a legal nonconforming property and these properties are harder to sell to new owners. These are "high risk" properties for banks and underwriters. Sometimes a legal nonconforming property experiences significant neglect of property maintenance and upgrades because of the high risk of such an investment by the owner. Dis-investment is a common problem for legal nonconforming properties.

Any property developed and existing in conformance with the current code, that becomes nonconforming under the proposed code has legal nonconforming status and is protected from compliance with the new code unless the use or structure is abandoned or destroyed. The existing code section on Nonconformities (Section 27-400) and its provisions are not changed in any significant manner in the proposed code. The draft code does have more emphasis on site development characteristics - doors, windows, roof pitch, percent of front facade with garage openings. The draft code section acknowledges these separate issues that may create a nonconformity. Both landscaping and off-street parking are site characteristics dealt with in the Proportionate Compliance section of the code but may also be considered a nonconforming site characteristic in this code section.

There are large categories of nonconformities under the existing code that will be remedied with this proposed new zoning code including:

- minimum lot area requirements;
- maximum lot coverage limitations;
- formulaic standards for detached garages; and
- minimum front setbacks.

The new code and updates to the Zoning map were done to help normalize the zone districts to the existing and established uses in neighborhoods. Certain types of uses within neighborhoods such as auto body and auto repair shops will remain as nonconforming uses in the zoning code update. Other types of neighborhood services such as small food establishments, coin-op laundries, hair salons, and small retailers currently zoned as "residential" will be updated to eliminate the nonconforming status of their use.

### **Measurements and Definitions - Draft Code Section 27-1800**

Throughout the presentations on the draft zoning code, the measurements and definitions of terms were discussed in relation to the code content under review. All of these terms and the definitions are consolidated in the new code in this draft Section 27-1800.

The current zoning code does not have a comprehensive section on how to measure signs, setbacks, building height, roof lines, window and door openings and similar requirements. The current code also has sections with internal definitions not found anywhere else in the zoning code. This is a code deficit and makes the regulations difficult to read and interpret. The proposed new code has collected all the terms needing definition into one code section and includes a section on measurement of building or land elements described in the code. The advent of on-line publication of city codes requires the easy link to one code section for all definitions used in the zoning regulations.

This section also includes the clear vision requirements for intersections of streets, alleys and driveways. The City Engineering Division assisted with updated drawings for this section and now the drawings and regulations are together in one code section.

It is not an exaggeration to state the code section on Definitions is the foundation of the zoning code and where many hours are spent reviewing, revising and making sure the definition is correct. There is always the problem of attempting to draft a regulation into a definition - and vice versa. Clear, concise and plain language is important throughout the definition section. Where words are insufficient, illustrations are required. Throughout the work by the Steering Committee and Working Groups, terms and definitions were discussed and added to this final section of the draft zoning codes.

## **RECOMMENDATION**

Staff recommends the Zoning Commissions review the code sections and invite public comment.

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## **Attachments**

2016 Billings Growth Policy  
2008 County Growth Policy Goals  
Project ReCode Steering Committee  
Working Group Members  
All existing City and County Sign Codes  
Existing Section 27-400 - Nonconformities  
Existing Section 27-200 - Definitions  
Billings Draft Sign Code - Sec 27-1400  
Yellowstone County Draft Sign Code - Sec 27-1400  
Billings Draft Nonconformities - Sec 27-1500  
Yellowstone County Draft Nonconformities - Sec 27-1500  
Billings Draft Measurements and Definitions - Sec 27-1800  
Yellowstone County Draft Measurements and Definitions - Sec 27-1800  
Billings Townsite and Old Town Historic Districts  
North Elevation Historic Districts  
Reed v Town of Gilbert AZ

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## **2016 BILLINGS GROWTH POLICY STATEMENT AND GUIDELINES**

**Statement:** In the next 20 years, Billings will manage its growth by encouraging development within and adjacent to the existing City limits, but preference will be given to areas where City infrastructure exists or can be extended within a fiscally constrained budget and with consideration given to increased tax revenue from development. The City will prosper with strong neighborhoods with their own unique character that are clean, safe, and provide a choice of housing and transportation options.

### **Growth Guidelines:**

#### **Essential Investments (relating public and private expenditures to public values)**

- The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans
- Public transit and commercial air service are critical to ensure access to and around the City
- Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.
- Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community
- Natural landscapes are important because they define the uniqueness of Billings and help protect the environment
- Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors
- Public health and safety and emergency service response are critical to the well-being of Billings' residents, businesses, and visitors
- Infill development and development near existing City infrastructure may be the most cost effective
- Accessible, friendly and cost-effective government are important public values
- The history and heritage of Billings are cornerstones of our community
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (i.e. energy efficient) are desirable
- It is important to factor in maintenance costs when programming public spaces and infrastructure
- Integrated, long range water planning that better utilizes existing resources and treatment options, and when necessary acquires new ones, is vital.
- Regulatory compliant water and wastewater treatment plants that provide sufficient capacity will help sustain community growth
- A supportive school system that inspires, motivates, and prepares students for meaningful employment is important for ensuring a high quality, competitive community
- A cost/benefit study is important to make cost effective land use decisions

### **Place Making (Enhance, maintain, preserve, and improve existing public places)**

- A multi-use community recreation facility is desirable
- Enhancement and maintenance of public spaces and buildings through City stewardship is integral to a vibrant community
- Park master plans and transportation plans are important to facilitate the preservation and improved public access to the Yellowstone River and the Rims
- Public and private partnerships are valuable for creating enhanced entryways into Billings
- Locally grown foods help sustain agriculture, provide healthy options, and support local businesses
- The history and heritage of Billings are cornerstones of our community
- Natural landscapes are important because they define the uniqueness of Billings and help protect the environment and beautify neighborhoods
- Encouraging the installation of art in public spaces enhances the places and showcases the talents and diversity of the community
- Enhancing public buildings and spaces to be more efficient in their uses of energy, money, and space is important to having a vibrant and livable City

### **Community Fabric (attractive, aesthetically pleasing, uniquely Billings)**

- Developed landscape areas in commercial areas encourage more pedestrian activity and vibrant commercial activity
- Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods
- Outdoor public spaces provide casual and relaxing gathering areas for people
- Planning and construction of interconnected sidewalks and trails are important to the livability of Billings
- Developed parks that provide recreation, special amenities, and active living opportunities are desirable for an attractive and healthy community
- Natural landscapes and parks are important because they define the uniqueness of Billings and help protect the environment
- Cost-effective landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors

### **Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods)**

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale street lights, street trees and walkable access to public spaces

- Neighborhoods that are safe and attractive and provide essential services are much desired
- Zoning and subdivision regulations that utilize Crime Prevention Through Environmental Design (CPTED) strategies result in safer neighborhoods
- Implementation of the Infill Policy is important to encourage development of underutilized properties
- Public safety and emergency service response are critical to the well-being of Billings' residents and businesses

#### **Home Base (healthy, safe and diverse housing options)**

- A mix of housing types that meet the needs of a diverse population is important
- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- Public safety and emergency service response are critical to the well-being of Billings' residents
- Homes that are safe and sound support a healthy community
- Accessory dwellings units provide an important type of affordable housing options if compatible
- Energy efficient housing can reduce energy consumption

#### **Mobility and Access (transportation choices in places where goods and services are accessible to all)**

- Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses and visitors
- Safe and accessible transportation systems benefit everyone's quality of life
- Affordable public transit is much desired
- Development oriented to transit routes will provide more transportation choices and is preferred
- "Safe Routes to Schools" promotes physical health and reduces vehicle trips, earning parents more time and less costs for transportation
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- On-street bike facilities promote predictability for all users
- Expanded air service ensures that Billings remains a competitive and an accessible destination
- Technology can reduce congestion and facilitate emergency vehicle travel at railroad crossings

#### **Prosperity (promoting equal opportunity and economic advancement)**

- Predictable, reasonable City taxes and assessments are important to Billings' taxpayers
- A diversity of available jobs can ensure a strong Billings' economy

- Successful businesses that provide local jobs benefit the community
- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses
- Retaining and supporting existing businesses helps sustain a healthy economy
- Continued workforce training benefits the community and helps attract and retain businesses
- Strategically placed industrial parks will encourage a more diverse city economy, and will better help manage effluent and emission from industrial processes

These Goals and Objectives applicable to all zoned areas except Lockwood:

## **PRIMARY GOALS AND OBJECTIVES OF THE 2008 GROWTH POLICY**

### **Land Use Element**

**1. ISSUE:** *Neighborhoods are experiencing pressures from new development and land use changes.*

**GOAL:** Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans.

**OBJECTIVES:**

- Preserve neighborhood integrity.
- Empower neighborhood groups.

**2. ISSUE:** *The current zoning ordinances and subdivision regulations do not always prevent incompatible uses in and adjacent to existing City neighborhoods and County townsites.*

**GOAL:** New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County townsites<sup>2</sup>.

**OBJECTIVES:**

- Maintain a high quality of life for new and existing residents.
- Reduce conflicts between neighbors.

**3. ISSUE:** *Rural townsites are not prepared to handle increased growth.*

**GOAL:** Growth management tools available to rural townsites.

**OBJECTIVES:**

- Empower communities to direct growth.
- Use County resources and services more efficiently.
- Create a sense of community.

**4. ISSUE:** *Urban sprawl threatens the rural character of land surrounding Billings, increases the cost of providing public services, and threatens the vitality of the city core and downtown area.*

**GOAL:** Contiguous development focused in and around existing population centers separated by open space.

**OBJECTIVES:**

- Ensure the continued functionality of natural systems.
- Use City and County resources in a cost effective manner.
- Create attractive communities.

**5. ISSUE:** *There is a serious lack of affordable housing for low to moderate income*

*households<sup>3</sup>.*

**GOAL:** Affordable housing for all income levels dispersed throughout the City and County.

**OBJECTIVES:**

- Improve the quality of life of low income people. Preserve and rehabilitate the existing supply of affordable housing.
- Promote social equity and diversity.
- Create more affordable housing and work towards replacing affordable housing lost during redevelopment projects.
- Provide rental and ownership housing options for the diverse workforce.

**6. ISSUE:** *There is a desire for more mixed use neighborhoods.*

**GOAL:** More housing and business choices within each neighborhood.

**OBJECTIVES:**

- Improve quality of life.
- Encourage more live-work environments.
- Reduce commuting and subsequent drain on natural resources and traffic congestion.
- Develop more self-contained neighborhoods.

### **Economic Development Element**

**1. ISSUE:** *We need to continue a cohesive focus in economic development.*

**GOAL:** Coordinated economic development efforts that target business recruitment, retention, and expansion.

**OBJECTIVES:**

- Improve the quality of life for residents. Strengthen area economy.
- Create living-wage jobs.

**2. ISSUE:** *Lack of living-wage jobs.*

**GOAL:** Increase the median income of households and individuals.

**OBJECTIVES:**

- Improve the quality of life for residents.
- Attract and retain businesses that offer competitive wages and benefits.
- Reduce dependency on social programs.

**3. ISSUE:** *Entryways to our communities should be attractive and not present physical barriers discouraging economic development.*

**GOAL:** Attractive and accessible communities.

**OBJECTIVES:**

- Encourage new businesses to locate in Billings and gateway areas.
- Reduce travel time through town.
- Convey a business-friendly attitude.
- Increase the visual appeal of our highway and railroad corridors.

**4. ISSUE:** *Government supported programs and improvements are not sufficiently funded.*

**GOAL:** Improved public services and facilities.

**OBJECTIVES:**

- Construct safe and efficient infrastructure.
- Respond in a timely manner to public service needs.

**5. ISSUE:** *Surrounding communities in the County need economic development to sustain them.*

**GOAL:** Preserve and sustain the rural community centers throughout the County.

**OBJECTIVES:**

- Preserve rural culture and living options.
- Promote business development to provide local services and less dependence on travel to Billings.

**6. ISSUE:** *Billings needs to attract businesses that pay higher wages.*

**GOAL:** Provide citizens with greater financial stability.

**OBJECTIVES:**

- Focus on attracting skilled labor positions in clean industries.
- Improve the quality of life for residents.
- Strengthen area economy.
- Create living-wage jobs.

**7. ISSUE:** *The economic development of Billings Heights is overlooked.*

**GOAL:** Business development and rejuvenation in the Heights.

**OBJECTIVES:**

- Improve quality of life for Heights residents.
- Create more jobs near where people live to reduce commuter traffic.
- Capitalize on existing infrastructure and facilities.

**8. ISSUE:** *The quality of our schools is a determining factor for whether businesses locate in Billings.*

**GOAL:** Promote excellence in education and safe and healthy school facilities.

**OBJECTIVES:**

- Highlight educational quality as a business

recruitment tool.

- Attract and retain educated citizens.
- Provide future taxpayers a quality education.

**9. ISSUE:** *Neighborhoods provide the character and strength of the community and the quality of neighborhoods should be preserved.*

**GOAL:** Preserve neighborhood character and quality of life.

**OBJECTIVES:**

- Empower neighborhoods.

**12. ISSUE:** *The Billings economy faces a severe shortage of skilled workers in a number of sectors (a problem that will worsen as the population ages).*

**GOAL:** Community-wide planning and preparation of a skilled workforce to meet the diverse and growing economic development needs of the community.

**OBJECTIVES:**

- Improve coordination between the business community, economic development agencies and school districts.
- Increase educational attainment for high demand, well-paying jobs.
- Increase per capita income.
- Increase local workforce availability to attract new clean industry jobs.

### **Aesthetics Element**

**1. ISSUE:** *There are areas in the City and County that are unattractive and present a poor image of the community.*

**GOAL:** Visually appealing communities.

**OBJECTIVES:**

- Improve the image of the community.
- Instill pride in the community.
- Improve the quality of life for residents.
- Preserve the community assets such as the Rimrocks, the Yellowstone River, the downtown and the major street thoroughfares.

**2. ISSUE:** *New development and signs, cell towers, power lines and other structures could reduce the visual quality of the rims.*

**GOAL:** Unobstructed views of the rimrocks surrounding the City of Billings.

**OBJECTIVES:**

- Improve the visual image of Billings.
- Protect a publicly recognized landmark.

**3. ISSUE:** *Urban interstate corridors through the County are unattractive.*

**GOAL:** An inviting and attractive urban interstate corridor through the County.

**OBJECTIVES:**

- Improve signage standards.
- Provide more aesthetic open space.
- Develop more greenspace.
- Develop attractive and well-maintained rest areas.

### **Natural Resources Element**

**1. ISSUE:** *The quality of the Yellowstone River and the associated riparian habitat is threatened.*

**GOAL:** A healthy river ecosystem system that supports multiple uses.

**OBJECTIVES:**

- Ensure high water quality.
- Ensure continued recreational access.
- Protect wildlife and wildlife habitat.

**2. ISSUE:** *Water is an important resource and it is becoming scarcer.*

**GOAL:** A sustainable supply of clean water.

**OBJECTIVES:**

- Protect public health.
- Reduce the cost of groundwater remediation.

**3. ISSUE:** *Due in part to the arid nature of our environment and the remoteness of some developments, there is an increased risk to human life and property from wildfires.*

**GOAL:** Minimize loss of life and property damage resulting from wildfires.

**OBJECTIVES:**

- Save lives and property.
- Utilize fire protection resources more efficiently.
- Protect the natural environment.

**4. ISSUE:** *Weeds detract from the beauty of an area, pose a fire danger, and reduce the productivity of agricultural land.*

**GOAL:** Controlled weed populations.

**OBJECTIVES:**

- Improve range productivity.
- Preserve native vegetation.
- Reduce the risk of wildfire and potential for erosion.

**5. ISSUE:** *Human encounters with wildlife often result in a painful consequence for wildlife,*

*pets, and humans.*

**GOAL:** Reduced opportunities for negative human and wildlife encounters.

**OBJECTIVES:**

- Reduce needless injury or death of wildlife and pets.
- Minimize property damage caused by wildlife.
- Protect human life and property.

**6. ISSUE:** *Certain development is damaging our natural resources.*

**GOAL:** Protection of groundwater, surface water, riparian areas, air quality, and productive agricultural land.

**OBJECTIVES:**

- Use City and County resources in a cost effective manner.
- Protect public health.
- Ensure the continued functionality of natural systems.

### **Open Space and Recreation Element**

**1. ISSUE:** *Some neighborhood parks appear to receive more funding for improvements than other neighborhood parks.*

**GOAL:** Rational consideration of neighborhoods for park expenditures.

**OBJECTIVES:**

- Provide well-maintained and equipped neighborhood parks and improve undeveloped parks.
- Create neighborhood parks designed to meet the needs of the neighborhood.
- Empower neighborhoods to provide direction for budgetary decisions.

**2. ISSUE:** *Billings and Yellowstone County need more major recreation facilities and need to improve those we already have.*

**GOAL:** Recreation facilities that serve the diverse recreational needs of Billings and Yellowstone County.

**OBJECTIVES:**

- Meet the recreation needs of City and County residents.
- Improve the quality of life of residents.
- Encourage the development of all athletes.

**3. ISSUE:** *Private land development sometimes restricts access to public land.*

**GOAL:** Accessible public lands.

**OBJECTIVES:**

- Improve relations between users and landowners.

- Ensure the public use of public land.

**4. ISSUE:** *Billings and surrounding County townsites need more multiple use trails.*

**GOAL:** A multi-purpose trail network integrated into the community infrastructure that emphasizes safety, environmental preservation, resource conservation and cost effectiveness.

**OBJECTIVES:**

- Develop non-motorized connections between residential neighborhoods and work places.
- Provide convenient access to bicycle and pedestrian facilities.
- Improve quality of life for residents.

**5. ISSUE:** *Public access to areas above and below the rimrocks is limited and decreasing each year.*

**GOAL:** Protect and increase the availability of public access to natural areas and trails near the rims.

**OBJECTIVES:**

- Protect public use of a well-recognized and economically valuable natural resource.
- Increase recreation options for residents.
- Preserve a unique Billings' feature.

**6. ISSUE:** *Public access to areas along the Yellowstone River is limited and decreasing each year.*

**GOAL:** Protect and increase the availability of public access to natural areas and trails along the River.

**OBJECTIVES:**

- Protect public use of a well-recognized and economically valuable natural resource.
- Increase recreation options for residents.
- Preserve a unique Billings' feature.

## **Transportation Element**

**1. ISSUE:** *Speeding in City neighborhoods and outlying communities.*

**GOAL:** Safe traffic speeds consistent with the surrounding uses.

**OBJECTIVES:**

- Decrease pedestrian-vehicle accidents.
- Promote non-motorized transportation modes.
- Promote cooperative speed enforcement.

**2. ISSUE:** *Safe and efficient traffic circulation*

*around and through the City.*

**GOAL:** Efficient cross-town and in-town traffic.

**OBJECTIVES:**

- Reduce travel times.
- Create convenient traffic connections.
- Employ adaptable design options.
- Provide multiple intercity travel options.

**3. ISSUE:** *Lack of adequate traffic control.*

**GOAL:** Improved traffic flow and reduced congestion.

**OBJECTIVES:**

- Reduce potential harm to people and property.
- Maintain safe and efficient traffic flow.

**4. ISSUE:** *The design of roads, streets, and pedestrian facilities can be more attractive and functional.*

**GOAL:** Visually appealing rights-of-way that serve the needs of all modes of travel.

**OBJECTIVES:**

- Employ smart, cost effective designs.
- Use designs that recognize the needs of all users.
- Incorporate attractive visual elements into rights-of-way design.

**5. ISSUE:** *Obstacles to efficient and safe traffic flow.*

**GOAL:** A safe and efficient transportation system characterized by convenient connections and steady traffic flow.

**OBJECTIVES:**

- Identify obstacles to traffic flow.
- Remove or minimize impediments to traffic flow.
- Manage traffic demand.

**6. ISSUE:** *Deteriorated conditions of City streets and County roads.*

**GOAL:** City streets and County roads maintained at safe standards.

**OBJECTIVES:**

- Equitably share the cost of maintaining roadways.
- Timely response to public needs.

**7. ISSUE:** *Resources for transportation improvements should be rationally allocated throughout City neighborhoods and County townsites.*

**GOAL:** Rational consideration of all City neighborhoods and County townsites when allocating transportation improvement funds.



**OBJECTIVES:**

- Select projects based on a needs assessment.
- Reduce waste through coordination of projects.

**8. ISSUE:** *Lack of adequate bicycle facilities.*

**GOAL:** Additional bicycle facilities throughout the City and the County.

**OBJECTIVES:**

- Provide needed facilities for recreational and commuter bicyclists
- Encourage bicycling as a cost-effective, healthy alternative to driving
- Promote safe bike riding options

**9. ISSUE:** *Deterioration of air quality due to vehicle emissions.*

**GOAL:** Reduce carbon emissions from vehicles.

**OBJECTIVES:**

- Maintain healthy air quality levels.
- Act locally to fight global warming.
- Support alternative transportation modes.

**10. ISSUE:** *Some bicyclists do not follow traffic laws and can cause unsafe situations.*

**GOAL:** Vehicles, pedestrians and bicyclists safely and courteously sharing facilities.

**OBJECTIVES:**

- Ensure equitable and safe use of public transportation facilities.
- Encourage alternative modes of transportation.
- Educate users of the responsibilities.

**11. ISSUE:** *There are more motorcycles, bicycles and motor scooters on the roadways.*

**GOAL:** All transportation modes safely and courteously sharing facilities.

**OBJECTIVES:**

- Ensure equitable and safe use of public transportation facilities.
- Encourage alternative modes of transportation.
- Educate users of the responsibilities.

## **Public Facilities and Services**

### **Element**

**1. ISSUE:** *Residents are not adequately informed of County and City projects.*

**GOAL:** An effective public notification system.

**OBJECTIVES:**

- Enhance public involvement.
- Provide timely and accurate public

notification.

- Increase contact with news media.

**2. ISSUE:** *Dilapidated and unsafe properties in City neighborhoods and County townsites.*

**GOAL:** Sanitary and safe properties.

**OBJECTIVES:**

- Provide helpful and responsive public services.
- Improve the community image.
- Increase property values.

**3. ISSUE:** *Safety is a concern in neighborhoods and outlying County townsites.*

**GOAL:** Protect public lives and property.

**OBJECTIVES:**

- Ensure adequate public service to all residents.
- Utilize scarce resources wisely and employ cost effective techniques.
- Maintain acceptable levels of service in existing City neighborhoods when expanding service to new areas.

**4. ISSUE:** *Funding for community facilities and infrastructure is very limited.*

**GOAL:** Equitable collection and distribution of funding for public services and facilities.

**OBJECTIVES:**

- Ensure users pay fair share for public services and facilities.
- Ensure facilities and services are maintained in existing neighborhoods as new neighborhoods are added.
- Explore new sources of funding as appropriate.

**5. ISSUE:** *Public funds are not distributed rationally throughout City neighborhoods and County townsites.*

**GOAL:** Rational consideration of all City neighborhoods and County townsites for public funds expenditures.

**OBJECTIVES:**

- Identify and prioritize neighborhood needs.
- Empower public to provide direction on capital improvements expenditures.
- Leverage public funds with other resources.

**6. ISSUE:** *There are vacant structures around Billings and in the County that could be reused.*

**GOAL:** Adaptive reuse of vacant structures.

**OBJECTIVES:**

- Conserve resources.
- Preserve historic or cultural landmarks.
- Take advantage of economic development

opportunities.

- Preserve neighborhood integrity.

**7. ISSUE:** *Community services are not always available to everyone.*

**GOAL:** Equitable provision of community programs and services.

**OBJECTIVES:**

- Enhance public access to community services and programs such as libraries, public transportation, and the like.
- Encourage civic participation.

**8. ISSUE:** *Subdivision review, zoning applications, and other development permit review are not always conducted in a streamlined and timely manner.*

**GOAL:** Predictable and timely development review procedures.

**OBJECTIVES:**

- Expedite review process.
- Actively enforce development regulations.
- Be responsive to applicants' needs.
- Provide adequate Planning Department staff for review purposes.

**9. ISSUE:** *Maintenance of existing K-12 school facilities and planning for new schools is critically important to maintaining existing communities built around the neighborhood school concept and fostering new communities surrounding school sites.*

**GOAL:** Coordinated land use and facility planning among local governments, school districts and private industries.

**OBJECTIVES:**

- Shared community vision.
- Increased communication and problem solving.
- Encourage joint-use facilities and collocation of needs for cost-effectiveness and community building.

**10. ISSUE:** *Multiple community interests (including local government, arts organizations, and social organizations) are competing for tax dollars for facility development and maintenance, resulting in taxpayer fatigue and overall declining support for capital and maintenance projects.*

**GOAL:** Adequate funding for necessary public facilities' maintenance and improvement without overburdening taxpayers.

**OBJECTIVES:**

- Coordinated and prioritized capital improvements planning for all community interests.

- Identify shared funding sources.

- Coordinated bonding requests to balance all interests.

## **Cultural and Historic Resources**

### **Element**

**1. ISSUE:** *Historic landmarks and structures are being lost to neglect and development.*

**GOAL:** Identification and protection of the historical, archeological, and cultural resources of Yellowstone County.

**OBJECTIVES:**

- Improve awareness of historic and cultural resources.
- Increase property values through structural rehabilitation.

**2. ISSUE:** *Cities must link economic development with quality of life. Businesses and professionals are attracted to a culturally aware city.*

**GOAL:** Actively maintain existing cultural institutions in Billings and support additional venues and interest.

**OBJECTIVES:**

- Promote the community's rich historical and cultural heritage.
- Capitalize on Billings' cultural assets to attract and recruit businesses.

**3. ISSUE:** *Public art is seen as an important part of the Billings landscape.*

**GOAL:** A visually appealing and attractive landscape.

**OBJECTIVES:**

- Enhance the natural and built environments with art.
- Support cultural appreciation and education.

**4. ISSUE:** *There is no requirement for surface archeological surveys to be conducted prior to many development processes, nor is there a provision for salvaging any sites that are discovered.*

**GOAL:** Preservation of archeological, historic, and paleontological resources within Yellowstone County.

**OBJECTIVES:**

- Preserve unique cultural assets.

- Support cultural appreciation and education.
- Follow State Historic Preservation Office guidelines.

### **Community Health Element**

**1. ISSUE:** *Existing neighborhood plans lack sufficient detail to address emergency preparedness.*

**GOAL:** Neighborhoods and communities prepared to react to natural disasters and other emergencies.

**OBJECTIVES:**

- Identify and acknowledge emergency risks in the community.
- Educate neighborhoods and communities of risks and how to prepare and prevent them.
- Prepare emergency plans so that all responders and citizens know what to do.

**2. ISSUE:** *Not all neighborhoods are planned with ways to access nutritious foods.*

**GOAL:** Accessible, affordable and nutritious food for everyone.

**OBJECTIVES:**

- Reduce malnutrition, diabetes, heart disease, and other nutrition related diseases.
- Ensure equal opportunities to healthy food sources.
- Support local farm produce.

**3. ISSUE:** *Some roadways are not designed to accommodate pedestrians and therefore create inconvenient and unsafe conditions.*

**GOAL:** Safe roadways supportive of vehicles, bicycles and pedestrians.

**OBJECTIVES:**

- Reduce traffic conflicts among multiple user groups.
- Support and encourage walking and bicycling for exercise and transportation.
- Provide safe walking routes to schools.
- Reduce vehicle carbon emissions.

**4. ISSUE:** *Physical activity is not seen as a viable means of getting from place to place.*

**GOAL:** Physically active, healthy citizens.

**OBJECTIVES:**

- Neighborhoods designed in ways that promote physical activity.
- Reduce healthcare costs.
- Reduce vehicle carbon emissions.

**5. ISSUE:** *Neighborhoods lack a sense of community, which is contributing to*

*neighborhood decline.*

**GOAL:** Healthy, safe neighborhoods and communities with sense of pride.

**OBJECTIVES:**

- Citizens with a sense of belonging.
- Safe places to live and raise children.
- Local governments who are responsive to neighborhood needs.

**6. ISSUE:** *Some neighborhoods are not safe.*

**GOAL:** Active, safe neighborhoods with a high quality of life.

**OBJECTIVES:**

- Address neighborhood nuisances to promote safety.
- Adequate resources for public safety and crime prevention.

**7. ISSUE:** *Poor housing and lack of living wage jobs puts the health of residents at risk.*

**GOAL:** Adequate affordable housing and living wage options for all citizens.

**OBJECTIVES:**

- Reduce poverty related health issues.
- Provide service workers more options for housing and basic needs.

| <b>Name</b>            | <b>Organization</b>        |
|------------------------|----------------------------|
| Darell Tunnichliff     | City/County Planning Board |
| David Goodridge, Chair | City/County Planning Board |
| Troy Boucher           | City/County Planning Board |
| Woody Woods            | City/County Planning Board |
| John Ostlund           | BOCC                       |
| Shaun Brown            | City Council               |
| Tyler Bush             | County Zoning Commission   |
| Carlotta Hecker        | County BOA                 |
| Mike Boyett            | City Zoning Commission     |
| Mark Noennig           | City BOA                   |
| Kolten Knatterud       | Territorial Landworks      |
| Pat Davies             | Sanderson Stewart          |
| Jan Rehberg            | Rehberg Ranch              |
| Greg McCall            | McCall Development         |
| Virgil Middendorf      | Heights Comm. Task Force   |
| Marty Connell          | Kairos Inc.                |
| Steve Arveschoug       | BSEDA                      |
| Melissa Henderson      | Riverstone Health          |
| Steve Zeier            | Zeier Consulting           |
| Bill Stene             | Realtor                    |

| <b>County Issues Working Group</b> |
|------------------------------------|
|                                    |
| <b>Name</b>                        |
| Darell Tunnicliff                  |
| Troy Boucher                       |
| Carlotta Hecker                    |
| Woody Woods                        |
| Tyler Bush                         |
| Mike Boyett                        |
| John Ostlund                       |
| Jeff Bollman                       |
| Steve Arveschoug                   |

| Urban Issues Working Group |
|----------------------------|
|                            |
| Kolten Knatterud           |
| Mellisa Henderson          |
| Pat Davies                 |
| Greg McCall                |
| Mark Noennig               |
| Jan Rehberg                |
| Fran Bertholet             |

| <b>Sign Code Working Group</b> |
|--------------------------------|
|                                |
| David Goodridge                |
| Jan Rehberg                    |
| Mike Boyett                    |
| Shaun Brown                    |
| Steve Zeier                    |
| Cheryl Lenhardt                |
| Jeff Bollman                   |
| Paul Cox                       |

| <b>Landscaping Working Group</b> |
|----------------------------------|
|                                  |
| Darell Tunnichliff               |
| Woody Woods                      |
| Bill Stene                       |
| John Ostlund                     |
| Neil Kiner                       |
| Jerry Ray                        |
| Good Earth Works                 |



|                       |
|-----------------------|
| <b>ADU Task Group</b> |
| Greg McCall           |
| Jan Rehberg           |
| Troy Boucher          |
| Darell Tunnicliff     |
| Ron Hill              |
| Sheldon Douglas       |
| Brian Johnson         |

## All the Sign Codes – 2018

### DIVISION 1. GENERALLY

#### SEC. 27-701. SHORT TITLE.

This article of the city zoning ordinance shall be known as the "Sign Code" hereafter called code.

#### SEC. 27-702. STATEMENT OF PURPOSE.

(a) This article creates the legal framework for signage regulations that is intended to facilitate an easy and agreeable communication between people. It recognizes the need to protect the safety and welfare of the public, the need for well-maintained, and attractive and aesthetically pleasing appearance in a community, and the need for adequate business identification and advertising and communication.

(b) This article authorizes the use of signs visible from public right-of-way provided the signs are:

- (1) Compatible with their surroundings, pursuant to the objectives to proper design and zoning amenities;
- (2) Allowing and promoting optimum conditions for meeting the sign user's needs while at the same time promoting the amenable environment and aesthetically pleasing appearance desired by the general public;
- (3) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety;
- (4) Legible, readable and visible in the circumstances in which they are used;
- (5) Respectful of the reasonable rights of other advertisers whose messages are displayed.

#### SEC. 27-703. DEFINITIONS.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

*Ambient Light Monitor:* A device that is attached to an Electronic Message Display that measures on a continuous basis the brightness of light surrounding the sign. The monitor is connected to the system that controls the brightness of the Electronic Message Display. The brightness is then automatically adjusted based on the measured ambient light.

*Animated Sign:* Any sign that uses movement or change or lighting to depict action or create a special effect or scene.

*Architectural blade sign:* A wall sign or projecting sign with no legs or braces, on a structure or building larger than three (3) stories and designed to look as a part of the building structure, rather than something suspended from or standing on the building.

*Awning, canopy or marquee:* A roof-like shelter detached or extending from part or all of a [structure].

*Balloon sign:* Means any sign that is a balloon, inflatable figure, or inflatable structure. For purposes of this article, balloon signs do not include passenger hot air balloons used for air travel.

*Building frontage:* The linear length of a building facing the public access or right-of-way.

*Canopy or marquee sign:* Any sign attached to, constructed in or on a canopy or marquee or across a series of canopies or marquees located on the same building face.  
*Copy:* The wording or message on a sign surface either in permanent or removable letter or panel form.

*Electronic Message Display:* A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

*Flashing:* The repetitive display of a single image (full or partial) interrupted by any other color, image or lack thereof at an interval of less than five (5) seconds. Motion borders fitting this definition are specifically included. *(See Section 27-708(1) Prohibited Signs and Sign Structures)*

*Free-standing signs:* Any sign supported by uprights or braces permanently placed upon the ground, and not attached to any building.

*Frontage:* The length of the property line of any one (1) premises along each public right-of-way it borders excluding alleys and serviceways.

*Ground level* means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the sign and property line or, when the property line is more than five (5) feet from the sign, between the sign and a line five (5) feet from the sign.

*Height of sign:* The vertical distance measured from the finish ground level grade to the highest point of the sign. Exaggerated or artificial berming to increase height of sign shall not be permitted.

*Identification sign:* A sign which is limited to the name, address and number of a building, institution or person and to the activity/service carried on in the building or institution, or the occupancy of the person.

*Interstate corridor:* means the area of the city which is within six hundred sixty (660) feet of the nearest edge of the right-of-way of a designated interstate highway and which area is not in a residential zone or used for residential purposes.

*Maintain:* To permit a sign, structure or any part of each to continue or to repair or refurbish a sign, structure or any part of either.

*Medical campus:* means a definable area owned, developed, occupied, and used by the owner for medical and medical related services, even though the area consists of two (2) or more city blocks, provided however, the blocks are contiguous.

Nameplates:

(1) Commercial nameplate: A nonelectric sign identifying only the name and occupation or profession of the occupant of premises on which the sign is located.

(2) Residential nameplate: A nonelectric sign identifying only the name and address of the occupant.

*Neighborhood watch sign:* Neighborhood watch is a national program based upon the idea that community members can prevent or help deter crimes in their neighborhoods. The neighborhood watch program is administered by local law enforcement. A neighborhood watch sign is a sign obtained through the local law enforcement agency that is posted on property within a residential or public zoning district.

*Nonconforming sign (legal):* Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this article and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this article, or a nonconforming sign for which a special permit has been authorized.

*Off-premise/Billboard Electronic Displays:* An Off-premise/Billboard Electronic Display is a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means and which directs attention to a business, activity, products, commodity, service, entertainment or communication which is not conducted, sold, or offered at the premises on which the sign is located, or which does not pertain to the premises upon which the sign is located. An Electronic Off-premise/Billboard Display shall not include any other visual effects including but not limited to animation, motion pictures, video, holograms, moving parts or the illusion of movement and shall not include any audible sound.

*Off-premise/billboard sign:* A sign which directs attention to a business, activity, products, commodity, service, entertainment or communication which is not conducted, sold, or offered at the premises on which this sign is located, or which does not pertain to the premises upon which the sign is located.

*On-premise sign:* means any sign identifying or advertising a business, activity, goods, products or services located on the premise where the sign is installed and maintained.

*Owner:* A person recorded as such on official records and including duly authorized agent.

*Parcel:* A single tract or parcel of land, no matter how legally described whether by metes and bounds, certificate of survey, and/or by lot or lots and block designation as in a recorded plat, which at the time of applying for a building permit is designated by its owner or

developer as the tract to be used, developed or built upon as a unit of land under single ownership or control and assigned to the particular use for which the building permit is being secured and having frontage on or access to a public street over an easement approved by the city engineer.

*Penthouse:* A structure on top of a building roof such as houses, an elevator shaft, or similar form.

*Premises:* An area 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.

*Primary public entrance:* means an entrance to a business which is open to the public during its normal and customary hours of operations and the entrance is used as the primary ingress and egress to the business by the public.

*Projecting signs:* means a sign other than wall sign which is suspended from or supported by a building or wall and which projects more than twelve (12) inches.

*Public right-of-way width:* The perpendicular distance across a public street measured from property line to property line. When property lines on opposite sides of the public street are not parallel, the public right-of-way width shall be determined by the city engineer.

*Roof sign:* Means a sign erected, constructed and maintained upon, or connected to any roof of any building with the principal support on the roof structure. This definition excludes architectural blade signs.

*Shopping center or mall:* A shopping center is a mix of retailing land and service uses offering both essential and nonessential goods and services, with at least five (5) stores or one hundred thousand (100,000) square feet, and that attracts consumers from a region-wide market area.

*Sign:* Any identification, description, illustration or device illuminated or nonilluminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated 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 national flags. For the purpose of removal, signs shall also include all sign structures.

*Sign administrator:* The city administrator or his or her designated representative.

*Sign area* means the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure or character. The area of the sign having no such perimeter or border shall be computed by enclosing the entire area with parallelograms, triangles or circles of the smallest size sufficient to cover the entire area of the sign and computing the area of these parallelograms, triangles or circles. The area computed shall be the maximum portion or portions which may be viewed from any one direction.

*Street:* A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, land, place, or however otherwise designated

which has been dedicated to or acquired for public use and extends the full width between right-of-way lines.

*Temporary/portable sign:* A sign advertising on an interim basis special business sales, new business openings, special events, goods, products, services, or facilities located on premise. A temporary sign is differentiated from a permanent sign in that a permanent sign is attached to a building or structure or affixed in the ground. A temporary/portable sign is mobile and free-standing. Any electrical temporary sign shall comply with all city electrical codes.

*Under canopy sign:* A sign suspended below the ceiling or roof of a canopy.

*Unlawful sign:* A sign which contravenes this article or which the administrator may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment or a nonconforming sign for which a permit required under a previous sign code was not obtained.

*Use:* The purpose for which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

*Video:* Means the display of a succession of single images at a rate of twenty (20) frames per second or higher.

*Wall sign* means any sign painted on, mounted on, attached to or erected against the wall of a building and approximately paralleled to the face of a principal building wall and projecting not more than twelve (12) inches from the plane of the wall. Street graphic on the outside of a window is considered a wall sign.”

#### SEC. 27-704. PERMITS, FEES, INSPECTION AND INDEMNIFICATION.

(a) *Permits required.* Except as otherwise provided in this article, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the city or cause the same to be done, without first obtaining a sign permit for each sign from the sign administrator as required by this article. These directives shall not be construed to require any permit for a change of copy on any sign, nor for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way. No new permit is required for signs which have permits and which conform with the requirements of this article on November 24, 1980 unless and until the sign is altered or relocated.

Every sign permit issued by the sign administrator shall become null and void if installation is not commenced within one hundred twenty (120) days from the date of such permit. If work authorized by such permit is suspended or abandoned for one hundred twenty (120) days any time after the work is commenced, a new permit shall be first obtained to do so, and the fee will be one-half the amount required for a new permit for such work, provided that no changes have been made in the original plans. Such permit may not be unreasonably withheld, providing that proper application and payment of permit fees is complied with and a proper application is fully and correctly completed.

(b) *Sign contractor's license.* No person shall perform any work or service for any person or for any government entity for compensation, in or in connection with the erection, construction, enlargement, alteration, repair, moving, improvement, maintenance, conversion or manufacture of any sign in the city, or any work or service in connection with causing any such work to be done unless such person shall first have obtained a sign contractor's license and bond from the city and paid the license fees provided for by the city, or shall be represented by a duly licensed agent or subcontractor.

(c) *Permission to install.* No person shall erect, construct or maintain any sign upon any property or building without the consent of the owner or person entitled to possession of the property or building if any, or their authorized representatives.

(d) *Application for permit.* Application for a permit shall be made to the sign administrator upon a form provided by the sign administrator and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the city including:

- (1) Name and address of owner of the sign;
- (2) Name and address of owner or the person in possession of the premises where the sign is located or to be located;
- (3) Clear and legible drawings or photo with description definitely showing location of the sign which is the subject of the permit and all other existing signs whose construction requires permits, when such signs are on the same premises;
- (4) Drawings showing the dimensions, construction supports including footings, sizes, materials of the sign and method of attachment and character of structural members to which attachments are to be made. A certification of the total electrical energy consumption of all sign components (lights, motors, etc.) stated in watts. The design, quality, materials and loading shall conform to the requirements of the currently adopted Uniform Building Code, as amended, and the National Electrical Code. If required by the sign administrator, engineering data shall be supplied on plans submitted certified by a licensed professional engineer;
- (5) Statement certifying that applicant has reviewed the site development ordinance, section 6-1205, and believes that applicant is in compliance with this article.

(e) *Issuance; denial.* The sign administrator shall issue a permit for the erection, alteration or relocation of a sign within the city when an application therefor has been properly made and the sign complied with all appropriate laws and regulations of the city. The sign administrator may, in writing, suspend or revoke a permit under provisions of this section whenever the permit is issued on the basis of a misstatement of fact or fraud. When a sign permit is denied by the sign administrator, he or she shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.

(f) *Effect of issuance.* No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.

(g) *Permit fees.* Application for permits shall be filed with the sign administrator, together with a permit fee as specified by the sign administrator, for each sign in accordance with the schedule established by the city administrator.

(h) *Sign permit appeals:*

- (1) *Appeal from denial of permit.* Appeal may be taken to the board of adjustment from the sign administrator's denial of a sign permit.
- (2) *Appeal from failure of sign administrator to grant permit within thirty (30) days.* The sign administrator's failure to either formally grant or deny a sign application within thirty (30) days of the date an application meeting the requirements of this article is filed shall be grounds for appeal to the board of adjustment under the terms of this chapter.

(i) *Notice of change of sign owner or user.* Whenever there is a change in the sign user, owner, or owner of the property on which the sign is located, the new sign user, owner or new property owner shall forthwith notify the sign administrator of the change. No new sign permit is required, unless the sign is altered or relocated (or existed as a nonconforming use prior to November 24, 1980).

(j) *Inspection.* The person erecting, altering or relocating a sign shall notify the sign administrator upon completion of the work for which permits are required.

- (1) *Inspections.* All signs shall be subject to a final inspection by the sign administrator or shall require a certificate of compliance from a licensed sign installer.
- (2) *Maintenance.* Every sign in the city, including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in good structural condition at all times. All signs, including those exempted, shall be kept neatly painted, including all metal parts and supports by which these conditions are deteriorating. The sign administrator shall inspect and have the authority to order the painting, repair, alteration or removal of signs which become dilapidated or are abandoned, or which constitute physical hazard to the public safety.
- (3) *Signs declared unlawful.* The sign administrator may declare any sign unlawful if it endangers public safety by reasons of inadequate maintenance, dilapidation or abandonment. Any such declaration shall state the reasons of the sign administrator for stating that the sign constitutes a safety hazard to the general public.

Any sign owned, kept, displayed or maintained by any person with the city, the ownership keeping a display which is unlawful pursuant to the provisions of this article, is hereby declared to be in violation of this article. The sign administrator may declare any such sign to be unlawful, and such declaration shall state in writing the reason or reasons why such sign and the keeping, owning, maintenance, construction and display or operation thereof, is unlawful under the terms of this article.

(Ord. No. 4323, § 1(3), (3.10), 11-24-80; Ord. No. 89-4781, §§ 3--5, 2-27-89)

SEC. 27-705. SIGNS PERMITTED IN ZONING DISTRICTS OF CITY.

**(a) Residential zones.** Within any residential zone, signs or residential nameplates are permitted as follows:

- (1) For each single-family home or duplex house, one (1) residential nameplate not exceeding a combined sign area of two (2) square feet for each occupancy. The



nameplate shall not be subject to the permit requirements of this article.  
Commercial nameplates shall not be permitted in residential zones;

- (2) For multiple-family uses, rooming and boarding houses, one (1) identification sign for each developed parcel, not exceeding twelve (12) square feet in sign area;
- (3) Identification signs, bulletin boards, and other similar structures for governmental agencies which may be regulated by the city are subject to approval thereof by the sign administrator;
- (4) All signs, except for neighborhood identification signs provided in subsection (6) below, shall be placed flat against a building or designed as part of an architectural feature thereof;
- (5) No sign shall block any means of egress or any window;
- (6) For a neighborhood or tract, two (2) identification signs per tract entrance. A sign, masonry wall, landscaping and other similar materials or features may be combined to form a display for neighborhood or tract identification, provided that the legend of such sign or display shall consist only of the neighborhood, tract, or developer's name and logo. No sign or structure shall exceed thirty-two (32) square feet in size nor be over eight (8) feet in height as established from the street grade and must be located a minimum of five (5) feet behind all property lines.
- (7) For each lot within a residential zone, one (1) Neighborhood Watch sign may be posted for each street frontage. The total area of all Neighborhood Watch signs on a single property will not exceed sixteen (16) square feet in sign area.

(b) Residential professional and public zones. Within these zones, signs are permitted as follows:

- (1) One (1) identification sign or commercial nameplate for each developed parcel not to exceed a total of thirty-two (32) square feet in sign area for all displays;
- (2) Signs shall be placed flat against a building or designed as part of an architectural feature thereof. Signs may also be detached if they do not exceed a height of eight (8) feet. Detached signs must be located a minimum of five (5) feet behind all property lines;
- (3) No height limit is specified for signs placed flat against the wall of a building or for other attached signs provided all other provisions of this article are complied with;
- (4) Each occupancy within the developed parcel may have an individual nameplate not exceeding four (4) square feet;
- (5) When a developed parcel fronts on more than one (1) public right-of-way or street, excluding alleys and serviceways, the above provisions of subsection (b) shall apply to each frontage.

For each lot within a residential professional or public zone, one (1) Neighborhood Watch sign may be posted for each street frontage. The total area of all Neighborhood Watch signs on a single property will not exceed sixteen (16) square feet in sign area.

(c) Permitted Signs: Community Commercial, Neighborhood Commercial, Highway Commercial, Controlled Industrial, Heavy Industrial, Central Business District

1. Freestanding Signs:

|                                                      | Number of Signs Permitted         | Sign Area Permitted                              | Maximum Square Footage Per Sign | Maximum Height | Minimum Setbacks from all Property Lines |
|------------------------------------------------------|-----------------------------------|--------------------------------------------------|---------------------------------|----------------|------------------------------------------|
| Freestanding Signs                                   | One (1) per street frontage<br>** | 3 square feet per lineal foot of street frontage | 175 square feet per side        | 30 feet        | 5 feet*                                  |
| Freestanding Signs<br>Central Business District Only | One (1) per street frontage<br>** | 3 square feet per lineal foot of street frontage | 175 square feet per side        | 30 feet        | 0 feet for sign face                     |

\* If the bottom of the sign face is twelve (12) feet or higher above the established grade, then the sign support structure may be located up to one (1) foot behind the property line.

\*\* Where a developed property abuts more than 300 lineal feet of street frontage, one (1) additional free-standing may be erected for each additional 300 feet of street frontage. Where a developed parcel has frontage on more than one (1) public right-of-way or street, excluding alleys, driveways, and service ways the provisions of this subsection shall apply to each street frontage, as follows:

| Street Frontage | Number of Signs Permitted                                                                                      |
|-----------------|----------------------------------------------------------------------------------------------------------------|
| 0—599 feet      | 1 free-standing sign                                                                                           |
| 600—900 feet    | 2 free-standing signs                                                                                          |
| 901—1200 feet   | 3 free-standing signs                                                                                          |
| Over 1200 feet  | 3 free-standing signs, plus 1 additional sign for each 300 lineal street frontage feet over 1200 frontage feet |

- (a) *Distance between signs.* For properties where more than one (1) freestanding sign is permitted, the distance between freestanding signs shall be a minimum of 150 feet;
- (b) *Sign height.* No free-standing sign shall exceed the height of thirty (30) feet except free-standing signs in the highway commercial zone and within the interstate right-of-way which shall not exceed the height of fifty (50) feet.
  - (i) If a free-standing sign projects over a private vehicular driveway or parking lot aisle, the minimum clearance of 17 feet shall be maintained between the bottom of the sign edge and the established grade of the site;
  - (ii) Rotating freestanding signs shall have a minimum clearance of nine (9) feet between the bottom of the sign edge and established grade of the site. Rotating, free-standing signs shall maintain no more than six (6) revolutions per minute.

(c) *Sign location* For any off-premises signs located within 660 feet of an interstate or state controlled highway, street, or road right-of-way, a copy of the Montana Department of Transportation (MDT) permit shall be required and submitted with the City of Billings permit application in accordance with Section 18.6.211, Administrative Rules of Montana (ARM).

2. Wall, Canopy, or Projecting Signs:

(a) Wall, canopy, projecting signs, roof signs or any combination thereof, indicating the name and nature of the occupancy for each occupancy located on a property is permitted, provided that they do not exceed the maximum square footage permitted.

|                                                                                                                             | Sign Area Permitted                                 | Minimum Height             | Minimum Setbacks from all Property Lines   |
|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|----------------------------|--------------------------------------------|
| Wall Sign                                                                                                                   | 3 square feet per lineal foot of building frontage  | N/A                        | 0 feet                                     |
| Canopy or Projecting Signs                                                                                                  | 3 square feet per lineal foot of building frontage  | 9 feet from approved grade | 0 feet                                     |
| Canopy or Projecting Signs<br>Central Business District Only                                                                | 3 square feet per lineal foot of building frontage  | 9 feet from approved grade | Maximum projection of 2/3 of the sidewalk* |
| Under Awning or Canopy Signs for Buildings with Awnings or Canopies over the Right-of-Way<br>Central Business District Only | 3 square feet per lineal foot of building frontage  | 8 feet from approved grade | Maximum Projection of 2/3 of the sidewalk* |
| Roof Sign<br>One permitted in lieu of a wall sign                                                                           | 3 square feet per lineal foot of building frontage* | N/A                        | N/A                                        |

\*An encroachment permit shall be obtained from the City Engineering Department for any projecting or canopy sign that encroaches into the public right-of-way

\*\* Primary entrance signs shall indicate only the name of the occupancy. The allowable sign area shall be reduced for each wall sign installed over any primary public entrance.

(b) Roof signs shall not extend above the highest plane of the roof.

(i) The supports, anchors, or braces for the roof sign shall be enclosed so that they are not visible from the street or other public or private property.

(ii) Signs shall be similar to a wall sign or projecting sign, and designed to look like part of the building or roof structure, rather than something suspended from or standing on the building.

(3) Electronic Message Display Signs

a. Limitations on electronic message displays

- i. An Electronic Message Display (EMD) may only be used in conjunction with an immediately adjacent wall sign or as part of a free standing sign and shall not be displayed on its own. The EMD shall not be larger than 40% of the total square footage of the permanent graphic portion of the sign when compared as separate components. For purposes of determining the allowable total sign area, the permanent graphic portion of the sign and the EMD shall be included in the same perimeter inclusive of any physical separation between the two components.
- ii. Only one (1) Electronic Message Display (EMD) freestanding sign per developed parcel or one (1) EMD wall sign per street frontage may be allowed. Sign(s) must be included in the total number of signs allowed not in addition to the number of signs allowed.
- iii. An Electronic Message Display (EMD) wall sign may only be used in conjunction with an immediately adjacent permanent graphic sign and not alone. EMD signs that are not enclosed within the primary wall sign will be required to have a frame to visually diminish the black box effect of the EMD. The frame shall be no less than eight (8) inches in width and no greater than 80% of the EMD cabinet depth or exceed 50% of the EMD area. The required frame area for EMD wall signs shall not count towards the maximum allowable sign area. The maximum height of an EMD wall sign shall be 40 feet from the building wall grade. EMD wall signs shall not be placed less than two feet from the top of the wall it is installed on.
- iv. An Electronic Message Display (EMD) may be allowed provided it does not flash, scintillate, blink, show motion borders or traveling lights or display video (unless specifically permitted in special sign districts).

b. Size of free standing electronic message displays:

| Type                    | Street | Maximum Portion of Allowable Sign Area* | Maximum Total EMD Sign Size* |
|-------------------------|--------|-----------------------------------------|------------------------------|
| Principal Arterial      |        | 40%                                     | 100 square feet              |
| Minor Arterial          |        | 40%                                     | 40 square feet               |
| Collector               |        | 40%                                     | 40 square feet               |
| Commercial Local Access |        | 40%                                     | 40 square feet               |

\* - Maximum Portion of Allowable Sign Area or Maximum Total EMD sign size whichever is less

c. Size of electronic message display wall signs

| Street Type | Maximum Total EMD Sign Area* |
|-------------|------------------------------|
|-------------|------------------------------|

|                         |                |
|-------------------------|----------------|
| Principal Arterial      | 80 square feet |
| Minor Arterial          | 50 square feet |
| Collector               | 50 square feet |
| Commercial Local Access | 50 square feet |

\* - Maximum Portion of Allowable Sign Area or Maximum Total EMD sign size whichever is less

- d. Electronic Message Displays (EMDs) must be equipped with an automatic image dimming capability (ambient light monitors). This feature must be enabled at all times, allowing the display to automatically adjust brightness based on ambient light conditions. The sign must be operated at a brightness level no greater than the manufacturer's recommended levels.
- e. The following conditions apply to all EMD sign permits. Failure to comply shall result in the sign ceasing operation until compliance occurs.
  - i. that the sign shall at all times be operated in accordance with City codes and that the owner or operator shall provide proof of such conformance within 24-hours of a request by the City;
  - ii. that a city inspector may access the property upon 24-hours notice to the owner, operator or permittee so that the City may verify that the EMD has the automatic image dimming capability engaged. In the event of a citizen complaint regarding the EMD brightness, the owner, operator or permittee may be required by the city inspector to manually reduce the brightness to a lower setting;
  - iii. that whether the sign is programmed from the site or from a remote location, the computer interface that programs the sign and the sign's operation manual shall be available to City staff upon 24-hours notice to the owner, operator or permittee.
- f. Sign permit applications to install an EMD must include a certification from the owner or operator that the sign shall at all times be operated in compliance with the conditions set out in City code. The Owner, Operator or Permittee shall immediately provide proof of such conformance upon request of the City.

**(d) Historic District zone.**

- (1) *Statement of special purpose.* This special code acknowledges the unique visual concerns associated with the Billings Townsite Historic District as defined in section 6-1103, and recognizes the benefits of restoring the district's visual appearance of prosperity, cohesiveness, and historic integrity, while continuing to promote business advertising variety, individuality, and growth.
- (2) *Signs permitted in historic district.* Within the Billings Townsite Historic District, signs are permitted as follows:
  - a. Signs and sign lettering within the Billings Townsite Historic District shall be designed and installed to compliment the architectural style.

- b. No sign will be permitted to obscure or cover any significant architectural detail or decorative element of the existing building.
- c. Only signs that advertise an activity, business, product or service conducted or available on the premises on which the sign is located, shall be allowed within the Billings Townsite Historic District.
- d. No new roof signs shall be permitted.
- e. Excluding window signs, one additional sign type per business is allowed, except for business with entrances on more than one street, in which case one sign type per street entrance is allowed.
- f. No off-premise signs are permitted.
- g. The size of signs in the historic district is limited to fifty (50) percent of that allowed in this article.
- h. Once the copy of an existing sign is changed it must come into compliance with the special provisions of the historic sign district and the existing sign code.

<sup>1</sup> (Ord. No. 4323, § 1(4), 11-24-80; Ord. No. 83-4537, § 1(8.4.1, 8.4.2, 8.4.8), 8-8-83; Ord. No. 88-4754, § 1, 2-1-88; Ord. No. 89-4781, § 6, 2-27-89; Ord. No. 90-4831, § 3, 6-4-90; Ord. No. 91-4865, § 2, 3-11-91; Ord. No. 99-5082, § 1, 2-8-99; Ord. No. 05-5353, Ord. No. 06-5365 )

#### SEC. 27-706. SPECIAL CIRCUMSTANCE SIGNS.

**(a) *Service station or convenience (gasoline) store signs. Regardless of which zoning district a service station or convenience (gasoline) store is located within, such uses shall be permitted the following signs:***

- (1) One (1) free-standing sign indicating only the name and nature of the occupancy for each developed parcel not to exceed three (3) square feet of sign area for each lineal foot of street frontage abutting the developed portion of the parcel, provided that:

- a. Signs will be permitted as follows:

| <i>Frontage Feet</i> | <i>Signs</i>                                                                                                   |
|----------------------|----------------------------------------------------------------------------------------------------------------|
| 0--600               | 1 free-standing sign                                                                                           |
| 601--900             | 2 free-standing signs                                                                                          |
| 901--1200            | 3 free-standing signs                                                                                          |
| Over 1200            | 3 free-standing signs plus, 1 additional sign for each 300 lineal street frontage feet over 1200 frontage feet |

- b. Where a developed parcel is permitted to have more than one (1) free-standing sign under this article, the distance between the free-standing signs on each parcel shall be not less than one hundred fifty (150) frontage feet;
- c. The sign must be located five (5) feet behind all property lines except:
  - (i) If the bottom of the structure is twelve (12) feet or higher above the establish grade, then the sign structure may be located up to one (1) foot behind the property line; or

- (ii) If the sign is in the Central Business District, then the sign structure can be located up to the property line.
  - d. No free-standing sign shall exceed the height of thirty (30) feet except free standing signs in the highway commercial zone which shall not exceed the height of fifty (50) feet. No signs shall exceed one hundred seventy-five (175) square feet in sign area. One (1) measured side of the display shall compose the square footage;
  - e. No rotating free-standing sign shall rotate at a rate faster than six (6) revolutions per minute or have a minimum clearance lower than nine (9) feet between the bottom of the sign and the ground;
  - f. When a developed parcel fronts on more than one (1) public right-of-way or street, excluding alleys and serviceways, the above provisions of subsection a. shall apply to each frontage.
- (2) One (1) wall or one (1) canopy sign and four (4) architectural blade signs indicating only the name and nature of the occupancy for each occupancy within the developed parcel as follows:
- a. No sign shall exceed a total area of three (3) square feet of copy for each lineal foot of building frontage of each occupancy except buildings over two (2) stories shall be allowed an additional one (1) square foot of copy for each lineal foot of building frontage of each occupancy;
  - b. If such occupancy is on a corner, one (1) wall sign or one (1) canopy sign will be permitted for each frontage face;
  - c. A permitted wall sign(s) can be transferred from one wall to another wall provided the number of signs remain within the permitted number of signs and within allowable sign area;
  - d. No wall or canopy signs shall project into the public right-of-way, except:
    - (i) In the Central Business District, wall signs may project eighteen (18) inches over the right-of-way, subject to a minimum height limit of nine (9) feet from the sidewalk; and
    - (ii) In the Central Business District, canopy signs may project up to two (2) feet to a vertical line from the curb face over the right-of-way.
  - e. If the building includes a canopy, each tenant will be permitted one (1) under canopy sign. Any signs attached to the underside of a canopy shall be perpendicular to the wall face of building and shall not have a copy area greater than four (4) square feet or have a clearance lower than of eight (8) feet from the sidewalk.
- (3) A maximum of four (4) wall signs may be located on or incorporated within the pump island canopy structure, whether attached or detached from the main structure/building. Such signs shall not project above the top of the canopy structure, shall not exceed a maximum area of twenty (20) square feet for each sign face, and each sign shall be limited in length to a maximum of fifty (50) percent of the long dimension of the canopy on which the sign is located. This

section shall not prohibit the placement of trademark symbols on individual gasoline pumps.

- (4) One (1) poster/price sign structure shall be permitted and shall not exceed four (4) feet in width and six (6) feet in height from the ground level. Such poster type signs shall be located at an approved site. Such signs may be used for price or special message advertising.
- (5) Temporary signs shall be permitted pursuant to section 27-706(e).
- (6) Electronic Message Display signs may be permitted pursuant to Section 27-705(c)

**(b) Off-premise/billboard signs.**

- (1) Purpose and intent: The purpose of this section is to regulate the impact of billboards on the community; to improve the appearance of I-90, Main Street, Highway 3, 27th Street and entryways; to enhance the urban design of the greater downtown area and the west end; to insure compatibility between billboards and adjacent land uses; and to limit the impact that billboards have on sign clutter in the community. The city recognizes that billboards are a necessary and appropriate advertising medium, and that there are acceptable and viable locations for billboards within the community.

It is the intent of this subsection to address the following specific concerns regarding the impact of billboards upon the community:

- a. The citizens of Billings, and others visiting or traveling through the city are very concerned about the urban design and visual integrity of the city.
  - b. Billboards may be often incongruous with the city's natural setting and features due to their large-scale figures, numbers, letters, and colors.
  - c. A billboard may dominate the view from vehicles and interfere with the occupants' enjoyment of the city's natural setting and features.
  - d. A high concentration of billboards may create traffic safety problems and distract attention away from public safety signs.
  - e. Billboards of excessive size or height should be downsized within a reasonable period of time.
  - f. Billboards are incompatible with residential uses.
  - g. The I-90, Highway 3, Main Street, 27th Street, other entryways, and Shiloh Road are major entryways to the city which are of particular importance in terms of urban design and public perception to citizens, visitors, and tourists.
  - h. The downtown area defined in the Downtown Framework Plan is an area in which urban design significantly influences the health and vitality of the total community.
- (2) No off-premise/billboard sign shall be constructed or erected in any district after the date of the enactment of this subsection 27-706(b) [Ord. No. 99-5107, enacted Nov. 22, 1999]. For each non-conforming off-premise/billboard sign face removed a conforming off-premise/billboard sign face may be erected. Therefore,



if a proposed conforming off-premise/billboard sign face will replace an existing non-conforming off-premise/billboard sign face within the city limits, then such proposed off-premise/billboard sign face shall comply with all of the applicable regulations contained herein.

When all non-conforming off-premise/billboard signs within the city have been removed pursuant to this section, then additional off-premise/billboard signs may be constructed in accordance with the regulations contained herein.

- (3) Location standards: All billboards shall be located in accordance with the following standards:
- a. Zoning districts:
    - 1. Billboards shall be permitted as an allowed use in Highway Commercial (HC), Controlled Industrial (CI), and Heavy Industrial (HI) zoning districts.
    - 2. Billboards shall be permitted as an allowed use in Community Commercial (CC) zoning district provided that the structure is two hundred (200) feet or more from a residential zoning district.
    - 3. A special review shall be required for all billboards to be located in a CC zone if the structure is less than two hundred (200) feet but greater than one hundred-fifty (150) feet from a residential zoning district.
    - 4. Billboards shall be permitted in Central Business District (CBD) upon approval of a special review.
    - 5. No new billboards shall be permitted on, directed to, or within two hundred (200) feet of the following corridors:
      - i. 27th Street from I-90 to Airport Road (excluding 27th Street North from Montana Avenue to 6th Avenue North).
      - ii. Highway 3 (Airport Road) from Alkali Creek Road west to the city limits.
      - iii. Shiloh Road from I-90 to Rimrock Road.
      - iv. Yellowstone River.
      - v. Any historic district registered on the National Register of Historic Places.
  - b. Locations standards:
    - 1. Billboards shall be set back 20 feet from the front property line.
    - 2. No billboard shall be placed on the roof of any building or structure.
  - c. Spacing standards:
    - 1. Billboards shall be required to have the following spacing requirements:
      - i. Billboards located in CC shall have a minimum spacing of a 1,000-foot radius from any other off-premise structure.

- ii. Billboards located in HC shall have a minimum spacing of a 600-foot radius from any other off-premise structure.
    - iii. Billboards located in CI and HI shall have a minimum spacing of six hundred (600) linear feet from any other off-premise structure.
  - 2. No billboard shall be placed within one hundred fifty (150) feet of any residential zone.
- (4) Area, height, face, and pole standards: All billboards shall conform to the following standards:
  - a. Sign area: New billboards faces and supporting framework shall not exceed the following sign areas:
    - 1. New billboards shall be a maximum of two hundred fifty (250) square feet.
    - 2. New billboards located within the Interstate Corridor shall not exceed four hundred eighty (480) square feet.
  - b. Height:
    - 1. The maximum overall height shall be thirty-five (35) feet above the road grade to which the billboard reads.
    - 2. The minimum distance between grade and the bottom of the billboard shall be fifteen (15) feet.
  - c. Faces:
    - 1. There shall be no more than a total of two (2) faces per supporting structure.
    - 2. All structures must be single face, back-to-back, or "v" type of construction.
  - d. Pole construction: All structures must be of single pole construction.
- (5) Lighting: Lighting will not cause hazardous or unsafe driving conditions for motorists and will not glare, reflect, or spill onto adjacent business or residential areas.
- (6) Maintenance and discontinuance:
  - a. Maintenance:
    - 1. All sign supports, braces, guys and anchors, shall be kept in good repair. Faces of all signs shall be kept neatly painted or posted at all times. The city shall notify the sign owner or its agent, in writing, of any sign that is not in proper state of repair. If corrective action is not taken within (30) days of written notice, the city official may order the removal of the sign.
    - 2. Off-premise/billboards signs that are damaged or destroyed by more than fifty (50) percent of the value of the sign structure shall not be reconstructed and shall be removed.

3. All areas around the sign structure shall be kept litter and weed free.
  - b. Discontinuance: The city may order the removal of any billboard, without compensation, upon which the advertising or other message has been discontinued for more than sixty (60) days continuous days. The owner shall either advertise upon or remove said billboard within thirty (30) days of written notification by the city.
- (7) Special review requirements for off-premise/billboard signs in CC and CBD. The following criteria will be used in reviewing the proposed structure:
- a. That the location and placement of the sign will not endanger motorists or pedestrians and does not interfere with the clear vision triangle at street, railroad, or street driveway intersections.
  - b. That the signs in the CBD will not cover or blanket any prominent view of a structure or facade of historical or architectural significance.
  - c. That the sign will not obstruct views of users of adjacent buildings to side yards. This requirement does not include views of distant vistas.
  - d. That the sign cannot be seen from churches, schools, the Yellowstone River or any city, county, or state park or if it can be seen it must be located at two hundred fifty (250) feet from the boundaries of such places.
  - e. That the height of signs located in undeveloped areas (no buildings within 300-foot radius) shall not exceed twenty-six (26) feet above grade. The minimum clearance of a sign shall never be less than fifteen (15) feet.
  - f. That the sign's lighting will not cause hazardous or unsafe driving conditions for motorists and will not glare, reflect, or spill onto adjacent business or residential areas.
- (8) Off-premise/Billboard Electronic Displays may be allowed on any off-premise/billboard sign face provided it conforms to all of the standards and requirements of the City Sign Code including the limitation on replacement of nonconforming off-premise billboard signs in Section 27-706(b)(2) and the maintenance and repair of nonconforming off-premise/billboard signs in Section 27-706(b)(6). An Off-premise/Billboard Electronic Display may be used as the only sign area on an off-premise/billboard sign face. An Off-premise/Billboard Electronic Display shall not change from one still image to another still image more than once every six (6) seconds. An Off-premise/Billboard Electronic Display shall not include any other visual effects including but not limited to animation, motion pictures, video, holograms, moving parts or the illusion of movement and shall not include any audible sound.

**(c) Shopping center or mall signs.**

- (1) One (1) free-standing sign indicating only the name and nature of the occupancy for each developed parcel not to exceed three (3) square feet of sign area for each lineal foot of street frontage abutting the developed portion of the parcel, provided that:
  - a. Signs will be permitted as follows:

| <i>Frontage Feet</i> | <i>Signs</i>                                                                                                   |
|----------------------|----------------------------------------------------------------------------------------------------------------|
| 0-- 600              | 1 free-standing sign                                                                                           |
| 601-- 900            | 2 free-standing signs                                                                                          |
| 901--1200            | 3 free-standing signs                                                                                          |
| Over 1200            | 3 free-standing signs plus, 1 additional sign for each 300 lineal street frontage feet over 1200 frontage feet |

- b. Where a developed parcel is permitted to have more than one (1) free-standing sign under this article, the distance between the free-standing signs on each parcel shall be not less than one hundred fifty (150) frontage feet;
  - c. The sign must be located five (5) feet behind all property lines except:
    - i. If the bottom of the structure is twelve (12) feet or higher above the establish grade, then the sign structure may be located up to one (1) foot behind the property line; or
    - ii. If the sign is in the Central Business District, then the sign structure can be located up to the property line.
  - d. No free-standing sign shall exceed the height of thirty (30) feet except freestanding signs in the highway commercial zone which shall not exceed the height of fifty (50) feet. No signs shall exceed four hundred (400) square feet in sign area. One (1) measured side of the display shall compose the square footage;
  - e. If a free-standing sign projects over a private vehicular driveway or parking lot aisle, the minimum clearance between the bottom of the sign and the ground shall be seventeen (17) feet;
  - f. No rotating free-standing sign shall rotate at a rate faster than six (6) revolutions per minute or have a minimum clearance lower than nine (9) feet between the bottom of the sign and the ground;
  - g. When a developed parcel fronts on more than one (1) public right-of-way or street, excluding alleys and serviceways, the above provisions of subsection (c) shall apply to each frontage.
- (2) One (1) wall or one (1) canopy sign and four (4) architectural blade signs indicating only the name and nature of the occupancy for each occupancy within the developed parcel as follows:
- a. No sign shall exceed a total area of three (3) square feet of copy for each lineal foot of building frontage of each occupancy except buildings over two (2) stories shall be allowed an additional one (1) square foot of copy for each lineal foot of building frontage of each occupancy;
  - b. If such occupancy is on a corner, one (1) wall sign or one (1) canopy sign will be permitted for each frontage face;

- c. A permitted wall sign(s) can be transferred from one wall to another wall provided the number of signs remain within the permitted number of signs and within allowable sign area;
  - d. No wall or canopy signs shall project into the public right-of-way, except:
    - i. In the Central Business District, wall signs may project eighteen (18) inches over the right-of-way, subject to a minimum height limit of nine (9) feet from the sidewalk; and
    - ii. In the Central Business District, canopy signs may project up to two (2) feet to a vertical line from the curb face over the right-of-way.
  - e. If the building includes a canopy, each tenant will be permitted one (1) under canopy sign. Any signs attached to the underside of a canopy shall be perpendicular to the wall face of building and shall not have a copy area greater than four (4) square feet or have a clearance lower than eight (8) feet from the sidewalk.
- (3) Interior mall signs shall be regulated by the mall association or owner.
- (4) Electronic Message Display signs may be permitted pursuant to Section 27-705(c)
5. A shopping center that has frontage on more than one (1) public right-of-way may have one (1) Electronic Message Display (EMD) free standing sign on each public right-of-way frontage.

**(d) *Medical corridor and South 27th Street corridor signs.***

- (1) Statement of special purpose.
  - a. Medical Corridor. The Billings Medical Corridor Permit Zoning District as set forth in Article 27-900 (the “Medical Corridor”) is a unique, distinct and separately identifiable area of the City of Billings. Over time, a majority of the Medical Corridor has developed a campus environment that is separate and distinct from the surrounding area. The large scale buildings, the complexities of the medical campuses, the needs and abilities of those seeking medical and emergency services, and the diversification of services offered within the Medical Corridor create a need for flexibility in establishing clear way-finding and informational signage. Accordingly, this special Medical Corridor sign code is adopted to facilitate, enhance, encourage and promote the following purposes:
    - (i) To facilitate and foster complementary uses servicing the healthcare community, including hospitals, clinics, medical office buildings, laboratories, and related or supporting uses;
    - (ii) To promote a unique, attractive and distinctive healthcare campus environment with limited retail uses;

- (iii) To encourage creativity and continuity in design, quality, and the character of new signage;
- (iv) To anticipate and recognize the needs of patients and visitors in the Medical Corridor;
- (v) To safeguard and enhance property values, and to protect public and private investment in the Medical Corridor;
- (vi) To promote those qualities in the visual environment which bring economic value to the community;
- (vii) To encourage the design of signs that are in harmony with the principal activities and structures that they serve and that are compatible with the overall healthcare campus environment;
- (viii) To alleviate the burdens of complex compliance and enforcement responsibilities; and
- (ix) To promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within the Medical Corridor.

The Medical Corridor is primarily occupied by regional healthcare providers that draw patients and visitors from a multi-state region. The Medical Corridor sign code recognizes that patients and visitors to the Medical Corridor need to be able to easily and conveniently locate, identify, and find their way to hospitals, medical groups, clinics, medial departments, laboratories, physicians, and other healthcare points of interest.

The primary purpose of the Medical Corridor is healthcare, with very limited retail uses. Accordingly, the Medical Corridor sign code recognizes that the primary purpose of signs in the Medical Corridor is not for retail purposes, yet retains historical restrictions for retail establishments within the Medical Corridor.

The caliber of the development of the medical campuses within the Medical Corridor over time has demonstrated a commitment to maintaining architecturally sound and aesthetically pleasing signage, as well as uniform appearance of signage within parcels under common ownership. Healthcare and healthcare providers are constantly evolving and changing. One of the express purposes of the Medical Corridor sign code is to provide healthcare providers with flexibility with respect to both way-finding and informational signage.

- b. South 27<sup>th</sup> Street Corridor. This section acknowledges the architectural visual concerns associated with the South 27<sup>th</sup> Street Corridor Zoning District as set forth in Article 27-800. This section further recognizes the needs and benefits of limited sign standards that will adequately serve the uses in this zoning district and those who utilize their services, and at the same time, recognizes the need to protect the remaining residential areas within, adjacent and surrounding these

zoning districts from the intrusion of unsightly, excessive and confusing sign usage.

- (2) Healthcare Purposes Sign Definition. As used within this section, the term *Healthcare Purposes Sign* shall mean any sign located in the Medical Corridor (excluding prohibited signs) that:
  - a. identifies a hospital, clinic, medical building, healthcare facility, emergency room, trauma center, healthcare provider or Ancillary Healthcare Service (as defined herein below), and/or associated parking areas located in the Medical Corridor; or
  - b. provides direction to a hospital, clinic, medical building, healthcare facility, emergency room, trauma center, healthcare provider or Ancillary Healthcare Service, and/or associated parking areas located in the Medical Corridor.

For the purposes of this definition, the phrase “Ancillary Healthcare Service” shall not include restaurants, hotels, motels, churches, and gas stations.

- (3) Except as provided in subsection (4) below, the Medical Corridor and the South 27<sup>th</sup> Street Corridor, signs are permitted per developed parcel as follows:
  - a. Two (2) monument type signs, provided the two (2) monument signs are located on separate public street frontages and located at least one hundred (100) lineal frontage feet apart, measured along property line, as follows:
    - i. One (1) main identification free-standing sign not exceeding forty (40) square feet in sign area nor be over twelve (12) feet in height;
    - ii. One (1) secondary identification free-standing sign not exceeding thirty-two (32) square feet in sign area nor be over eight (8) feet in height.
  - b. One (1) identification wall sign placed flat against a building or designed as part of an architectural feature for each public street frontage for each developed parcel not to exceed fifty (50) square feet in sign area.
  - c. Free-standing directory signs shall not exceed eight (8) square feet in sign area nor be over five (5) feet in height. Wall directory signs shall not exceed eight (8) square feet in sign area.
- (4) Healthcare Purposes Signs Permitted
  - a. Except for those signs specifically prohibited by Section 5 below, all Healthcare Purposes Signs shall be permitted in all portions of the Medical Corridor except for the area west of North 30<sup>th</sup> Street.
  - b. Emergency Room and Trauma Center Signs. All Emergency Room and Trauma Center signs shall be permitted in the Medical Corridor as Healthcare Purposes Signs.

- (5) Prohibited Signs and Lighting. The following signs and lighting shall be prohibited in the Medical Corridor:
- a. Strobe lights;
  - b. Searchlights;
  - c. Balloon signs;
  - d. Portable signs;
  - e. Flashing neon signs;
  - f. Third party signs;
  - g. Billboards;
  - h. Flashing incandescent lamps;
  - i. Vehicles used as signs (provided that this provision shall not be construed as prohibiting the identification of a healthcare services entity or provider);
  - j. Signs projecting into Rights-of-Way;
  - k. Window signs;
  - l. Signs exceeding 20 (twenty) feet in height;
  - m. Signs exceeding 175 square feet of area;
  - n. Signs which by coloring, shape, wording or location resemble or conflict with traffic control signs or devices;
  - o. Signs that create a safety hazard for pedestrian or vehicular traffic;
  - p. Signs attached to or placed on a motor vehicle or trailer parked on public or private property, provided that this provision shall not be construed as prohibiting the identification of a firm or its product on a vehicle operating during the normal course of business;
  - q. Any electronic reader board sign or animated sign that is otherwise prohibited by the City of Billings Sign Code.
  - r. Wall signs which, individually or collectively, cover more than 25% of the surface area of any wall. The surface area of a wall shall be determined by measuring the building height and multiplying it by the length of the wall, without deduction for doors and windows.
- (6) Electronic Message Display signs may be permitted pursuant to Section 27-705(c) 5.

(e) Church, school and other institutional use signs. Regardless of which zoning district a church, school or other institutional use, including fraternal organizations, are located within, such uses shall be permitted the following signs:

- (1) One (1) free-standing monument announcement sign or bulletin board not to exceed five (5) feet in height, or eight (8) feet in length, inclusive of supporting structure; and



- (2) Two (2) wall signs placed flat against a building or designed as a part of an architectural feature not to exceed thirty-two (32) square feet per sign. Additional signs may be authorized by special review of the city council.
- (3) Electronic Message Displays may be allowed provided they do not flash, scintillate, blink, show motion borders or traveling lights or display video. One (1) Electronic Message Display (EMD) as part of a free-standing monument sign or wall sign may be permitted provided the EMD does not exceed 50% of the sign area for a free-standing sign or 10 square feet for a wall sign. An EMD may only be used in conjunction with an immediately adjacent wall sign or as part of a free standing sign and shall not be displayed on its own. An EMD wall sign must be placed near the primary public entrance. The maximum height of an EMD wall sign shall be 12 feet from the building wall grade. EMD wall signs shall not be placed less than two feet from the top of the wall it is installed on.

(f) Temporary signs.

- (1) *Permits required.* It shall be unlawful for any owner or person entitled to possession of any property or business, or their authorized representatives, to erect, construct, move, or display a temporary sign or cause the same to be done, without first obtaining a temporary sign permit from the sign administrator. A temporary sign permit may be issued:
  - a. To new businesses or to existing businesses which are relocating and shall be limited in use to one time for no longer than sixty (60) days; or
  - b. To existing businesses for the purpose of advertising and shall be limited to a maximum of thirty (30) consecutive days per calendar year. Such thirty-day period may be split into no more than two (2) separate periods of fifteen (15) consecutive days each.

All temporary signs, other than over-street banners, shall be located on private property. Any temporary signs located on public rights-of-way shall be subject to removal by the sign administrator without notice.

- (2) *Application for permits.* Application for a temporary sign permit shall be made to the sign administrator by the owner or person entitled to possession of the property or business on which the temporary sign is to be located and shall be upon the form prescribed by the city administrator. All information required by the sign administrator to assure compliance with all laws and regulations of the city shall accompany the application, including:
  - a. Name and address of the owner of the temporary sign;
  - b. Name and address of the owner or person in possession of the business or premises on which the temporary sign is to be located and the length of time that the business has existed at such location;
  - c. Clear and legible drawings or photo with description definitely showing the proposed location of the temporary sign which is the subject of the permit and of all other existing signs on the premises.

- (3) *Permit fees.* The application for the temporary sign permit shall be filed with the sign administrator, together with a permit fee in the amount set forth in the fee schedule established by the city administrator.
- (4) *Issuance--Denial.* The sign administrator shall issue a temporary sign permit for the erection or display of a temporary sign within the city when he has determined that the applicant has met all requirements of this section and all other applicable laws of the city. The sign administrator shall establish area/height allowance and shall specify where the temporary sign is to be located, taking into consideration clear vision and setback requirements. The sign administrator shall give the applicant a validation sticker indicating the expiration date of the permit. The applicant must immediately affix the sticker to the side of the temporary sign in a clearly visible location. No temporary sign may be displayed unless the validation sticker is in place and the sign is located in the position specified by the sign administrator. In no event shall a permit or sticker be valid for more than sixty (60) consecutive days.
- (5) *Temporary sign logs.* All persons, firms, partnerships, corporations or businesses leasing or renting temporary signs shall maintain a temporary sign log and shall record therein in clear and legible ink: The location where and date that each of their temporary signs is installed; the names of the person and business to whom a temporary sign permit was issued for each sign; and the date that each temporary sign is removed. The original copy of each month's log shall be personally delivered to the sign administrator on the last working day of each month or shall be sent to the sign administrator through the United States mail, postmarked no later than the first day of the following month. Said log shall be open to the inspection of the sign administrator at all reasonable times.
- (6) *Permits not required.*
  - a. The following temporary signs are allowed without permits:
    1. Signs which identify the location of rummage and garage sales;
    2. Signs which advertise the activities of a nonprofit organization;
    3. Political posters (see section 27-707(b)(16));
    4. Signs which advertise property for sale, lease or rent (see section 27-707(b)(19));
  - b. Such temporary signs allowed shall:
    1. Be removed after thirty (30) days of use (see exceptions for political or campaign signs 27-707(b)(16));
    2. Not exceed one (1) sign per property frontage.
  - c. No temporary sign shall cause unsafe ingress or egress or otherwise create traffic visibility problems.
- (7) *Size and placement limitations.* Temporary signs shall only be allowed to a maximum height of eight (8) feet with allowable square footage not exceeding thirty-two (32) square feet on each side of the display. Measuring one (1) side of the display shall determine the square footage for purposes of computation.

In addition, temporary signs shall be located at least one hundred fifty (150) feet apart and a minimum of five (5) feet behind all property lines.

- (8) *Penalty.* Any person convicted of a violation of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred fifty dollars (\$150.00).

**SEC. 27-707. EXCEPTIONS AND EXEMPTIONS.**

The following operations shall not be considered as creating a sign insofar as requiring the issuance of sign permit or permissibility in a district, but the signs must be in conformance with this article, ordinances and regulations of the city, and all other building, structural and electrical laws:

(a) *Permit exceptions:*

- (1) Changing of the advertising copy or message on an existing approved painted or printed sign, marquee, changeable copy sign or a similar approved sign whether electrical, illuminated, electronic changing message center or non-illuminated painted message which are all specifically designed for the use of replaceable copy;
- (2) Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes. Replacement of or a change of a plastic face will be included as an exempt operation;
- (3) Changes in the content of show window displays and permitted temporary signs;
- (4) Changing sign--Automatic with no identification of ownership.

(b) *Exempt signs:*

- (1) *Banner and balloon signs.* Banner and balloon signs are allowed as follows:

- a. *Banner signs (public right-of-way):* Banner signs may be suspended across public right-of-way subject to the following conditions:
  1. A banner sign application, which has been signed and approved by the owners of all private property to which the sign will be affixed, shall be submitted.
  2. The banner sign application must be submitted to and approved by the city sign administrator prior to placement of the banner sign.
  3. Message and symbols are limited to public service messages with no commercial advertising of any nature appearing on the banner. This shall not preclude the identification of an event sponsor provided that such identification shall not occupy more than fifteen (15) percent of the area of the banner.
  4. The maximum allowable size of a banner sign is three (3) feet by twenty (20) feet.
  5. The maximum time during which any banner sign may be displayed is thirty (30) days.

6. The city may require the applicant to indemnify the city and to provide insurance covering any liability that may occur as a result of placement of the sign.
  7. Application for a banner sign may not be submitted earlier than six (6) months prior to the date when the sign will first be displayed.
- b. *Banner signs (private property)*: Banner signs may be securely attached to a structure, the wall of a building or canopy as follows:
1. Two (2) banner signs for two (2) periods in a calendar year not exceeding thirty (30) consecutive days per period at any business location;
  2. Banner signs shall not exceed thirty-two (32) square feet in sign area; and
  3. Banner signs shall not direct attention to a business commodity, service or entertainment not related to the premise at which the sign is located.
- c. Balloon signs are allowed in all zones except residential and residential professional as follows:
1. One (1) balloon sign for a total period not to exceed three (3) days in any one-month period at any business location;
  2. No balloon sign and structure shall exceed the height of thirty (30) feet;
  3. No balloon sign and structure shall be greater in volume than four thousand five hundred (4,500) cubic feet; and
  4. Balloon signs are permitted on rooftops provided balloon signs and balloon structures are securely anchored to the rooftop.
- (2) *Bench signs*. Bench signs on benches, controlled or authorized by the Billings MET. Indemnification clause or proof of liability insurance may be required by the city;
- (3) *Construction signs*. One (1) building construction sign per construction project not exceeding thirty-two (32) square feet in sign area in residential districts or sixty-four (64) square feet in sign area in all other districts, provided that such signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed five (5) days after issuance of an occupancy certificate or completion of construction and prior to occupancy;
- (4) *Directional or instructional signs*. Signs which provide direction or instruction and are located entirely on the property to which they pertain and do not exceed four (4) square feet in sign area, signs identifying rest rooms, public telephones, walkways, or signs providing direction such as [as] parking lot entrance and exit signs and those of similar nature. Signs shall not cause visual obstructions to traffic;

- (5) *Flags, or pennants.* The flags, emblems or insignia of any nation, political subdivision, corporate flag, corporation, or any other entity or business;
- (6) *Garage sale signs.* Garage sale signs not exceeding four (4) square feet in sign area;
- (7) *Governmental regulatory signs.* Governmental regulatory signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of a public officer in the performance of his or her public duty;
- (8) *Historical landmark signs.* Signs identifying structures or landmarks which have been designated as a historical landmark locally or nationally and not located in the historical district. Each landmark or structure is permitted one monument sign, attached or detached, not greater than four (4) square feet in sign area for the attached sign, eight (8) feet in sign area for the detached sign, and not exceeding eight (8) feet in height;
- (9) *Holiday decorations or seasonal signs.* Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holiday; provided that such signs shall be displayed for a period of not more than sixty (60) consecutive days nor more than sixty (60) days in any one (1) year. Such signs may be of any type, number, area, height, illumination or animation; and shall be set back ten (10) feet from all boundary lines of the lot, provided that a clear area be maintained to a height of seventy-two (72) inches, within fifty-five (55) feet of the intersection of two (2) streets, a railroad and a street and a street and driveway, as measured from the property line;
- (10) *House numbers, residential name plates and commercial addresses.* House numbers, residential name plates and commercial addresses not exceeding two (2) square feet in area for each residential building;
- (11) *Incidental signs.* Up to two (2) incidental signs may be attached to a free standing sign structure or to a building wall, but may not be attached perpendicular to the wall. Such signs are restricted to trading stamps, credit cards excepted, official notices of services required by law, or trade affiliations. The area of each sign may not exceed five (5) square feet; the total area of all such signs may not exceed ten (10) square feet and will be subtracted from the allowable sign area;
- (12) *Interior signs.* Signs located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs for and located within the inner or outer lobby, court or entrance of any theater, that are not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical or material specifications as set out in this article;
- (13) *Memorial signs, plaques, symbols or insignia signs.* Memorial signs, plaques, religious symbols, tablets, identification emblems of religious orders or historical agencies, provided that no such memorial sign, symbol, plaque, tablet or identification emblem shall exceed four (4) square feet in sign area, and

provided further that all such memorial signs, symbols, plaques, tablets, and identification emblems shall be placed flat against a building. Names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building are also allowed;

- (14) *Neighborhood Watch signs.* Neighborhood Watch signs may be posted on property within residential, residential professional and public zoning districts provided that the total area of all Neighborhood Watch signs on a single property do not exceed sixteen (16) square feet in sign area. Neighborhood Watch signs shall be posted on private property and may be placed flat against the wall of a building or detached if they do not exceed 8 feet in height and are placed five (5) feet behind all property lines. A detached Neighborhood Watch sign must not exceed thirty-six (36) inches in height if it is placed within a clear vision area at the intersection of streets, streets and alleys or streets and driveways. Please see Section 27-615 and 27-618 of the Unified Zoning Regulations for the definition and illustration of clear vision areas at intersections.
- (15) *Notice bulletin boards.* Notice bulletin boards not over twenty-four (24) square feet in area for medical, public, charitable or religious institutions where the same are the primary use located on the premises;
- (16) *No-trespassing or no-dumping signs.* No-trespassing or no-dumping signs not to exceed one and one-half (1 1/2) square feet in area per sign and not exceeding four (4) in number per lot, except that special permission may be obtained from the sign administrator for additional signs under proven special circumstances;
- (17) *Political or campaign signs.* Political or campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are subject to the following regulations:
  - a. Such signs may be erected not earlier than forty-five (45) days prior to the primary or special election and shall be removed within fifteen (15) days following the general or special election. If there is no primary election scheduled, then such signs may not be erected earlier than forty-five (45) days prior to the general election. After the primary election, signs pertaining to any candidate or ballot issue not on the general or special election ballot shall be removed within fifteen (15) days after the primary election, unless the candidate is conducting a write-in campaign. This provision does not prohibit a successful primary candidate from erecting additional signs after the primary election or an unopposed candidate at the primary from erecting signs prior to or immediately after the primary election.
  - b. In any zone, each parcel of land is permitted to display political signs provided that, in total, such signs do not exceed thirty-two (32) square feet in aggregate area and, if detached, do not exceed six (6) feet in height. Signs over thirty (30) inches in height shall comply with the clear vision standards as required by section 27-615 "Visibility at Intersections". Such sign shall not be erected in such a manner as to constitute a roof sign. Notwithstanding the provisions of this subsection, a sign may be placed

upon any legally existing sign structure, but not so as to cover an already existing current sign.

- c. No political sign shall be located within or over the public right-of-way or on a utility pole.
- d. No political sign shall be placed, installed, or erected without the permission of the private property owner.

(18) *Public service signs (notices).* Official notices or other public service information posted by public officers or employees in the performance of their duties;

(19) *Public signs.* Signs required or specifically authorized for a public purpose by any law, statute or ordinance; which may be of any type, number area, height above grade, location, illumination, or animation required by the law, statute or ordinance under which the signs are erected;

(20) *Real estate signs.* One (1) real estate sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies, is not directly illuminated, does not exceed six (6) square feet in sign area in residential zones and twelve (12) square feet in commercial zones, and is removed within seven (7) days after the sale, rental or lease has been accomplished. "Open house" signs must be placed on private property and shall not be placed on or project over a public right-of-way;

(21) *Subdivision development signs.* Two (2) subdivision development signs per subdivision development project not exceeding thirty-two (32) square feet in sign area in residential districts or sixty-four (64) square feet in sign area in all other districts. This off-site sign may contain advertising in connection with the name of the subdivision, development firm, building contractor, real estate sales firm, and may refer to materials, appliances, supplies and building trades used in construction of the dwelling units, or services provided by the developer. The sign shall be removed six (6) months after the last lot is constructed upon;

(22) *Symbols or insignia signs.* Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque, or identification emblem shall exceed four (4) square feet in area, and provided further that all such symbols, plaques and identification emblems shall be placed flat against a building;

(23) *Warning signs.* Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed upon subsidence of danger;

(24) *Window signs.* A sign installed inside a window for purposes of viewing outside the premises.

#### SEC. 27-708. PROHIBITED SIGNS AND SIGN STRUCTURES.

The following types of signs and sign structures are expressly prohibited in all districts, except as otherwise provided by this article.

- (1) *Animated and intensely lighted signs:* No signs shall be permitted which are animated by means of flashing, scintillating, blinking, traveling lights, displaying video or any other means not providing constant illumination (unless specifically permitted in special sign districts). Electronic Message Displays may be allowed provided they do not flash, scintillate, blink, show motion borders or traveling lights or display video.
- (2) *Abandoned signs:* Such business signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located.
- (3) *Parking of advertising vehicles prohibited:* No person shall park any vehicle or trailer on a public right-of-way or public property or on private property so that it is visible from the public right-of-way and which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises. This section is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettered on a motor vehicle, or company vehicle signs.
- (4) *Swinging signs:* Signs installed on an arm or spar, that is not, in addition, permanently fastened to an adjacent wall or upright pole. See section 27-709(i).
- (5) *Unclassified signs:* The following signs are also prohibited, which:
  - a. Bear or contain statements, words or pictures of an obscene, pornographic, immoral character, or which contain advertising matter which is untruthful;
  - b. Are painted on or attached to any fence or any wall which is not structurally a part of a building, except to identify a residence or residence structure by means of posting the name of the occupant or structure, and the street address;
  - c. Operate or employ visible moving parts or any portion of which moves, or give the illusion of motion except as permitted in this article;
  - d. Emit audible sound, odor or visible matter; or
  - e. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.
- (6) *Unightly visible frames, or angle iron:* Visible angle iron frames or structures to support projecting signs.

\*\*\* COMPLIANCE FOR EXISTING ELECTRONIC MESSAGE DISPLAY SIGNS.

Electronic Message Display Signs shall comply with the limitations and prohibitions in this ordinance that affect the operation and manner of display except for the prohibition of video on existing Electronic Message Display Signs. All other prohibitions and requirements in Sections 27-705(c)5.a.iv; 27-705(c)5.d and 27-708(1) shall apply. All existing Electronic Message



Display Signs will comply with these specific sections on the effective date. All other adopted revisions may make existing Electronic Message Display Signs a legal nonconforming sign as specified in Section 27-711 of the City Sign Code.

SEC. 27-709. CONSTRUCTION SPECIFICATIONS.

- (a) *Compliance with building code.* All signs shall comply with the appropriate detailed provisions of the city building code relating to design, structural members and connections. Signs shall also comply with the provisions of the applicable electrical code and the additional construction standards hereinafter set forth in this section.
- (b) *Construction of signs, auxiliary specifications:*
  - (1) *Identification and marking.* Each sign hereafter erected or remodeled shall bear, in a permanent position thereon, a clearly legible identification plate stating the name and address of the owner of the sign, and the person responsible for its construction, erection and the date of erection.
  - (2) *Obstruction to exits.* No sign shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.
  - (3) *Obstruction to ventilation.* No sign shall be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that such signs may be erected in front of and may cover transom windows when not in violation of the provision of the building or fire prevention codes.
  - (4) *Clearance from high voltage power lines.* Signs shall be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the National Electrical Code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than twenty-four (24) inches horizontally or vertically from any conductor or public utility guy wire.
  - (5) *Drainage.* The roofs of all marquees exceeding forty (40) square feet shall be properly guttered and connected with downspouts to storm sewers so that water will not drip or flow into public sidewalks or streets.
- (a) *Free-standing signs; materials.* All free-standing sign structures or poles shall be self-supporting structures erected on and permanently attached to concrete foundations. Such structures or poles shall be fabricated only from painted steel or such other materials as may be approved by the building code of the city.
- (b) *Electric signs.* The full number of illuminating elements thereof shall be kept in satisfactory working condition or immediately repaired or replaced. All signs shall meet all electrical requirements for that portion directly illuminated. All electric signs shall have a disconnecting switch located in accordance with the provisions of the safety code, including a disconnecting switch on the outside of the sign.
- (c) *Glass.* When glass is used for sign letters or transparent panels, it shall be at least double strength thickness for sign areas up to and including three hundred (300) square inches. When glass is used for sign letters or transparent panels for sign areas in excess of three hundred (300) square inches, at least one-quarter inch wire glass shall be used and the maximum span between supports shall be four (4) feet.

(d) *Strength of parapet wall.* A parapet wall must be designed for and have sufficient strength to support any sign which is attached thereto.

(e) *Supports and braces.* Metal supports or braces shall be adequate for wind loadings (see subsection (h)). Wire or cable supports shall have a safety factor of four (4). All metal, wire cable supports and braces and all bolts used to attach sign to bracket or brackets and signs to the supporting building or structure shall be of galvanized or of an equivalent material. There shall be no visible angle irons, or unsightly supports. All such sign supports shall be an integral part of the sign design. There shall be a pole cover on all free-standing signs unless the pole is an integral part of the sign.

(f) *Wind loads.* All signs, except those attached flat against the wall of a building shall be constructed to withstand wind loads as prescribed in the most current edition of the Uniform Building Code.

(g) *Sign anchoring.* No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.

#### SEC. 27-710. REMOVAL AND DISPOSITION OF SIGNS.

(a) *Maintenance and repair.* Every sign including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural material condition at all times, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of the sign. The sign administrator shall require compliance with all standards of this article. If the sign is not made to comply with adequate safety standards, the sign administrator shall require its removal in accordance with this section.

(b) *Abandoned signs.* Except as otherwise provided in this article, any sign which is located on property which becomes vacant and unoccupied for a period of three (3) months or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.

(c) *Dangerous or defective signs.* No person shall maintain or permit to be maintained on any premises owned or controlled by such person any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises.

(d) *Unlawful signs.* No person shall erect on any premises owned or controlled by such person any sign which does not comply with the provisions of this article.

(e) *Street improvement projects.* Any sign projecting over a public right-of-way on November 24, 1980 which was subject to removal or relocation at the owner's expense, pursuant to a permit or other ordinance of the city, shall be removed by the owner or altered at the owner's expense to comply with the regulations of this article if, as the result of, or

after completion of a street improvement project, the sign does not or would not comply with the provisions of this article.

(f) *Removal of signs by the sign administrator.* The sign administrator shall cause to be removed any sign that endangers the public safety such as an abandoned, dangerous, or materially, electrically or structurally defective sign or a sign for which no permit has been issued. The sign administrator shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within ten (10) days, the sign shall be removed in accordance with the provisions of this section.

All notices mailed by the sign administrator shall be sent by certified mail. Any time periods provided in this section shall be deemed to commence on the date of the receipt of the certified mail.

For all other signs, the notice shall be mailed to the owner of the property on which the sign is located as shown on the last equalized assessment roll. If known, or with reasonable care should be known, the notice shall be mailed to or delivered to the owner of the sign and the occupant of the property.

Any person having an interest in the sign or the property may appeal the determination of the sign administrator ordering removal or compliance by filing a written notice of appeal with the board of adjustment.

The sign administrator may without notice cause immediate removal of a dangerous or defective sign or a temporary sign or a temporary sign not exhibiting a current validation sticker.

Temporary signs are specifically excluded from the foregoing notice requirements. Violators of ordinances pertaining to temporary signs may immediately be cited without advance notice.

For the purpose of removal, signs shall also include all sign structures.

#### SEC. 27-711. LEGAL NONCONFORMING SIGNS.

(a) *Notification of nonconformity.* After November 24, 1980, the sign administrator shall, as soon as practicable, survey the city for signs which do not conform to the requirements of this article. Upon determination that a sign is nonconforming, the sign administrator shall use reasonable efforts to notify, in writing, the user or owner of the property on which the sign is located of the following: (i) the sign's nonconformity; and (ii) whether the sign is eligible for characterization either as legal nonconforming or unlawful. Failing determination of the sign owner, user or owner of the property on which the sign is located, the notice may be affixed in a conspicuous place to the sign or to the business premises with which the sign is associated.

(b) *Signs eligible for characterization as "nonconforming."* Any sign located within the city limits on November 24, 1980, or located in an area annexed to the city thereafter, which does not conform with the provisions of this article, is eligible for characterization as a "nonconforming" sign and is permitted, provided it also meets the following requirements:

- (1) The sign was covered by a sign permit or variance on November 24, 1980 if one (1) was required under applicable law; or
  - (2) If no sign permit was required under applicable law for the sign in question, the sign was in all respects in compliance with applicable law on November 24, 1980.
- (c) *Loss of legal nonconforming status.* A legal nonconforming sign shall immediately lose its legal nonconforming designation if:
- (1) The sign is altered in any way in structure or copy except for changeable copy signs and normal maintenance;
  - (2) The sign is relocated;
  - (3) The sign is replaced; or comes under the classification of a temporary sign as defined by this article;
  - (4) On the happening of any one of (1), (2), or (3), the sign shall be immediately brought into compliance with this article with a new permit secured therefor, or shall be removed.
- (d) *Maintenance and repair.* Nothing in this section shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provision of this article regarding safety, maintenance and repair of signs, contained in this article, provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more nonconforming or the sign may lose its legal nonconforming status.

SEC. 27-712. SPECIAL SIGNS AND SIGN DISTRICTS.

- (a) *Signs for special events.* Temporary signs, not in excess of four (4) square feet in area, may be erected as participation in public parades, public events or public celebrations for a period not to exceed ten (10) days, provided, however, the erection of such signs shall be approved by the sign administrator.
- (b) *Nonexempt signs for direction or instruction.* Signs in excess of eight (8) square feet in area which provide traffic direction or instruction to the public shall be allowed in any zone, provided such signs are located entirely on the property to which they pertain. In addition, the sign administrator may authorize the placing of directional signs at appropriate street intersections or other locations for the convenience of the motoring public; such signs shall pertain to places of general interest such as schools, hospitals, public buildings, airports, fairgrounds and other similar public service facilities.
- (c) *Special sign districts.* Merchants occupying sixty (60) percent or more of the street frontage in feet of properties on both sides of the street in any defined area may petition the city for the formation of a special sign district. This might be done for such reasons as to create an area with a particular ethnic atmosphere, to simulate an historic period, theatre or entertainment area, or other similar purpose. A group of property owners or persons in the right of possession will be chosen by the merchants to represent them. The group shall not exceed ten (10) members and shall comprise the governing body of the sign district. This body will draw to the criteria for signs in the district and submit such criteria to

counsel for approval. The council will instruct the city clerk to notify all owners or persons in the right of possession within the boundaries of such district ten (10) days prior to the hearing, after which the council may approve the special sign district or may veto it. The veto can only be effected by a three quarters vote of the council. If the criteria for the special sign district are approved and become effective, the city shall publish them as regulations of a sign district in the same manner as a code of the city.

SEC. 27-713. RESERVED.

Editor's note: Section 13 of Ord. No. 89-4781, adopted Feb. 27, 1989, repealed § 27-713, relative to signs in the historic district, which derived from Ord. No. 85-4650, §§ 1, 2, adopted July 22, 1985.

SECS. 27-714--27-729. RESERVED.

## **DIVISION 2. MONTANA AVENUE SIGN DISTRICT\***

### **[SEC. 27-730. MONTANA AVENUE SIGN DISTRICT CREATED.]**

[Pursuant to section 27-712(c) of the Unified Zoning Regulations, the Montana Avenue sign district is hereby created.]

(Ord. No. 99-5098, 8-9-99)

\*Editor's note: Ord. No. 99-5098, § 1, adopted Aug. 9, 1999, amended the Code by adding provisions designated as sections 27-713(1)–27-713(14). In order to better conform to the format of the Code, the editor has redesignated the provisions of Ord. No. 99-5098 as Division 2 of Article 27-700, §§ 27-731–27-744.

### **SEC. 27-731. DISTRICT BOUNDARIES.**

The Montana Avenue sign district extends from the centerline of North 22<sup>nd</sup> Street to the centerline of North 30<sup>th</sup> Street along Montana Avenue. The district extends from Montana Avenue north to the alley along any side street and from Montana Avenue south to the railroad tracks along any side street. (See attached map).

(Ord. No. 99-5098, 8-9-99; Ord. No. 04-5286, § 1, 6-14-04)

### **SEC. 27-732. PURPOSE.**

Due to the unique character of the historic district located on Montana Avenue, these regulations are designed to encourage the preservation, revitalization, and enhancement of the district through the use of appropriate signage. These regulations also encourage compatibility of the signage with the historic character of the district.

This district shall not regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays; flags of any nation, government, or fraternal organization; barber poles; religious symbols; or any display or construction not defined herein as a sign.

Thus, the primary intent of this district shall be to regulate signs of a commercial nature intended to be viewed from vehicular or pedestrian public right-of-way.

(Ord. No. 99-5098, § 1, 8-9-99)

### **SEC. 27-733. DEFINITIONS.**

Words and phrases used in this division have the meanings set forth in this section.

*Animated sign:* Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

*Area of sign:* The entire area of a sign including the area within a perimeter which forms the outside shape including the frame, forming an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. The frame of a sign may be excluded from the area where such frame conveys no message and is constructed or affixed for aesthetic reasons beyond the necessary supports. For computing the area of any wall or canopy sign which consists of letters mounted

or painted on a wall or canopy, the area of the smallest rectangular figure which can encompass all of the letters.

*Awning or canopy sign:* Any sign that is a part of or attached to any awning, or canopy over a door, entrance, window, or outdoor service area, which does not extend horizontally beyond the limits of the canopy.

*Banner sign:* Any sign (other than an official flag) made of cloth, paper, or fabric of any kind, which is used to attract attention, whether or not imprinted with words or characters.

*Billboard/third party advertiser:* A sign that advertises products or services not sold or distributed on the premises on which the sign is located.

*Building marker:* Any sign indicating the name of a building, date, or other incidental information about its construction. A sign that is cut into a masonry surface or made of bronze or other permanent material.

*Building frontage:* The linear length of a building facing the public access or right-of-way.

*Copy:* The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

*Ghost signs:* Faded painted advertisements painted prior to 1935.

*Lighting:* Flashing action (animation). Neon and incandescent lamps may flash in the following ways.

- (1) *Alternating.* One (1) section comes on as another goes off.
- (2) *Scintillating.* Random sections go on and off with part of the lighting on at all times.
- (3) *Chasing.* one (1) section comes on at a time and is followed by one section going off at a time. Part of the sign is on at all times.
- (4) *Sweeping (filling).* The lighting sections individually go on until all of the sections are on, then the entire group goes off and then the process is repeated.
- (5) *On-off action.* Not allowed. Lighting that goes all on and then all off.

*Nonconforming sign:* A sign that was erected legally but does not comply with subsequently enacted sign restrictions and regulations.

*Parcel:* A single tract or parcel of land, no matter how legally described whether by metes and bounds, certificate of survey, and/or by lot or lots and block designation as in a recorded plat, that at the time of applying for a building permit is designated by its owner or developer as the tract to be used, developed or built upon as a unit of land under single ownership or control and assigned to the particular use for which the building permit is being secured and having frontage on or access to a public street over an easement approved by the city engineer.

*Primary public entrance:* An entrance to a business which is open to the public during its normal and customary hours of operations and the entrance is used as the primary ingress and egress to the business by the public.

*Projecting sign:* A sign, other than a flat wall sign, which is attached to and projects from a building, wall, or other structure not specifically designed to support the sign. Supports shall be covered in a neat and orderly fashion.



*Public right-of-way width:* The perpendicular distance across a public street measured from property line to property line. When property lines on opposite sides of the public street are not parallel, the city engineer shall determine the public right-of-way width.

*Pylon/ground sign:* Any sign supported by structures or supports that are placed on or anchored in, the ground that are independent from any building or structure, including monument signs.

*Sign height:* The vertical distance measured from the highest point of the sign to the crown of the adjacent street.

*Street:* A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, or however otherwise designated which has been dedicated to or acquired for public use and extends the full width between right-of-way lines.

(Ord. No. 99-5098, § 1, 8-9-99)

#### SEC. 27-734. MONTANA AVENUE SIGN REVIEW COMMITTEE.

(a) *Organization and duties.* The Montana Avenue sign review committee (committee) will consist of seven (7) committee members. Four (4) of the members shall be property owners or merchants of the Montana Avenue sign district, one (1) architect or design professional with a background in historic preservation, one (1) sign professional, and the city sign administrator. All members shall be voting members except for the city sign administrator. The committee is responsible for the review and approval of all sign permit applications within the Montana Avenue sign district.

The terms for each member, except the sign administrator, will serve two-year terms. Three (3) members of the initial committee will serve three-year terms, in order to stagger the terms of the committee members.

Any person interested in serving on the committee shall make application to the Montana Avenue Property Owners. The property owners will then forward the applications and their recommendation to the mayor of the City of Billings. The mayor will then make the necessary appointments to the committee to fill any vacancies.

(b) *Proceedings.* The committee shall schedule two (2) regular meetings, along with special meetings that may also be called by the chairperson. The chairperson may cancel the regularly scheduled meetings if no matters are pending for the committee's consideration. All meetings shall be open to the public.

(c) The committee, at the first meeting, shall establish by-laws that will establish procedures for selecting a chairperson, terms of the officers, meeting days, and other necessary functions of the committee.

The committee shall keep minutes of its proceedings, showing the vote of each member, or if absent or failure to vote, indicating such fact, and shall keep records of its official actions, all of which shall be a public record and shall be filed in the office of the Yellowstone County board of planning. The official minutes of the committee shall become effective immediately, unless otherwise directed by the committee. The city sign administrator in coordination with the committee shall designate a secretary of the committee and shall be the custodian of all records of the meetings, finding, conclusions and order of the committee.

- (d) *Powers and duties.* The committee shall have the following powers:

The committee will review the sign application for compliance with the guidelines set forth and for compatibility with the structure and the district. The permit application will be evaluated on a point system. All signs shall be required to conform to specific standards as outlined in this division.

(e) *Decisions and appeals.* The concurring vote of four (4) members of the committee shall be necessary to decide in favor of an application in order for the applicant to receive a sign permit. Any person aggrieved by any decision of the committee may appeal the decision by presentation to the City of Billings city board of adjustment as outlined in section 27-1505 of the Unified Zoning Regulations.

(Ord. No. 99-5098, § 1, 8-9-99)

#### SEC. 27-735. GENERAL SIGN CRITERIA.

In the Montana Avenue sign district all signs must receive approval by the sign committee. A set of both absolute and relative criteria has been established which gives the assurance that the signs erected are compatible with the nature and character of this district and to encourage creativity that is not permitted under traditional sign regulations. An applicant must meet all the absolute criteria to qualify for a permit. In addition the applicant must also attain a minimum of at least seventy (70) percent of the maximum points possible, in order to obtain a sign permit, in the relative category.

(Ord. No. 99-5098, § 1, 8-9-99)

#### SEC. 27-736. SPECIFIC CRITERIA.

(a) The absolute criteria must be satisfied before approval can be granted. This includes sign type, number, size, and location. Each of the applicable absolute criteria must be answered yes before approval can be granted.

(b) Relative criteria are assessed using a "point" system. Each sign must achieve a specified minimum percentage of these criteria. A score above the minimum percentage may be used to receive extra points. The absolute criteria are designed to reduce the negative impacts, while the relative criteria focus on the actual design of a sign including, but not limited to: compatibility with the building's architecture, the design compatibility with the era of the district, building, color, location on the building, materials used, lighting, size, and dimensions, and creativeness of design. The design of a sign is evaluated against the relative criteria and scored on a point chart.

- (c) A sign shall be evaluated as follows:

- (1) *Absolute criteria.* Each of the absolute criteria is answered yes, no, or not applicable. A "no" answer to any applicable absolute criteria will automatically exclude the application, as proposed, from further consideration at that time. Modifications will need to be made to correct any problems before further consideration will be given to the sign proposal.
- (2) *Relative criteria.* The signage plan is evaluated against each applicable relative criterion and assigned a "score." A sign may receive a score of 0 to 10, with 10

being the highest. The numerical score is assigned based on the following (Only 0, 5, and 10 are defined as points of reference):

10 = For an excellent job of implementing the criteria or for doing the best job possible, given the constraints and opportunities of the site.

5 = For an adequate job of implementing the criterion.

0 = For no effort or failure to implement the criterion.

(Ord. No. 99-5098, § 1, 8-9-99)

#### SEC. 27-737. PERMITTING PROCEDURE.

All sign applications shall be submitted to the City of Billings sign administrator. Deadline dates for the application will be the first and third Monday of each month. At the time the application is submitted, the sign administrator will review the application for completeness. If the application is not complete, it will be returned to the applicant. The complete application then will be forwarded to the Montana Avenue sign review committee.

- (1) It will be the responsibility of the city sign administrator to process permit requests under this system in the following manner:
  - a. An applicant will submit his/her application for a sign permit. An application will contain, but not be limited to the following information:
    1. A completed sign permit application form;
    2. A dimensioned site plan showing the sign location (if applicable);
    3. Building elevation drawings showing the location of all existing signs and the location of the sign being applied for;
    4. A scaled drawing of the sign including: sign design, types of material, colors, style of lettering, etc.
  - b. The sign administrator will, at that time, review the application for completeness. If the application is incomplete, it will be returned to the applicant.
  - c. Upon receipt of a complete application, the sign administrator will notify the applicant of the meeting date, time, and location with the Montana Avenue sign review committee.
  - d. The review will result in approval, disapproval, or approval with modifications. Once approval has been granted the sign administrator will issue the permit upon receipt of payment.
  - e. A sign permit application will be valid for one hundred twenty (120) days. The application may be extended for one (1) additional sixty-calendar-day period. The request for extension must be in writing and received five (5) business days prior to the expiration of the sign permit.
  - f. A permit that has expired, or granted an extension and then expired, will be required to go through the review process again, however, the fee will be one-half ( 1/2) of the full permit fee.

(Ord. No. 99-5098, § 1, 8-9-99)

SEC. 27-738. SIGN TYPES PERMITTED.

[The following sign types are permitted.]

| Sign Type                                                                                                                                                                                                                                                            | Sign Area                                                                                                                                                                                                                                                                                                                                                                       | Sign Height     | Number of Signs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Building Signs</i> <ul style="list-style-type: none"> <li>• Awning sign</li> <li>• Canopy sign</li> <li>• Marquee sign</li> <li>• Projecting sign</li> <li>• Roof sign</li> <li>• Under awning/canopy sign</li> <li>• Wall sign</li> <li>• Window sign</li> </ul> | <ul style="list-style-type: none"> <li>• 1 1/2 square feet of signage per lineal foot of building measured along the street frontage for corner lot buildings, up to a maximum of 200 square feet.</li> <li>• 3 square feet of signage per lineal foot of building measured along the street frontage for interior lot buildings, up to a maximum of 75 square feet.</li> </ul> | N/A             | <ul style="list-style-type: none"> <li>• One sign per street frontage and one sign per public entrance. Signage on an awning or canopy will count as one (1) sign.</li> <li>• Window signs are not included in the total number of signs allowed. However, the area of window signs installed shall be counted as part of the total allowable sign area.</li> <li>• Signage placed upon an awning or canopy will count as one (1) sign for that awning or canopy regardless of the number of sides of the awning or canopy that have signage.</li> <li>• Signage placed on the only valance of multiple awnings that is related to a specific business may count as one (1) sign upon approval of the Montana Avenue Sign Committee.</li> </ul> |
| <i>Ghost Signs</i>                                                                                                                                                                                                                                                   | N/A provided the sign was created prior to 1935                                                                                                                                                                                                                                                                                                                                 | N/A;            | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <i>Pylon/Ground Sign</i>                                                                                                                                                                                                                                             | A maximum of 50 square feet                                                                                                                                                                                                                                                                                                                                                     | Maximum 20 feet | One (1) per street frontage. If a parcel has two (2) signs, and a 150-foot separation, measured along the property line, between signs is required.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

(Ord. No. 5098, § 1, 8-9-99)

SEC. 27-739. PYLON/GROUND SIGNS--ABSOLUTE CRITERIA.

(a) Point chart for pylon signs--Absolute criteria:

| ABSOLUTE CRITERION                | Is the Criterion Applicable? |    | Is the Criterion Complied With |    |
|-----------------------------------|------------------------------|----|--------------------------------|----|
|                                   | Yes                          | No | Yes                            | No |
| Sign size (area)                  |                              |    |                                |    |
| Sign height                       |                              |    |                                |    |
| Number of signs                   |                              |    |                                |    |
| Distance between signs            |                              |    |                                |    |
| Clearance between sign and ground |                              |    |                                |    |
| Clear vision                      |                              |    |                                |    |

A proposal must receive a "yes" answer to all applicable criteria in order to qualify for approval.

(b) Sign size (area): What is the area of the sign in square feet?

Pylon/ground signs may not exceed 50 square feet in area.

|                               | Sign Area | Criterion Complied With<br>Yes No |  |
|-------------------------------|-----------|-----------------------------------|--|
| Montana Avenue Sign Committee |           |                                   |  |
| Applicant                     |           |                                   |  |

(c) Sign Height: Does the sign comply with the height limit set forth by this article?  
Pylon Sign: The maximum height of a pylon sign shall not exceed twenty (20) feet.

|                               | Sign Height | Criterion Complied With<br>Yes No |  |
|-------------------------------|-------------|-----------------------------------|--|
| Montana Avenue Sign Committee |             |                                   |  |
| Applicant                     |             |                                   |  |

(d) Number of signs: Does the number of pylon signs comply with the requirements of this section?

Pylon/ground signs: Each developed parcel shall be permitted one (1) pylon sign per street frontage.

|                               | Number of Signs | Criterion Complied With<br>Yes No |  |
|-------------------------------|-----------------|-----------------------------------|--|
| Montana Avenue Sign Committee |                 |                                   |  |
| Applicant                     |                 |                                   |  |

(e) Distance between Signs: What is the distance between the two- (2) pylon signs shown on the site plan?

Pylon Signs: Where a developed parcel is permitted to have more than one (1) pylon sign under this article, the distance between the pylon signs on each parcel shall be no less than one hundred fifty (150) frontage feet measured along the property lines.

|                               | Distance Between Signs | Criterion Complied With<br>Yes No |  |
|-------------------------------|------------------------|-----------------------------------|--|
| Montana Avenue Sign Committee |                        |                                   |  |
| Applicant                     |                        |                                   |  |

(f) Pylon sign setback/sign clearance from the ground: Does the pylon sign meet the required setback from the property line and/or clearance from the ground?

Pylon Signs: A five-foot minimum setback from the property line to the leading edge of the sign shall be required. The leading edge of a sign may be placed on the property line provided there is a distance of twelve (12) feet from grade to the bottom of the sign. A sign shall not project over the public right-of-way.

|                               | Sign Setback/Clearance | Criterion Complied With<br>Yes No |  |
|-------------------------------|------------------------|-----------------------------------|--|
| Montana Avenue Sign Committee |                        |                                   |  |

|           |  |  |  |
|-----------|--|--|--|
| Applicant |  |  |  |
|-----------|--|--|--|

(g) Clear Vision: Does this pylon sign meet the clear vision requirements of Section 27-618 of the Unified Zoning Regulations?

|                               | Clear Vision | Criterion Complied With<br>Yes No |  |
|-------------------------------|--------------|-----------------------------------|--|
| Montana Avenue Sign Committee |              |                                   |  |
| Applicant                     |              |                                   |  |

(Ord. No. 99-5098, § 1, 8-9-99)

SEC. 27-740. POINT CHART FOR BUILDING SIGNS-ABSOLUTE CRITERIA.

| ABSOLUTE CRITERION                | Is the Criterion Applicable? | Is the Criterion Complied With |  |
|-----------------------------------|------------------------------|--------------------------------|--|
|                                   | Yes No                       | Yes No                         |  |
| Sign type                         |                              |                                |  |
| Sign size (area)                  |                              |                                |  |
| Number of signs                   |                              |                                |  |
| Distance between signs            |                              |                                |  |
| Clearance between sign and ground |                              |                                |  |
| Clear vision                      |                              |                                |  |

(a) Sign type: Does the sign comply with the permitted building signs?

The following are the types of signs that may be attached to a building:

Wall signs

Awning signs

Canopy signs

Under-canopy signs

Roof signs

Projecting signs

Window signs (signs placed on the exterior or interior of the window)

Marquee signs (may be used only on theaters)

|                               | Sign Type | Criterion Complied With<br>Yes No |  |
|-------------------------------|-----------|-----------------------------------|--|
| Montana Avenue Sign Committee |           |                                   |  |
| Applicant                     |           |                                   |  |

(b) Sign size (area): What is the total area in square feet of all building signs?

Building signs: The total square footage of all signs placed on the building shall not exceed one and one-half (1 1/2) square feet in sign area for each lineal foot of building frontage for buildings on corner lots, not to exceed a total of two hundred (200) square feet. (i.e. A building that is twenty-five (25) feet wide may have a total of thirty-seven and one-half (37.5) square feet of signage.)

For buildings on interior lots the total square footage of all signs placed on the building shall not exceed three (3) square feet in sign area for each lineal foot of building frontage, not to exceed a maximum of seventy-five (75) square feet.

A window sign may not cover more than 25% of the area of a window in which the sign is placed.

The area of an awning sign placed on the slope portion of the awning, the sign may not exceed twenty-five (25) percent of the sloped area of the awning. Awning must be made of fabrics that represent the historic material. Awnings made of glossy vinyl coated material are not allowed.

|                               | Sign Area | Criterion Complied With |    |
|-------------------------------|-----------|-------------------------|----|
|                               |           | Yes                     | No |
| Montana Avenue Sign Committee |           |                         |    |
| Applicant                     |           |                         |    |

(c) Number of signs: Does the number of signs comply with the requirements of this section?

Building signs: There may be one (1) sign per street frontage and one (1) sign per public entrance. (Note: Window signs do not count towards the total number of building signs allowed; however, the area of all window signs shall be included in the total square footage of building signs permitted for a development.)

Signage placed upon an awning or canopy will count as one (1) sign for that awning or canopy regardless of the number of sides of the awning or canopy have signage.

Signage placed on the only valance of multiple awnings that is related to a specific business may count as one sign upon the approval of the Montana Avenue sign committee.

|                               | Number of signs | Criterion Complied With |    |
|-------------------------------|-----------------|-------------------------|----|
|                               |                 | Yes                     | No |
| Montana Avenue Sign Committee |                 |                         |    |
| Applicant                     |                 |                         |    |

(d) Distance from the vertical edge of building: How far from the vertical edge of the building is the projecting sign?

Projecting signs shall be at least five (5) feet, measured horizontally, from the vertical edge of the building. This does not apply to building on corner lots.

|                               | Distance From Vertical Edge of Building | Criterion Complied With<br>Yes                      No |  |
|-------------------------------|-----------------------------------------|--------------------------------------------------------|--|
| Montana Avenue Sign Committee |                                         |                                                        |  |
| Applicant                     |                                         |                                                        |  |

(e) Projection from wall: How far from the wall does the sign project from the face of the building?

Wall signs may not extend more than twelve (12) inches from the face of the building.

Projecting signs, awnings, and canopies shall not extend more than two-thirds ( 2/3) the distance of the width of the sidewalk.

|                               | Projection From Wall | Criterion Complied With<br>Yes                      No |  |
|-------------------------------|----------------------|--------------------------------------------------------|--|
| Montana Avenue Sign Committee |                      |                                                        |  |
| Applicant                     |                      |                                                        |  |

(f) Sign Clearance: Does the sign comply with the required clearance for awning and canopy signs from the ground?

Awning and canopies must be at least eight (8) feet above the ground.

The vertical height limit for signage placed upon a canopy is twenty-four (24) inches.

Signage placed on a valance of an awning may not exceed twelve (12) inches in height.

|                               | Sign Clearance | Criterion Complied With<br>Yes                      No |  |
|-------------------------------|----------------|--------------------------------------------------------|--|
| Montana Avenue Sign Committee |                |                                                        |  |
| Applicant                     |                |                                                        |  |

(g) Sign location/placement: Is the sign placed in a permitted location on the building, awning, and/or canopy?

Permitted signs may be transferred from one wall to another wall provided the number of signs remains within the allowed number of signs permitted and within the allowable sign area.

Signage may be placed on the valance of an awning. Signage on the end of an awning may only be located on the valance. Signage may also be placed on the sloped portion of an awning.

Projecting signs must be setback from the edge of the building a least five (5) feet.

Signs shall not cover any architectural features of the building.

|                               | Sign Location/Placement | Criterion Complied With<br>Yes                      No |  |
|-------------------------------|-------------------------|--------------------------------------------------------|--|
| Montana Avenue Sign Committee |                         |                                                        |  |



|           |  |  |  |
|-----------|--|--|--|
| Applicant |  |  |  |
|-----------|--|--|--|

(h) Roof signs: Was a roof sign previously on the building? Is documentation provided?

Roof signs shall be permitted only if the sign is historically correct to the specific building. Documentation must be provided.

|                               | Roof Signs | Criterion Complied With<br>Yes No |  |
|-------------------------------|------------|-----------------------------------|--|
| Montana Avenue Sign Committee |            |                                   |  |
| Applicant                     |            |                                   |  |

(i) Ghost signs: Is the ghost sign, which was created prior to 1935, being stabilized or being restored?

Ghost signs that were created prior to prior to 1935 shall be permitted. These signs will not count toward the allowable square footage or allowable number of signs. Ghost signs are encouraged provided they meet the following conditions:

- (1) Ghost signs shall be permitted to fade, to be stabilized, or restored to the original condition.
- (2) Any ghost sign that is changed, or any post-1935 ghost sign that is restored or changed shall comply with the Montana Avenue sign district regulations.

|                               | Number of Signs | Criterion Complied With<br>Yes No |  |
|-------------------------------|-----------------|-----------------------------------|--|
| Montana Avenue Sign Committee |                 |                                   |  |
| Applicant                     |                 |                                   |  |

#### SEC. 27-741. POINT CHART FOR ALL SIGNS--RELATIVE CRITERION.

A score of seventy (70) percent of all applicable relative criteria is required.

(To be completed by the Montana Avenue sign district review committee)

Each applicable criterion is to be evaluated on a scale of one (1) to ten (10). Each project is required to obtain a score of at least seventy (70) percent of the total maximum points. For example, a sign does not use neon or lighting, the maximum number of points for the remaining criteria is seventy (70). The application would be required to obtain at least forty-nine (49) points for approval.

| RELATIVE CRITERION                       | Is the Criterion Applicable<br>Yes No | Awarded Score<br>0--10 | Points<br>Earned |
|------------------------------------------|---------------------------------------|------------------------|------------------|
| Sign scale                               |                                       |                        |                  |
| Compatibility with building architecture |                                       |                        |                  |
| Color                                    |                                       |                        |                  |
| Sign materials                           |                                       |                        |                  |

|                         |  |  |  |
|-------------------------|--|--|--|
| Sign design/creativity  |  |  |  |
| Historical significance |  |  |  |
| Use of Neon             |  |  |  |
| Lighting                |  |  |  |
| Placement of sign       |  |  |  |
|                         |  |  |  |
| TOTAL                   |  |  |  |

(a) Sign Scale: The scale of the sign (size, bulk, and height) should be appropriate for the building upon which they are placed and the area in which they are located. The size and shape of a sign should be proportionate with the scale of the structure.

|                               |                   |
|-------------------------------|-------------------|
| Sign Scale                    |                   |
| Montana Avenue Sign Committee | Recommended Score |
|                               |                   |
|                               |                   |
|                               |                   |
| Applicant                     | Requested Score   |
|                               |                   |
|                               |                   |
|                               |                   |

*Points*

*Scale of Sign*

- 10 Achieves the highest possible compatibility in sign size, bulk, and height with respect to building characteristics and architectural features. Maximum effort was made to be harmonious with adjacent, existing signs and structures.
- 5 Makes an effort to be compatible or harmonious in sign size, bulk, and height with the building characteristics and architectural features, as well adjacent signs and structures.

*Points*

*Sign Color*

- 10 Achieves the highest possible use of color with respect to the building characteristics and architectural features. Maximum effort was made to be harmonious with adjacent, existing signs and structures.
- 5 Makes an effort to be compatible or harmonious in the use of color with respect to the building characteristics and architectural features, as well adjacent signs and structures.
- 0 No effort is made for the compatibility of sign size, bulk, or height.

(d) Sign materials: The material used in the manufacturing of the sign should either be materials traditional to the time period of the structure, such as wood, stone, metal, neon, or a modern material that effectively simulates the original materials.

|                               |                   |
|-------------------------------|-------------------|
| Sign Materials                |                   |
| Montana Avenue Sign Committee | Recommended Score |

|           |                 |
|-----------|-----------------|
|           |                 |
|           |                 |
|           |                 |
| Applicant | Requested Score |
|           |                 |
|           |                 |
|           |                 |

*Points*

*Sign Materials*

- 10 Achieves use of materials that is most appropriate in terms of compatibility with the historic character of sign and the building. Maximum effort was made to use historic materials or modern materials that effectively simulate historic materials.
- 5 Makes an effort to use historic materials or modern materials that effectively simulate historic materials.
- 0 No effort is made to use historic materials or modern materials that effectively simulate historic materials.

(e) Sign design/creativity: Creativity and innovation in design is encouraged. The design, however, should be compatible with the character of the Montana Avenue sign district. The use of symbols and logos is encouraged when used in place of words to identify the use, such as an ice cream cone for an ice cream shop or the logo of a business in lieu of the name on an awning. The sign design should reflect the historic character of the district.

|                               |                   |
|-------------------------------|-------------------|
| Sign Design/Creativity        |                   |
| Montana Avenue Sign Committee | Recommended Score |
|                               |                   |
|                               |                   |
|                               |                   |
| Applicant                     | Requested Score   |
|                               |                   |
|                               |                   |
|                               |                   |

*Points*

*Sign Design/Creativity*

- 10 Achieves a design that is either historic in nature or compatible with the character of the business, district and the building. Maximum effort was made to create an innovative and compatible design.
- 5 Makes an effort to create an innovative and compatible design.
- 0 No effort to be innovative or creative in sign design.

(f) Historical significance: The design and context of the sign is historically significant to the structure. This would include the use of signs, verified by documentation, that either are existing historic signs (i.e. The Rex) or signs that recreate the original building signs with minor modifications, such as a change in the business name or text.

|                               |                   |
|-------------------------------|-------------------|
| Historical Significance       |                   |
| Montana Avenue Sign Committee | Recommended Score |
|                               |                   |
|                               |                   |
|                               |                   |
| Applicant                     | Requested Score   |
|                               |                   |
|                               |                   |
|                               |                   |

| <i>Points</i> | <i>Historic Significance</i>                                                                                                      |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------|
| 10            | Achieves a design with historical significance through the use of an existing historic sign or a reproduction of a historic sign. |
| 5             | Makes an effort to use historic signage or elements of a historic sign in the creation of a new sign.                             |
| 0             | No effort is made for the use of historically significant signage.                                                                |

(g) Use of neon: The use of neon is encouraged when done in a manner that is historic in nature, compatible, or complementary to the character of the district and adjacent signage. The use of neon should be incorporated into the design of the sign.

|                               |                   |
|-------------------------------|-------------------|
| Use of Neon                   |                   |
| Montana Avenue Sign Committee | Recommended Score |
|                               |                   |
|                               |                   |
|                               |                   |
| Applicant                     | Requested Score   |
|                               |                   |
|                               |                   |
|                               |                   |

*Points*

*Neon*

- 10 Achieves a use of neon that is historic in nature, compatible, or complementary to the character of the district and adjacent signage. Maximum effort was made to use neon in a manner appropriate to the character of the district, building, and adjacent signage.
- 5 Makes an effort to use neon in a historical, compatible, or complementary manner.
- 0 No effort is made to use neon in a matter that is historic, compatible, or complementary to the character of the district or the structure.

(h) Use of lighting: The use of lighting should be sensitive to the character of the district. Direct lighting through the use of fixtures such as goose neck lamps is encouraged. Back lighted solid letters or stained glass is encouraged. The use of back lighted, molded plastic faces is discouraged. Installation must comply with the applicable electrical codes. All raceways, exposed conduits and supports will be painted to match or compliment the building.

- (1) Neon tubing used in graphics and outlining of signs 60-milliamp maximum.
- (2) Incandescent lamps. Exposed up to 20-watt, used in graphics and outlining of signs, awnings and structures. Exterior lighting used to light signs or other objects that shall not exceed one hundred fifty (150) watts and should be concealed in a reflector or fixture that relates to the historical area theme or the building architecture.
- (3) Fluorescent. Up to eight hundred (800) MA may be used behind glass or to interior illumination acrylic letter faces on opaque backgrounds.
- (4) Downlighting. Shielded reflector or recessed incandescent, mercury vapor or metal halide up to one hundred fifty (150) watts.
- (5) Building lighting. The fixtures used will be disguised in an enclosure that will represent some architectural detail from the building. The fixtures shall not project more than 3' from the building surface.

- (6) Flashing action (animation). Neon and incandescent lamps may flash in the following ways.
- a. Alternating. One section comes on as another goes off.
  - b. Scintillating. Random sections go on and off with part of the lighting on at all times.
  - c. Chasing. One section comes on at a time and is followed by one section going off at a time. Part of the sign is on at all times.
  - d. Sweeping (filling). The lighting sections individually go on until all of the sections are on, then the entire group goes off and then the process is repeated.
  - e. On-off action--not allowed. Lighting that goes all on and then all off.

|                               |                   |
|-------------------------------|-------------------|
| Use of Lighting               |                   |
| Montana Avenue Sign Committee | Recommended Score |
|                               |                   |
|                               |                   |
|                               |                   |
| Applicant                     | Requested Score   |
|                               |                   |
|                               |                   |
|                               |                   |

| <i>Points</i> | <i>Lighting</i>                                                                                                                                                                                                                                         |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10            | Achieves a use of lighting that enhances the signage and the building's architecture. Maximum effort was made to use lighting in a manner that emphasizes the continuity of the structure's surface and creates a more intimate ambiance on the street. |
| 5             | Makes an effort to use lighting in a manner that compliments and enhances not only the sign but also the structure and the district.                                                                                                                    |
| 0             | No effort is made to use lighting as tool to enhance the sign or the structure.                                                                                                                                                                         |

(i) Use of sign placement: Appropriate sign placement enhances the structure and district. Signs should not be placed over significant architectural building features. Sign placement can be used to decrease sign clutter, create visibility for the business and direct pedestrian and automobile traffic effectively.

|                               |                   |
|-------------------------------|-------------------|
| Use of Sign Placement         |                   |
| Montana Avenue Sign Committee | Recommended Score |
|                               |                   |
|                               |                   |
|                               |                   |
| Applicant                     | Requested Score   |
|                               |                   |
|                               |                   |
|                               |                   |

*Points*

*Sign Placement*

- 10 Achieves placement of signage that enhances the building's features and compliments adjacent signage. Maximum effort was made to place the new sign in a manner that displays the message effectively; and
- 5 Makes an effort to use historic materials or modern materials that effectively simulate historic materials.
- 0 No effort is made to use historic materials or modern materials that effectively simulate historic materials.

(Ord. No. 99-5098, § 1, 8-9-99)

SEC. 27-742. NONCONFORMING SIGN.

Any sign located within this district prior to the formation of the Montana Avenue sign district that does not conform with the provisions of this district is eligible for characterization as a "nonconforming" sign and is permitted, provided it also meets the following requirements:

- (1) The sign was covered by a sign permit or variance prior to formation of this district, if one was required under applicable law; or
- (2) If no sign permit was required under applicable law for the sign in question, the sign was in all respects in compliance with the applicable laws in force at the time of the sign's installation.

Any sign, which is altered in any way, except for normal maintenance, shall be required to comply with these regulations.

(Ord. No. 99-5098, § 1, 8-9-99)

SEC. 27-743. SIGNS PROHIBITED.

[The following signs are prohibited.]

- (1) New billboards, off-premise/third party signs.
- (2) Portable signs.
- (3) Electronic message centers.
- (4) Changeable copy signs, except for the use on a theater marquee.
- (5) Rotating signs.
- (6) Intermittent or flashing lights.
- (7) Above peak roof signs unless a roof sign had previously been on the building.
- (8) Streamers and pennants.

(Ord. No. 99-5098, § 1, 8-9-99)

SEC. 27-744. TEMPORARY SIGNS.

- (a) *Banner signs (public right-of-way).*
  - (1) Banners may be placed upon light standards to announce district wide events or exhibits at the Western Heritage Center.
  - (2) Banners may not exceed twenty (20) square feet in area.
  - (3) Fifteen (15) percent of the sign area may advertise the event sponsor.
  - (4) Banners may not be stretched across the public rights-of-way.
- (b) *Banners (private property).*
  - (1) Each business shall be permitted to display one (1) banner not to exceed thirty-two (32) square feet in area for one (1) five-day period per calendar year.
  - (2) The banner may only advertise a product or service sold on the premises.
- (c) *Sandwich board (A-frame) signs.*
  - (1) One sandwich board sign shall be permitted per public entrance.
  - (2) All requirements of Section 22-407.1 and 22-407.2 of the Billings Municipal City Code (BMCC) must be met.
  - (3) Sandwich boards must be securely anchored to the ground.
  - (4) Sandwich boards may only be displayed during regular business hours.

(Ord. No. 99-5098, § 1, 8-9-99) - (Ord. No. 4323, § 1(1.2), 11-24-80) (Ord. No. 4323, § 1(2), 11-24-80; Ord. No. 83-4537, § 1(8.2), 8-8-83; Ord. No. 89-4781, § 2, 2-27-89; Ord. No. 89-4801, § 1, 9-25-89; Ord. No. 90-4831, §§ 1, 2, 6-4-90; Ord. No. 91-4865, § 1, 3-11-91; Ord. No. 99-5107, § 1, 11-22-99) Cross references: Definitions and rules of construction generally, §§ 1-102, 27-103. (Ord. No. 4323, § 1(1.1), 11-24-80; Ord. No. 89-4781, § 1, 2-27-89)



## **SEC. 27-1001. INTENT.**

The intent of the **Interchange/Entryway Zoning Districts** is to promote attractive, high quality development, to provide an appealing image of the City of Billings, to the traveling public and also the community. Further, it is the intent of this district to maintain a sensitivity toward existing development while preserving scenic vistas and protecting environmentally sensitive areas, including the Yellowstone River Corridor.

### **OBJECTIVES**

- (a) Promote a unique, attractive physical landscape through topographic variations, water areas, native vegetation and scenic vistas;
- (b) Create and preserve open space;
- (c) Preserve and enhance unique qualities of the total environment;
- (d) Encourage creativity in design;
- (e) Provide for harmonious land design and quality site planning, which will produce a more desirable and attractive environment;
- (f) Reduce the level of adverse impacts from the transportation system on adjoining lands;
- (g) Promote development patterns in harmony with the goals and objectives of the 1990 Yellowstone County Comprehensive Plan; and
- (h) Promote compatible land use transitions with a sensitivity toward existing residential uses.

## **SEC. 27-1009. SIGNS.**

(a) *Intent.* This section shall not regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government or fraternal organization; gravestones; barber poles; religious symbols; or any display or construction not defined herein as a sign.

(b) *Definitions.* Words and phrases used in this section are defined in this section. Principles for computing sign area are outlined in subsection E of this section.

- (1) *Animated Sign:* Any sign that uses movement or change or lighting to depict action or create a special effect or scene.
- (2) *Area of Sign:* The entire area of a sign including the area within a perimeter which forms the outside shape including the frame, forming an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. The frame of a sign may be excluded from the area where such frame conveys no message and is constructed or affixed for aesthetic reasons beyond the necessary supports.

For computing the areas of any wall or canopy sign which consists of letters mounted or painted on a wall or canopy, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters. (See below subsection E for calculation of sign area.)

- (3) *Banner Sign:* Any sign (other than an official flag) made of cloth, paper or fabric of any kind, which is used to attract attention, whether or not imprinted with words or characters.
- (4) *Beacon:* Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source; also, any light with one (1) or more beams that rotate or move.
- (5) *Building Marker:* Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.
- (6) *Canopy Sign:* Any sign that is a part of or attached to any awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area, and which does not extend horizontally beyond the limits of the canopy.
- (7) *Changeable Copy Sign:* A sign whose informational content can be changed or altered by manual or electric, electro-mechanical or electronic means. Changeable signs include the following types:
  - 1. Manually Activated: Signs whose alphabetic, pictographic or symbolic information content can be changed or altered by manual means.
  - 2. Electrically Activated: Signs whose alphabetic, pictographic or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Electrically activated signs include the following two (2) types:
    - a. Fixed Message Electronic Signs: Signs whose basic informational content has been pre-programmed to include only certain types of information projections, such as time, temperature, predictable traffic conditions or other events subject to prior programming.
    - b. Computer Controlled Variable Message Electronic Signs: Signs whose informational content can be changed or altered by means of computer-driven electronic impulses.
- (8) *Copy:* The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic or alphabetic form.
- (9) *Directional/Informational Sign:* An on-premise sign giving directions, instructions or facility information and which may contain the name or logo of an establishment but no

advertising copy, e.g., parking or exit and entrance signs. The sign may contain a logo provided that the logo may not comprise more than twenty (20) percent of the total sign area.

- (10) *Director:* The Planning Director of the County or his/her designee.
- (11) *Flag:* Any fabric, banner or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision or other entity.
- (12) *Freestanding Sign:* Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure, including monument signs.
- (13) *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.
- (14) *Height of Sign:* The vertical distance measured from the highest point of the sign to the crown of the adjacent street, not including the interstate highway.
- (15) *Lot:* Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, which is recognized and intended as a unit for the purpose of transfer or ownership.
- (16) *Maintenance:* For the purposes of this chapter, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the structure of the sign.
- (17) *Monument Sign:* A sign mounted directly to the ground with maximum height not to exceed six (6) feet.
- (18) *Nonconforming Sign:* A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.
- (19) *Portable Sign:* Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
- (20) *Principal Building:* A structure accommodating the principal use to which the property is devoted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages and other clearly accessory uses shall not be considered principal buildings.

- (21) *Projecting Sign:* A sign, other than a flat wall sign, which is attached to and projects from a building, wall or other structure not specifically designed to support the sign. Supports shall be covered in a neat and orderly fashion. Guy wire support is prohibited.
- (22) *Roof Sign, Above-peak:* Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
- (23) *Roof Sign, Integral:* Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.
- (24) *Setback:* The distance from the property line to the nearest part of the applicable building, structure or sign, measured perpendicularly to the property line.
- (25) *Sign:* Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.
- (26) *Street:* A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated which has been dedicated to or acquired for public use and which extends the full width between right-of-way lines.
- (27) *Street Frontage:* The length of the property line of any one (1) premises along each public right-of-way it borders excluding alleys, serviceways and the interstate highway.
- (28) *Suspended Sign:* A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
- (29) *Temporary Sign:* A non-permanent sign erected and maintained for a specific limited period of time.
- (30) *Wall Sign:* Any sign attached parallel to, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface. Wall signs shall not exceed twenty-two (22) inches in depth measured from the face on the wall on which the sign is mounted.
- (31) *Wind-Driven Sign:* Any sign consisting of one (1) or a series of two (2) or more banners, flags, pennants, ribbons, spinners, streamers or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

(32) *Window Sign:* Any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

(c) *Signs Prohibited.* All signs not expressly permitted under this section or exempt from regulation hereunder in accordance with the following section are prohibited. Such signs include, but are not limited to:

- (1) Beacons;
- (2) Wind-driven sign, except flags as defined in this section;
- (3) Strings of lights not permanently mounted to a rigid background, except those exempt under the following section;
- (4) Inflatable signs and tethered balloons;
- (5) Portable signs;
- (6) Animated signs;
- (7) Above-peak roof signs;
- (8) Banner signs;
- (9) Abandoned signs;
- (10) Snipe signs or signs attached to trees, telephone poles, public benches, streetlights or placed on any public property or public right-of-way; and
- (11) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said signs (this does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business).

(d) *Signs Not Requiring Permits.* The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this section:

- (1) Construction signs of sixteen (16) square feet or less;
- (2) Special event or holiday lights or decorations;
- (3) Nameplates of two (2) square feet or less;
- (4) Public signs or notices, or any sign relating to an emergency;
- (5) Real estate signs; (see below subsection I, 2)
- (6) Political signs; (see below subsection I, 4)
- (7) Interior signs not visible from the exterior of the building; and
- (8) Directional signs not to exceed twelve (12) square feet in area or six (6) feet in height.

(e) *Calculation of Sign Area.* The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure, the sign area shall be computed by the measurement of one of the faces.

(f) *Maintenance.* All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced.

(g) *Lighting.* Unless otherwise prohibited by this section, all signs may be illuminated.

(h) *Changeable Copy.* Unless otherwise specified by this section, any sign herein allowed may use manual, or fixed message electronic sign.

Computer controlled variable message electronic signs shall be permitted provided that the bottom of the reader board is ten (10) feet above the crown of the adjacent road. Computer controlled variable message electronic signs shall not be permitted in the Entryway Light Commercial (ELC) and the Entryway Mixed Use (EMU) zones.

(i) *Signs Permitted in Residential Districts:*

- (1) One (1) non-illuminated sign for each street frontage of a construction project, not to exceed forty-eight (48) square feet in sign area. Such signs may be erected thirty (30) days prior to beginning of construction and shall be removed thirty (30) days following completion of construction.
- (2) One (1) non-illuminated real estate sign per lot or premises not to exceed sixteen (16) square feet in sign area for residential properties and thirty-two (32) square feet for commercial properties. Such signs must be removed fifteen (15) days following sale, rental or lease of the real estate involved.
- (3) One (1) non-illuminated attached building nameplate per occupancy, not to exceed two (2) square feet in sign area.
- (4) One (1) non-illuminated political sign not to exceed sixteen (16) square feet in sign area. Such signs shall not be erected more than forty-five (45) days prior to the election or referendum concerned and shall be removed ten (10) days following such election or referendum. Political signs may be placed only on private property and only with the permission of the property owner.
- (5) One (1) subdivision sign per street frontage not to exceed forty-eight (48) square feet in sign area in each location.
- (6) One (1) identification sign per entrance to apartment or condominium complex, not to exceed thirty-six (36) square feet in sign area.

(j) *Signs Permitted in Commercial Districts:*

- (1) All signs permitted in residential districts as listed in above subsection I.
- (2) The total square footage of all signs located on the property, including, but not limited to freestanding, wall, projecting, integrated roof, canopy, under-canopy and directional signs, shall not exceed three (3) square feet in sign area for each lineal foot of property frontage. This frontage shall be calculated using local streets, not the interstate highway.
- (3) One (1) freestanding sign within the Interchange/Entryway Zoning District may be installed to a height of forty (40) feet and may be a maximum of three hundred-fifty (350) square feet if the principal purpose of such signs is to address interstate traffic. The sign must be oriented perpendicularly to the interstate so the sign is visible to the interstate traveler. In addition, the property must be adjacent to the Interstate right-of-way.
- (4) Freestanding signs which do not address interstate traffic may be installed to a maximum height of twenty-four (24) feet and may have a maximum size of one hundred-fifty (150) square feet.
- (5) The setback for the leading edge of freestanding signs shall be a minimum of ten (10) feet.
- (6) No sign may be placed or designed so as to simulate or interfere with traffic control devices or official highway directional/informational signs.
- (7) One (1) freestanding sign per frontage, including the interstate highway, shall be allowed. Where a street frontage exceeds five hundred (500) feet, one (1) additional freestanding sign may be allowed per five hundred (500) foot increment. Freestanding signs shall have a minimum distance of one hundred-fifty (150) feet between signs. The total square footage of all freestanding signs shall not exceed the total allowable square footage for freestanding signs.
- (8) Wall signs shall not exceed twenty (20) percent of the square footage of the wall area upon which they are installed. Electric awning and canopy signs shall not exceed twenty (20) percent of the square footage of the wall area upon which they are installed. The combination of wall signs, electric awning, canopy signs and projecting signs shall not exceed twenty (20) percent of the allowed wall sign area.
- (9) Integrated roof signs may be used instead of wall signs. The integrated roof sign size shall not exceed the allowable size for a wall sign. Integrated roof signs shall be constructed so as to conceal all structures and fastenings. The height of the sign shall not exceed the roof to which it is attached.

- (10) Projecting signs may be used instead of any wall or freestanding signs provided they do not project beyond the property line and maintain a clearance of ten (10) feet over sidewalk and fourteen (14) feet over any parking lot, driveway or crown of the street, whichever is higher. Projecting sign size shall not exceed the allowable size for a wall sign.
- (11) One (1) under-canopy sign for each separate occupancy or separate entrance not to exceed eight (8) square feet in sign area. Under-canopy signs must have a minimum clearance of nine (9) feet from the sidewalk.
- (12) Window signs shall not cover more than thirty (30) percent of the window area.
- (13) On-site directional signs as required.

(k) *Shopping Center Signs:*

- (1) Shopping centers shall be allowed one (1) freestanding sign directory sign per frontage. The sign shall not exceed one hundred-fifty (150) square feet plus five (5) percent of the one hundred-fifty (150) square feet per tenant. Maximum sign size shall not exceed three hundred-fifty (350) square feet.
- (2) Shopping centers signs shall not exceed the maximum allowable freestanding signage.
- (3) Shopping center signs cannot be used if the Common Signage Plan is used.

(l) *Common Signage Plan:*

- (1) Common Signage Plan. If the owners of two (2) or more contiguous or adjacent (disregarding intervening streets and alleys) lots or the owner of a single lot with more than one building (excluding accessory buildings) or multiple use buildings file with the Planning Director for such lot(s) a Common Signage Plan conforming with the provisions of this section, a twenty-five (25) percent increase in the maximum total sign area shall be allowed for each included lot. This bonus shall be allocated within each lot as the owner(s) elects.
- (2) Provisions of Common Signage Plan. The Common Signage Plan shall contain all of the following information:
  - a. An accurate plot plan of the lot, at such scale as the Planning Director may reasonably require;



- b. Location of buildings, parking lots, driveways, clear vision triangles and landscaped areas on such lot;
- c. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) included in the plan under this chapter; and
- d. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not.
- e. Window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window signs (e.g., paper affixed to window, painted, etched on glass, or some other material hung inside the window) and need not specify the exact dimension or nature of every window sign.

The Common Signage Plan shall also specify standards of consistency among all signs on the lots affected by the Plan with regard to:

- a. Color scheme;
  - b. Letter or graphic style;
  - c. Lighting;
  - d. Location of each sign on the building(s);
  - e. Material; and
  - f. Sign proportions.
- (3) *Limit on Number of Freestanding Signs Under Common Signage Plan.* The Common Signage Plan, for all lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one (1) for each street on which the lots included in the plan have frontage and shall provide for shared or common usage of such signs. Where street frontage exceeds five hundred (500) feet, one additional freestanding sign may be allowed per five hundred (500) foot increment.
- (4) *Other Provisions of the Common Signage Plan.* The Common Signage Plan may contain other restrictions as the owners of the lots may reasonably determine.
- (5) *Consent.* Common Signage Plan shall be signed by all owners or their authorized agents in such form as the Planning Director shall require.

- (6) *Procedures.* Common Signage Plan shall be included in any development plan, site plan, planned development or other official plan required by the City or County for the proposed development and shall be processed simultaneously with such other plan.
  - (7) *Amendment.* Common Signage Plan may be amended by filing a new Common Signage Plan that conforms with all requirements of the chapter then in effect.
  - (8) *Existing Signs Not Conforming to Common Signage Plan.* If any new or amended Common Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within five (5) years, all signs not conforming to the proposed amended plan or to the requirements of this section effective on the date of submission.
  - (9) *Binding Effect.* After approval of a Common Signage Plan, no sign shall be erected, placed, painted or maintained, except in conformance with such plan, and such may be enforced in the same way as any provision of this chapter. In case of any conflict between the provisions of this section and Common Signage Plan, the section shall control.
  - (10) *Dissolution of Common Signage Plan.* If the signatories of a Common Signage Plan wish to dissolve the Common Signage Plan, written notice must be submitted to the Planning Director. All signs on the property for which the Common Signage Plan was dissolved must bring all signs into conformance with this section within thirty (30) days of the date written notice was submitted to the Planning Director.
- (m) *Nonconforming Signs.* Existing signs which do not conform to the specific provisions of this section may be eligible for the designation "legal nonconforming" provided that:
- (1) The Planning Director determines such signs are properly maintained and do not in any way endanger the public;
  - (2) The sign was installed in conformance with a valid permit or variance or complied with all applicable laws on the date of adoption of this section; and
  - (3) The sign owner registers the sign with the Planning Director within six (6) months of the adoption of this section. If the owner fails to register the nonconforming sign with the Planning Director, the sign then must be brought into compliance with this section within thirty (30) days.

A legal nonconforming sign may lose this designation if:

- 1. The sign is relocated or replaced; or

2. The structure or size of this sign is altered in any way except toward compliance with this section. This does not refer to change of copy or normal maintenance.

The legal nonconforming sign is subject to all requirements of this section regarding, safety, maintenance, and repair. However, if the sign suffers more than fifty (50) percent damage or deterioration, as based on appraisal, it must be brought into conformance with this section or removed.

(n) *Construction Specifications:*

1. All signs shall be installed in compliance with the Uniform Building Code (UBC) and the National Electric Code (NEC).
2. All signs shall be inspected by the City of Billings Building Division for compliance with all applicable codes. (Including, but not limited to structure, wind load, and electrical hook-up.)
3. All electrical freestanding signs must have underground electrical service to such signs.

**SEC. 27-1401. PURPOSE.**

The purpose of the **Shiloh Corridor Overlay District** is to provide standards for industrial, commercial, and mixed-use development as called for in the West Billings Plan. This overlay zoning district is intended to promote an aesthetically pleasing and distinct entryway corridor by encouraging abundant landscaping, attractive building design, and preservation of scenic vistas. Single family and duplex residential development are exempt from the requirements of this overlay zoning district. The overlay zoning does not alter the category of permitted uses in the underlying zoning.

**SEC. 27-1402. DISTRICT BOUNDARIES.**

The boundaries of the Shiloh Corridor Overlay District shall be that displayed on the map at the end of section 27-1403. In no case shall the boundaries of the district exceed a depth of five hundred (500) feet from the centerline of the right-of-way of Shiloh Road from King Avenue north to Rimrock Road. If only a portion of the property falls within the boundaries of the district, the entire property will be subject to the regulations in sections 27-1427 through 1453.

**SEC. 27-1410. SIGNAGE STANDARDS--PURPOSE, INTENT, AND SCOPE.**

The purpose and intent of this section is to promote commerce, traffic safety, and community identity while improving the visual environment of residential, commercial, and industrial areas.

This section of the Code shall not regulate traffic and directional signs installed by a governmental entity or in a private parking lots; signs not readable from nor intended to be viewed from a public right-of-way; merchandise displays; point-of-purchase advertising displays, such as product dispensers; national flags; flags of a political subdivision; symbolic flags of an institution; legal notices required by law; barber poles; historic site monuments/plaques; gravestones; structures intended for a separate use, such as phone booths, donation and recycling containers; lettering or symbols applied directly onto or flush-mounted magnetically to a motor vehicle operating in the normal course of business.

(1) *Permits required.* Any on-premise sign shall hereafter be erected, re-erected, constructed, painted, posted, applied or structurally altered in accordance with this chapter and pursuant to a sign permit issued by the planning and community services department. A sign permit shall be required for each group of signs on a single supporting structure installed simultaneously. Thereafter, each additional sign erected on the structure must have a separate sign permit. The owner of a sign shall produce a permit upon request. Within fifteen (15) working days following the submittal of a complete sign permit application, the zoning coordinator or his/her designee shall approve or deny the application, unless the applicant consents in writing to an extension of the review period. In the event that review exceeds fifteen (15) days, the applicant may seek immediate approval from the planning director. If an application is determined to be incomplete, the applicant shall be notified within five (5) days of the submittal. Should the application be denied, the applicant shall be notified in writing specifying all areas of noncompliance with this section.

(2) *Permit applications.* All permit applications for signs shall include a site plan that provides the following information:

- a. The location of the affected lot, building and sign;
- b. The scale of the site plan;
- c. A drawing of the proposed sign or sign revision, including size, height, copy, structural footing details, method of attachment and illumination;
- d. All existing signs on the site including their size and height; and
- e. The legal description of the parcel.

#### **SEC. 27-1411. DEFINITIONS.**

The definitions used in this chapter may be found below and in section 27-703 of the city sign regulations.

*Bulletin board* means a sign which identifies an institution or organization on the premises on which it is located and which contains the name of the institution or organization, the names or individuals connected with it, or general announcements of events or activities or similar messages.

*Electronically changeable message sign* means a computer programmable, microprocessor controlled electric display utilizing a means of illumination (light bulb, LED, fiber optics, etc) upon which alphanumeric characters, graphics, electronic animations, symbols and words can be displayed. Message and symbols that have the capability of alternating, traveling and animating along with any other of a variety of change, appear and disappear methods are allowed. This definition does not include video boards.

*Flashing sign* means an electrical sign or portion thereof which changes light intensity in a brief, brilliant, or sudden and transient outburst of light causing a steady on and off, glittering, sparkling, or scintillating pattern.

*Individual business* means one business on one parcel provided that the parcel is not part of a multiple business complex; and also provided the parcel is not part of a group of multiple contiguous parcels under the same ownership.

*Monument sign* means a sign and supporting structure constructed as a solid structure or one that gives the appearance of a continuous, non-hollow, unbroken mass.

*Multiple businesses* include businesses that may be located in a single building or in multiple buildings on a single site.

*Support structure(s)* means posts or columns and their anchors and bolts that structurally support the sign attached to it.

*Three-sided sign* means a sign with three (3) faces.

*Two-sided sign* means a sign with two (2) faces.

(Ord. No. 04-5310, § 1, 12-13-04)

**SEC. 27-1412. EXEMPT SIGNS.**

The following shall not require a sign permit, provided that these exemptions shall not be construed as relieving the owner from the responsibility to comply with the provisions of this Code or any other law or ordinance, including the Uniform Building Code.

- (1) The changing of the advertising copy or message on a lawfully erected sign that is currently in compliance with this section, reader board or similar sign specifically designed for replaceable copy.
- (2) Painting, repainting or normal maintenance, unless a structural or electrical change is made.
- (3) Temporary banners and temporary signs as permitted herein.
- (4) Real estate sign as permitted herein.
- (5) Incidental signs.
- (6) Political signs.
- (7) Bench signs on city or county rights-of-way, provided approval has been granted for the location by the appropriate city or county agency.

(Ord. No. 04-5310, § 1, 12-13-04)

**SEC. 27-1413. PROHIBITED SIGNS.**

The following signs are prohibited in all zones unless otherwise specifically permitted.

- (1) Sign which by coloring, shape, wording or location resemble or conflict with traffic control signs or devices.
- (2) Signs that create a safety hazard for pedestrian or vehicular traffic.
- (3) Flashing signs.
- (4) Portable signs.
- (5) Portable reader boards.
- (6) Portable electric signs.
- (7) Banner signs.
- (8) Signs attached to or placed on a vehicle or trailer parked on public or private property, provided that this provision shall not be construed as prohibiting the identification of a firm or its product on a vehicle operating during the normal course of business. Franchised buses and taxis are exempt from these provisions.
- (9) Roof signs.
- (10) Video boards.
- (11) Billboards.

(12) Painted signs on buildings, including those attached on or to the surface of windows.

(Ord. No. 04-5310, § 1, 12-13-04)

**SEC. 27-1414. SIGNS PERMITTED IN ALL ZONES IN CONNECTION WITH SPECIFIC USES.**

The following signs may be permitted in any zone, subject to the limitations as provided herein.

- (1) *Bulletin boards.* In addition to the permanent signs allowed in 27-1415 below, bulletin boards may be permitted on property used for public or private assembly subject to the following:
  - a. Such sign shall contain not more than thirty-two (32) square feet in area on a face and may be double-faced.
  - b. No part of the sign shall exceed a height of six (6) feet above the ground.
  - c. The sign, if illuminated, shall use external low-intensity lighting.
- (2) *Temporary residential subdivision or area name signs.* A temporary real estate sign advertising the prospective sale or lease of a group of lots or dwellings within a tract, condominium, or apartment complex shall be permitted, subject to the following conditions:
  - a. The freestanding sign shall be located on the premises being sold or leased.
  - b. The sign shall not exceed forty (40) square feet in area on a face and may be double-faced.
  - c. The sign shall remain only as long as property remains unsold or unleased for the first time with the tract, but not to exceed one (1) year. The planning division may extend the one-year time period upon written request by the owners/developers of the project.
  - d. The sign shall be non-illuminated.
  - e. The top of the sign shall be no higher than ten (10) feet above grade of the lot or parcel on which the sign is located.
- (3) *Permanent residential subdivision or area name signs.* Decorative subdivision or area name signs of a permanent character at the street entrance or entrances to the subdivision or area that identifies the name of the subdivision or area only are permitted, subject to the following conditions:
  - a. The sign shall consist of decorative building material with illuminated, indirectly lighted or non-illuminated name plates or letters, and be located in a maintained landscaped area; and
  - b. The wall and or sign shall not exceed six (6) feet above grade of the lot or parcel.
- (4) *Contractor, architect, surveyor, or engineer signs.* One on-premises sign identifying the project, developers, building contractor and/or subcontractors,

architect, surveyor and engineer engaged in the construction is permitted on a property during the period of construction, provided that:

- a. The sign is located on the parcel on which the construction is located.
- b. The sign shall not exceed forty (40) square feet in area; and
- c. The top of the sign shall not exceed ten (10) feet above grade of the lot or parcel on which the sign is located. The sign shall be removed prior to final building inspections. However, no such sign shall be maintained for a period in excess of twelve (12) months without approval from the planning department. The planning department may extend the one (1) year time period upon written request of the owners/developers of the project.

(5) *Real estate sign.*

- a. *Residential use or property.* One (1) temporary on-premise sign per frontage road, advertising the sale, lease or rental of the building, property or premises, is permitted on the property. Such sign shall be unlighted, no more than five (5) square feet and no higher than five (5) feet above grade. A thirty-two (32) square foot sign is allowed on agricultural property of twenty (20) acres or more, with or without a dwelling on site.
- b. *Commercial and industrial use or property.* One (1) temporary on-premise sign advertising the sale, lease or rental of the building, property or premises is permitted on the property. Such sign shall be unlighted, no more than thirty-two (32) square feet and no higher than ten (10) feet above grade.
- c. *Open house and directional sign.* For (a) and (b), an open house or directional sign shall be allowed on each street access street to the property. Signs shall not be placed in such a manner as to interfere with vehicular or pedestrian traffic, shall be used when the property is actually open for immediate inspections, shall be unlighted, and shall be no more than five (5) square feet and no higher than three (3) feet above grade.

- (6) *Electronically changeable message sign.* Electronically changeable message signs shall be permitted in community commercial, highway commercial, controlled industrial, heavy industrial, entryway general commercial, and entryway light industrial zones in accordance with the standards of sections 27-1417 through 27-1423 and their definitions.

**SEC. 27-1415. SIGN STANDARDS IN RESIDENTIAL (R-96, R-80, R-70R, R-70, R-60R, R-60, R-50, RMF, RMF-R, RMH) ZONES.**

(a) *Permitted signs by zone.* Sign structures are permitted in residential zones in accordance with the following uses and standards:

- (1) A nameplate, which indicates no more than the name and address of the occupant of the premises, is permitted, provided that such sign shall not exceed a maximum area of five (5) square feet and a maximum height of four (4) feet above grade.



(b) *Permitted signs by use.*

- (1) Wall signs. On-premises wall signs are permitted, not to exceed One (1) sign of thirty-two (32) square feet. Wall signs shall be non-illuminated or have low-intensity external lighting, and shall be placed flat against the outside wall of a building.
- (2) Freestanding signs. On-premises freestanding signs are permitted, not to exceed one (1) sign of 32 square feet\* and a maximum height of 15 feet. On-premises freestanding signs shall be non-illuminated or have low-intensity external lighting.

(c) *Multiple arterials.* In the event the use or group of uses is adjacent to more than one arterial, including through and corner lots, they will be allowed a freestanding sign exclusively oriented to the additional arterial. The above allowance shall be calculated independently, using only the additional arterial frontage. However, in no instance shall the square footage allowance from one arterial be transferred to the other.

**SEC. 27-1416. SIGN STANDARDS FOR COMMERCIAL AND INDUSTRIAL (RP, NC, CC, HC, CI, HI, ELG, EGC, EMU, ELI) ZONES.**

(a) *Permitted signs by zone.* Sign structures are permitted in commercial and industrial zones in accordance with the following uses and standards.

- (1) *Wall signs--Individual and multiple businesses.* Wall signs are permitted on each wall of a building provided the wall sign does not exceed twenty (20) percent of the total area of the wall or a maximum of two hundred fifty (250) square feet, whichever provides the smaller area. "False fronts" and mansard roofs shall not be included when calculating the total area of the wall.
- (2) *Freestanding signs (pole or monument design)--Individual businesses.* One on-premises freestanding sign is permitted. Signs shall not exceed the area and height limits as provided in table 3.

| Zoning District | Maximum Area <= 100' Street Frontage | Maximum Area >= 100' Street Frontage | Maximum Sign Height |
|-----------------|--------------------------------------|--------------------------------------|---------------------|
| RP              | 50 square feet                       | 50 square feet                       | 15 feet             |
| NC              | 50 square feet                       | 50 square feet                       | 15 feet             |
| CC              | 80 square feet                       | 140 square feet                      | 20 feet             |
| HC              | 80 square feet                       | 140 square feet                      | 20 feet             |
| CI              | 80 square feet                       | 140 square feet                      | 20 feet             |
| HI              | 50 square feet                       | 50 square feet                       | 15 feet             |
| ELC             | 80 square feet                       | 120 square feet                      | 20 feet             |
| EGU             | 80 square feet                       | 140 square feet                      | 20 feet             |
| EMU             | 50 square feet                       | 50 square feet                       | 15 feet             |

|     |                |                 |         |
|-----|----------------|-----------------|---------|
| ELI | 80 square feet | 140 square feet | 20 feet |
|-----|----------------|-----------------|---------|

Table 3 - Freestanding Signs - Commercial and Industrial Zones

(3) *Freestanding signs (pole or monument design)--Multiple businesses.*

- a. Freestanding on-premises sign(s) for multiple businesses are permitted, not to exceed the number, area and height limits as provided in table 4.
- b. Freestanding signage allowed for an individual business under paragraph (a)(2) of this section shall not be combined with signage allowed for multiple businesses under this paragraph.
- c. The minimum separation between signs shall be five hundred (500) feet, measured from the center of the sign.

| Zoning District | Maximum Number of Signs            | Maximum Area    | Maximum Sign Height |
|-----------------|------------------------------------|-----------------|---------------------|
| RP              | 1                                  | 75 square feet  | 15 feet             |
| NC              | 1                                  | 75 square feet  | 15 feet             |
| CC              | 1 per 500 feet of street frontage* | 175 square feet | 20 feet             |
| HC              | 1 per 500 feet of street frontage* | 175 square feet | 20 feet             |
| CI              | 1 per 500 feet of street frontage* | 175 square feet | 20 feet             |
| HI              | 1 per 500 feet of street frontage* | 75 square feet  | 15 feet             |
| ELC             | 1 per 500 feet of street frontage* | 150 square feet | 15 feet             |
| EGU             | 1 per 500 feet of street frontage* | 175 square feet | 20 feet             |
| EMU             | 1                                  | 75 square feet  | 15 feet             |
| ELI             | 1 per 500 feet of street frontage* | 175 square feet | 20 feet             |

\*One (1) freestanding sign is permitted on parcels with less than five hundred (500) feet of lineal street frontage.

Table 4 - Standards for on-premises signs for multiple businesses

(b) *Incentive to substitute height restricted monument signs for freestanding signs.*

- (1) Monument signs, not to exceed seven (7) feet in height, may substitute for individual and multiple business signs under paragraphs (a)(2) and (3) with maximum sign number(s) and area(s) as provided in tables 5 and 6. There is no minimum separation requirement between signs.

| Zoning District | Maximum Number of Signs | Maximum Area/Each Sign |
|-----------------|-------------------------|------------------------|
| RP              | 1                       | 50 square feet         |
| NC              | 1                       | 50 square feet         |
| CC              | 2                       | 90 square feet         |
| HC              | 2                       | 90 square feet         |

|     |   |                |
|-----|---|----------------|
| CI  | 2 | 90 square feet |
| HI  | 2 | 90 square feet |
| ELC | 2 | 80 square feet |
| EGC | 2 | 90 square feet |
| EMU | 2 | 50 square feet |
| ELI | 2 | 90 square feet |

Table 5--Standards for on-premises monument signs for individual businesses

\*Two (2) freestanding signs are permitted on parcels with less than five hundred (500) feet of lineal street frontage.

| Zoning District | Maximum Number of Signs            | Maximum Area/Each Sign |
|-----------------|------------------------------------|------------------------|
| RP              | 2                                  | 50 square feet         |
| NC              | 2                                  | 50 square feet         |
| CC              | 2 per 500 feet of street frontage* | 90 square feet         |
| HC              | 2 per 500 feet of street frontage* | 90 square feet         |
| CI              | 2 per 500 feet of street frontage* | 90 square feet         |
| HI              | 2 per 500 feet of street frontage* | 90 square feet         |
| ELC             | 2 per 500 feet of street frontage* | 80 square feet         |
| EGC             | 2 per 500 feet of street frontage* | 90 square feet         |
| EMU             | 2 per 500 feet of street frontage* | 50 square feet         |
| ELI             | 2 per 500 feet of street frontage* | 90 square feet         |

Table 6--Standards for on-premises monument signs for multiple businesses

(c) *Multiple arterials.* In the event the use or group of uses is adjacent to more than one arterial, including through and corner lots, they will be allowed a freestanding sign exclusively oriented to the additional arterial. The above allowance shall be calculated independently, using only the additional arterial frontage. However, in no instance shall the square footage allowance from one arterial be transferred to the other.

(Ord. No. 04-5310, § 1, 12-13-04)

**SEC. 27-1417. MODIFICATION TO SIGN STANDARDS IN CC, HC, CI, HI, EGC, ELI ZONING DISTRICTS.**

For shopping centers, industrial parks, mixed use developments, and hotel conference centers; the zoning coordinator may approve a comprehensive sign plan that deviates from the provisions set forth in section 27-1416 above, provided the following standards and conditions are met:

- (1) The development exceeds the following minimum square foot floor area requirements:

- a. Two hundred fifty thousand (250,000) square feet for a shopping center or hotel conference center.
  - b. Two hundred fifty thousand (250,000) square feet of commercial/industrial floor space for a mixed use development.
  - c. Three hundred thousand (300,000) square feet for an industrial park.
- (2) The applicant shall submit a sign plan that includes size, location, height, lighting, construction materials, and orientation of all proposed signs in addition to any other information deemed necessary by the staff.
  - (3) The sign plan shall conform to the standards of section 27-1416; except that a maximum of three (3) of the allowed signs under section 27-1416 may be allowed an increase of twenty (20) percent in sign height and area over the maximum allowed in the underlying zone.
  - (4) The sign plan shall be consistent with the Yellowstone County - City of Billings Growth Policy, the West Billings Master Plan, and the purpose and intent of this section, as determined by the zoning coordinator.
  - (5) The applicant/owner(s) shall sign a binding agreement ensuring compliance with the approved sign plan. The agreement shall be filed with the planning department and shall apply to present as well as future property owners. All signage shall be installed in conformance with the approved sign plan.
  - (6) Modifications to the approved sign plan shall require reapplication and approval by the zoning coordinator.

**SEC. 27-1418. SIGN LOCATION AND SETBACK.**

- (a) All signs shall be located so that they:
  - (1) Do not interfere with vehicular or pedestrian accessibility or sight distance;
  - (2) Conform to the provisions of section 27-615, the clear vision triangles and visibility at intersections; and
  - (3) No sign may encroach upon, or overhang, adjacent property or public right-of-way.
- (b) All signs shall be located and set back as follows:
  - (1) Any portion of a sign (including structural supports) that is higher than three (3) feet and less than seven (7) feet above grade shall be located a minimum of ten (10) feet back from any property line abutting a public right-of-way.
  - (2) Structural supports less than two (2) feet in width or diameter, measured at any point on the support, and three (3) to seven (7) feet above grade, shall be located a minimum of five (5) feet back from any property line abutting a public right-of-way.

**SEC. 27-1419. SIGN AREA AND CALCULATION.**

- (a) The sign area of a wall sign made up of letters, words or symbols shall be measured from the outside edge of the frame. The square footage of a sign composed of only letters, words

or symbols shall be determined from imaginary straight lines drawn from high point to high point around the entire copy or grouping of such letters, words or symbols. Those portions that are an integral part of the sign display shall be considered in the determination of square footage allowed. An obvious border designed as an integral part of a sign shall be calculated in the total square footage allowed. All measurements for sign height shall be from the grade to the topmost part of the sign.

(b) Logos or identification symbols shall be considered signs and shall conform to all provisions of this section.

(c) The sign area of a freestanding sign shall be measured from the outside edge of the frame. The sign area of a freestanding sign consisting of more than one sign shall be computed by adding together the total area(s) of all signs. Any portion of the sign not necessary for structural support of the sign or any structural support greater than two (2) feet in width shall be considered in the determination of the square footage of the sign. A ten (10) percent increase in sign area is allowed for decorative framing or borders. Area calculation does not include decorative rocks or landscaping adjacent to a monument sign.

(d) The sign area for multiple-sided signs shall be calculated as follows:

(1) The total sign area for a two-sided sign shall be calculated using one face, but the second face may not exceed the area of the first face.

(2) The total sign area for a three-sided sign shall be calculated using one face, but the second and third face total area may not exceed the area of the first face.

#### **SEC. 27-1420. MAINTENANCE OF SIGNS.**

(a) Any sign that has been approved or that has been issued a permit shall be maintained by the owner or person in possession of the property on which the sign is located. Maintenance shall be such that the signage continues to conform to the conditions imposed by the sign permit.

(b) Any damaged sign base shall be repaired within sixty (60) days.

(c) Any signage which has been damaged to such extent that it may pose a hazard to passersby shall be repaired or removed immediately.

#### **SEC. 27-1421. NONCONFORMING SIGNS.**

Nonconforming signs are those that were permanently installed and legally erected prior to the adoption of this Code. Nonconforming signs shall be allowed to continue in use so long as they are continuously maintained, are not relocated, and are not structurally altered or made more nonconforming in any way. If a sign is nonconforming and the copy is changed in any way or the sign is structurally altered, the sign shall be brought into conformance with these regulations.

#### **SEC. 27-1422. LANDSCAPING FOR FREESTANDING AND MONUMENT SIGNS.**

All freestanding and monument signs shall be located in a landscaped area. Landscaping should be appropriately sited to ensure that signs are not blocked or obscured by trees or bushes.

#### **SEC. 27-1423. SIGN ILLUMINATION.**

Externally illuminated signs shall have lighting confined to the sign, and positioned and shielded to minimize impacts to the surrounding area(s). The light source for internally illuminated signs must be entirely enclosed within the sign. Internally illuminated signs shall be constructed with an opaque background and translucent letters and symbols. (Opaque means that the material must not transmit light from an internal illumination source.)

#### **SEC. 27-1427. SOUTH SHILOH CORRIDOR OVERLAY DISTRICT.**

##### **SEC. 27-1428. PURPOSE.**

The purpose of the South Shiloh corridor overlay district is to provide standards for industrial, commercial, and mixed-use development as called for in the West Billings Plan. This overlay zoning district is intended to promote an aesthetically pleasing and distinct entryway corridor by encouraging abundant landscaping, attractive building design, and preservation of scenic vistas. Single family and duplex residential development are exempt from the requirements of this overlay zoning district. The overlay zoning does not alter the category of permitted uses in the underlying zoning.

##### **SEC. 27-1429. DISTRICT BOUNDARIES.**

The boundaries of the South Shiloh corridor overlay district shall be that displayed on the map at the end of section 27-1430. In no case shall the boundaries of the district exceed a depth of five hundred (500) feet from the centerline of the right-of-way of Shiloh Road from King Avenue south to Interstate 90 and Zoo Drive from Interstate 90 to the intersection of Shiloh Road; and from the centerline of King Avenue West, extending five hundred (500) feet to the south, between the intersection of Shiloh Road and King Avenue West and the intersection of King Avenue West and 32nd Street West. If only a portion of the property falls within the boundaries of the district, the entire property will be subject to the regulations in section 27-1427.

##### **SEC. 27-1437. SIGNAGE STANDARDS--PURPOSE, INTENT, AND SCOPE.**

The purpose and intent of this section is to promote commerce, traffic safety, and community identity while improving the visual environment of residential, commercial, and industrial areas.

This section of the Code shall not regulate traffic and directional signs installed by a governmental entity or in a private parking lots; signs not readable from nor intended to be viewed from a public right-of-way; merchandise displays; point-of-purchase advertising displays, such as product dispensers; national flags; flags of a political subdivision; symbolic flags of an institution; legal notices required by law; barber poles; historic site monuments/plaques; gravestones; structures intended for a separate use, such as phone booths, donation and recycling containers; lettering or symbols applied directly onto or flush-mounted magnetically to a motor vehicle operating in the normal course of business.

- (1) *Permits required.* Any on-premise sign shall hereafter be erected, re-erected, constructed, painted, posted, applied or structurally altered in accordance with

this chapter and pursuant to a sign permit issued by the planning and community services department. A sign permit shall be required for each group of signs on a single supporting structure installed simultaneously. Thereafter, each additional sign erected on the structure must have a separate sign permit. The owner of a sign shall produce a permit upon request. Within fifteen (15) working days following the submittal of a complete sign permit application, the zoning coordinator or his/her designee shall approve or deny the application, unless the applicant consents in writing to an extension of the review period. In the event that review exceeds fifteen (15) days, the applicant may seek immediate approval from the planning director. If an application is determined to be incomplete, the applicant shall be notified within five (5) days of the submittal. Should the application be denied, the applicant shall be notified in writing specifying all areas of noncompliance with this section.

- (2) *Permit applications.* All permit applications for signs shall include a site plan that provides the following information:
- a. The location of the affected lot, building and sign;
  - b. The scale of the site plan;
  - c. A drawing of the proposed sign or sign revision, including size, height, copy, structural footing details, method of attachment and illumination;
  - d. All existing signs on the site including their size and height; and
  - e. The legal description of the parcel.

#### **SEC. 27-1438. DEFINITIONS.**

The definitions used in this chapter may be found below and in section 27-703 of the city sign regulations.

*Bulletin board* means a sign which identifies an institution or organization on the premises on which it is located and which contains the name of the institution or organization, the names or individuals connected with it, or general announcements of events or activities or similar messages.

*Electronically changeable message sign* means a computer programmable, microprocessor controlled electric display utilizing a means of illumination (light bulb, LED, fiber optics, etc) upon which alphanumeric characters, graphics, electronic animations, symbols and words can be displayed, such as a programmable display system. Message and symbols that have the capability of alternating, traveling and animating along with any other of a variety of change, appear and disappear methods are allowed.

*Flashing sign* means an electrical sign or portion thereof which changes light intensity in a brief, brilliant, or sudden and transient outburst of light causing a steady on and off, glittering, sparkling, or scintillating pattern.

*Incidental sign* means signs allowed under temporary use groups I and II, such as garage sale signs and banners.

*Individual business* means one business on one parcel provided that the parcel is not part of a multiple business complex; and also provided the parcel is not part of a group of multiple contiguous parcels under the same ownership.

*Monument sign* means a sign and supporting structure constructed as a solid structure or one that gives the appearance of a continuous, non-hollow, unbroken mass.

*Multiple businesses* means multiple businesses include businesses that may be located in a single building or in multiple buildings on a single site.

*Support structure(s)* means posts or columns and their anchors and bolts that structurally support the sign attached to it.

*Three-sided sign* means a sign with three (3) faces.

*Two-sided sign* means a sign with two (2) faces.

#### **SEC. 27-1439. EXEMPT SIGNS.**

The following shall not require a sign permit, provided that these exemptions shall not be construed as relieving the owner from the responsibility to comply with the provisions of this Code or any other law or ordinance, including the International Building Code.

- (1) The changing of the advertising copy or message on a lawfully erected sign that is currently in compliance with this section, reader board or similar sign specifically designed for replaceable copy.
- (2) Painting, repainting or normal maintenance, unless a structural or electrical change is made.
- (3) Temporary banners and temporary signs as permitted herein.
- (4) Real estate sign as permitted herein.
- (5) Incidental signs.
- (6) Political signs.
- (7) Bench signs on city or county rights-of-way, provided approval has been granted for the location by the appropriate city or county agency.

#### **SEC. 27-1440. PROHIBITED SIGNS.**

The following signs are prohibited in all zones unless otherwise specifically permitted.

- (1) Sign which by shape, wording or location resemble or conflict with traffic control signs or devices.
- (2) Signs that create a safety hazard for pedestrian or vehicular traffic.
- (3) Signs with special or auxiliary flashing lights which are not a part of the sign's message.
- (4) Portable signs.
- (5) Portable reader boards.



- (6) Portable electric signs.
- (7) Banner signs.
- (8) Signs attached to or placed on a vehicle or trailer parked on public or private property, provided that this provision shall not be construed as prohibiting the identification of a firm or its product on a vehicle operating during the normal course of business. Franchised buses and taxis are exempt from these provisions.
- (9) Roof signs.
- (10) Billboards.
- (11) Painted signs on buildings, including those attached on or to the surface of windows.

**SEC. 27-1441. SIGNS PERMITTED IN ALL ZONES IN CONNECTION WITH SPECIFIC USES.**

The following signs may be permitted in any zone, subject to the limitations as provided herein.

- (1) *Bulletin boards.* In addition to the permanent signs allowed in 27-1442 below, bulletin boards may be permitted on property used for public or private assembly, subject to the following:
  - a. Such sign shall contain not more than thirty-two (32) square feet in area on a face and may be double-faced.
  - b. No part of the sign shall exceed a height of six (6) feet above the ground.
  - c. The sign, if illuminated, shall use external low-intensity lighting.
- (2) *Temporary residential subdivision or area name signs.* A temporary real estate sign advertising the prospective sale or lease of a group of lots or dwellings within a tract, condominium, or apartment complex shall be permitted, subject to the following conditions:
  - a. The freestanding sign shall be located on the premises being sold or leased.
  - b. The sign shall not exceed forty (40) square feet in area on a face and may be double-faced.
  - c. The sign shall remain only as long as property remains unsold or unleased for the first time with the tract, but not to exceed one (1) year. The planning division may extend the one-year time period upon written request by the owners/developers of the project.
  - d. The sign shall be non-illuminated.
  - e. The top of the sign shall be no higher than ten (10) feet above grade of the lot or parcel on which the sign is located.
- (3) *Permanent residential subdivision or area name signs.* Decorative subdivision or area name signs of a permanent character at the street entrance or entrances to the

subdivision or area that identifies the name of the subdivision or area only are permitted, subject to the following conditions:

- a. The sign shall consist of decorative building material with illuminated, indirectly lighted or non-illuminated name plates or letters, and be located in a maintained landscaped area; and
  - b. The wall and or sign shall not exceed six (6) feet above grade of the lot or parcel.
- (4) *Contractor, architect, surveyor, or engineer signs.* One (1) on-premises sign identifying the project, developers, building contractor and/or subcontractors, architect, surveyor and engineer engaged in the construction is permitted on a property during the period of construction, provided that:
  - a. The sign is located on the parcel on which the construction is located.
  - b. The sign shall not exceed forty (40) square feet in area; and
  - c. The top of the sign shall not exceed ten (10) feet above grade of the lot or parcel on which the sign is located. The sign shall be removed prior to final building inspections. However, no such sign shall be maintained for a period in excess of twelve (12) months without approval from the planning department. The planning department may extend the one-year time period upon written request of the owners/developers of the project.
- (5) *Real estate sign.*
  - a. *Residential use or property.* One (1) temporary on-premise sign per frontage road, advertising the sale, lease or rental of the building, property or premises, is permitted on the property. Such sign shall be unlighted, no more than five (5) square feet and no higher than five (5) feet above grade. A thirty-two (32) square foot sign is allowed on agricultural property of twenty (20) acres or more, with or without a dwelling on site.
  - b. *Commercial and industrial use or property.* One (1) temporary on-premise sign advertising the sale, lease or rental of the building, property or premises is permitted on the property. Such sign shall be unlighted, no more than thirty-two (32) square feet and no higher than ten (10) feet above grade.
  - c. *Open house and directional sign.* For a. and b. above, an open house or directional sign shall be allowed on each street access street to the property. Signs shall not be placed in such a manner as to interfere with vehicular or pedestrian traffic, shall be used when the property is actually open for immediate inspections, shall be unlighted, and shall be no more than five (5) square feet and no higher than three (3) feet above grade.
- (6) *Electronically changeable message sign.* Electronically changeable message signs shall be permitted in community commercial, highway commercial, controlled industrial, heavy industrial, entryway general commercial, and entryway light industrial zones in accordance with the standards of sections 27-1443 through 27-1446 and their definitions.

**SEC. 27-1442. SIGN STANDARDS IN AGRICULTURAL (A-O) AND RESIDENTIAL (A-S, R-150, R-96, R-80, R-70, R-60, R-50, RMF, RMF-R, RMH) ZONES.**

(a) *Permitted signs by zone.* Sign structures are permitted in residential zones in accordance with the following uses and standards:

- (1) A nameplate, which indicates no more than the name and address of the occupant of the premises, is permitted, provided that such sign shall not exceed a maximum area of five (5) square feet and a maximum height of four (4) feet above grade.

- (b) *Permitted signs by use.*

Public or private assembly and non-residential uses within residential zones are allowed the following signs:

- (1) *Wall signs.* On-premises wall signs are permitted, not to exceed one (1) sign of thirty-two (32) square feet. Wall signs shall be non-illuminated or have low-intensity external lighting, and shall be placed flat against the outside wall of a building.
- (2) *Freestanding signs.* On-premises freestanding signs are permitted, not to exceed the one (1) sign of 32 square feet\* and a maximum height of 15 feet. On-premises freestanding signs shall be non-illuminated or have low-intensity external lighting.

\*Maximum sign area may be increased to forty-eight (48) square feet for monument signs seven (7) feet or less in height.

(c) *Multiple arterials.* In the event the use or group of uses is adjacent to more than one (1) arterial, including through and corner lots, they will be allowed a freestanding sign exclusively oriented to the additional arterial. The above allowance shall be calculated independently, using only the additional arterial frontage. However, in no instance shall the square footage allowance from one (1) arterial be transferred to the other.

**SEC. 27-1443. SIGN STANDARDS FOR COMMERCIAL AND INDUSTRIAL (RP, NC, CC, HC, CI, HI, ELG, EGC, EMU, ELI) ZONES.**

(a) *Permitted signs by zone.* Sign structures are permitted in commercial and industrial zones in accordance with the following uses and standards.

- (1) *Wall signs--Individual and multiple businesses.* Wall signs are permitted on each wall of a building provided the wall sign does not exceed twenty (20) percent of the total area of the wall or a maximum of two hundred fifty (250) square feet, whichever provides the smaller area. Mansard roofs shall not be included when calculating the total area of the wall.
- (2) *Freestanding signs (pole or monument design)--Individual businesses.* One (1) on-premises freestanding sign is permitted. Signs shall not exceed the area and height limits as provided in table 3.

- (3) The maximum height of the on-premise sign may be increase to forty (40) feet above grade measured at the centerline of Shiloh Road or Zoo Drive, whichever is adjacent and the area may be increased to two hundred (200) square feet, provided the parcel is contiguous with Interstate 90 or Zoo Drive.

| Zoning District | Maximum Area <= 100' Street Frontage | Maximum Area >= 100' Street Frontage | Maximum Sign Height |
|-----------------|--------------------------------------|--------------------------------------|---------------------|
| RP              | 50 square feet                       | 50 square feet                       | 15 feet             |
| NC              | 50 square feet                       | 50 square feet                       | 15 feet             |
| CC              | 80 square feet                       | 140 square feet                      | 20 feet             |
| HC              | 80 square feet                       | 140 square feet                      | 20 feet             |
| CI              | 80 square feet                       | 140 square feet                      | 20 feet             |
| HI              | 50 square feet                       | 50 square feet                       | 15 feet             |
| ELC             | 80 square feet                       | 120 square feet                      | 20 feet             |
| EGU             | 80 square feet                       | 140 square feet                      | 20 feet             |
| EMU             | 50 square feet                       | 50 square feet                       | 15 feet             |
| ELI             | 80 square feet                       | 140 square feet                      | 20 feet             |

Table 3--Freestanding Signs--Commercial and Industrial Zones

- (4) *Freestanding signs (pole or monument design)--Multiple businesses.*
- Freestanding on-premises sign(s) for multiple businesses are permitted, not to exceed the number, area and height limits as provided in table 4.
  - Freestanding signage allowed for an individual business under subsection (a)(2) of this section shall not be combined with signage allowed for multiple businesses under this paragraph.
  - The minimum separation between signs shall be five hundred (500) feet, measured from the center of the sign.

| Zoning District | Maximum Number of Signs            | Maximum Area    | Maximum Sign Height |
|-----------------|------------------------------------|-----------------|---------------------|
| RP              | 1                                  | 75 square feet  | 15 feet             |
| NC              | 1                                  | 75 square feet  | 15 feet             |
| CC              | 1 per 500 feet of street frontage* | 175 square feet | 20 feet             |
| HC              | 1 per 500 feet of street frontage* | 175 square feet | 20 feet             |

|     |                                    |                 |         |
|-----|------------------------------------|-----------------|---------|
| CI  | 1 per 500 feet of street frontage* | 175 square feet | 20 feet |
| HI  | 1 per 500 feet of street frontage* | 75 square feet  | 15 feet |
| ELC | 1 per 500 feet of street frontage* | 150 square feet | 15 feet |
| EMU | 1                                  | 75 square feet  | 15 feet |
| ELI | 1 per 500 feet of street frontage* | 175 square feet | 20 feet |

\*One (1) freestanding sign is permitted on parcels with less than five hundred (500) feet of lineal street frontage.

Table 4--Standards for on-premises signs for multiple businesses

- (b) *Incentive to substitute height restricted monument signs for freestanding signs.*
- (1) Monument signs, not to exceed seven (7) feet in height, may substitute for individual and multiple business signs under paragraphs (a)(2) and (3) with maximum sign number(s) and area(s) as provided in tables 5 and 6. There is no minimum separation requirement between signs.

| Zoning District | Maximum Number of Signs | Maximum Area/Each Sign |
|-----------------|-------------------------|------------------------|
| RP              | 1                       | 50 square feet         |
| NC              | 1                       | 50 square feet         |
| CC              | 2                       | 90 square feet         |
| HC              | 2                       | 90 square feet         |
| CI              | 2                       | 90 square feet         |
| HI              | 2                       | 90 square feet         |
| ELC             | 2                       | 80 square feet         |
| EGC             | 2                       | 90 square feet         |
| EMU             | 2                       | 50 square feet         |
| ELI             | 2                       | 90 square feet         |

Table 5--Standards for on-premises monument signs for individual businesses

\*Two (2) freestanding signs are permitted on parcels with more than five hundred (500) feet of lineal street frontage.

| Zoning District | Maximum Number of Signs            | Maximum Area/Each Sign |
|-----------------|------------------------------------|------------------------|
| RP              | 2                                  | 50 square feet         |
| NC              | 2                                  | 50 square feet         |
| CC              | 2 per 500 feet of street frontage* | 90 square feet         |
| HC              | 2 per 500 feet of street frontage* | 90 square feet         |
| CI              | 2 per 500 feet of street frontage* | 90 square feet         |
| HI              | 2 per 500 feet of street frontage* | 90 square feet         |
| ELC             | 2 per 500 feet of street frontage* | 80 square feet         |
| EGC             | 2 per 500 feet of street frontage* | 90 square feet         |
| EMU             | 2 per 500 feet of street frontage* | 50 square feet         |
| ELI             | 2 per 500 feet of street frontage* | 90 square feet         |

Table 6--Standards for on-premises monument signs for multiple businesses

(c) *Multiple arterials.* In the event the use or group of uses is adjacent to more than one (1) arterial, including through and corner lots, they will be allowed a freestanding sign exclusively oriented to the additional arterial. The above allowance shall be calculated independently, using only the additional arterial frontage. However, in no instance shall the square footage allowance from one arterial be transferred to the other.

(Ord. No. 05-5314, § 1, 1-24-05)

#### **SEC. 27-1444. COMPREHENSIVE SIGN PLAN.**

For shopping centers, industrial parks, mixed use developments, and hotel conference centers; the zoning coordinator may approve a comprehensive sign plan that deviates from the provisions set forth in section 27-1443 above, provided the following standards and conditions are met:

- (1) The development exceeds the following minimum square foot floor area requirements:
  - a. Two hundred fifty thousand (250,000) square feet for a shopping center or hotel conference center.
  - b. Two hundred fifty thousand (250,000) square feet of commercial/industrial floor space for a mixed use development.
  - c. Three hundred thousand (300,000) square feet for an industrial park.
- (2) The applicant shall submit a sign plan that includes size, location, height, lighting, construction materials, and orientation of all proposed signs in addition to any other information deemed necessary by the staff.

- (3) The sign plan shall conform to the standards of section 27-1443; except that a maximum of three (3) of the allowed signs under section 27-1443 may be allowed an increase of twenty (20) percent in sign height and area over the maximum allowed in the underlying zone.
- (4) The sign plan shall be consistent with the Yellowstone County - City of Billings Growth Policy, the West Billings Master Plan, and the purpose and intent of this section, as determined by the zoning coordinator.
- (5) The applicant/owner(s) shall sign a binding agreement ensuring compliance with the approved sign plan. The agreement shall be filed with the planning and community services department and shall apply to present as well as future property owners. All signage shall be installed in conformance with the approved sign plan.
- (6) Modifications to the approved sign plan shall require reapplication and approval by the zoning coordinator.

**SEC. 27-1445. SIGN LOCATION AND SETBACK.**

- (a) All signs shall be located so that they:
  - (1) Do not interfere with vehicular or pedestrian accessibility or sight distance;
  - (2) Conform to the provisions of section 27-615, the clear vision triangles and visibility at intersections; and
  - (3) No sign may encroach upon, or overhang, adjacent property or public right-of-way.
- (b) All signs shall be located and set back as follows:
  - (1) Any portion of a freestanding sign shall be located a minimum of ten (10) feet back from any property line abutting a public right-of-way.
  - (2) The support structure of a monument sign shall be located a minimum of five (5) feet back from any property line abutting a public right-of-way.

**SEC. 27-1446. SIGN AREA AND CALCULATION.**

(a) The sign area of a wall sign made up of letters, words or symbols shall be measured from the outside edge of the frame. The square footage of a sign composed of only letters, words or symbols shall be determined from imaginary straight lines drawn from high point to high point around the entire copy or grouping of such letters, words or symbols. Those portions that are an integral part of the sign display shall be considered in the determination of square footage allowed. An obvious border designed as an integral part of a sign shall be calculated in the total square footage allowed. All measurements for sign height shall be from the grade to the topmost part of the sign.

(b) Logos or identification symbols shall be considered signs and shall conform to all provisions of this section.

(c) The sign area of a freestanding sign shall be measured from the outside edge of the frame. The sign area of a freestanding sign consisting of more than one (1) sign shall be

computed by adding together the total area(s) of all signs. Any portion of the sign not necessary for structural support of the sign or any structural support greater than two (2) feet in width shall be considered in the determination of the square footage of the sign. A fifty (50) percent increase in monument sign area is allowed for decorative framing or borders. Area calculation does not include decorative rocks or landscaping adjacent to a monument sign.

- (d) The sign area for multiple-sided signs shall be calculated as follows:
  - (1) The total sign area for a two-sided sign shall be calculated using one (1) face, but the second face may not exceed the area of the first face.
  - (2) The total sign area for a three-sided sign shall be calculated using one (1) face, but the second and third face total area may not exceed the area of the first face.

#### **SEC. 27-1447. MAINTENANCE OF SIGNS.**

(a) Any sign that has been approved or that has been issued a permit shall be maintained by the owner or person in possession of the property on which the sign is located. Maintenance shall be such that the signage continues to conform to the conditions imposed by the sign permit.

(b) Any damaged sign base shall be repaired within sixty (60) days.

(c) Any signage which has been damaged to such extent that it may pose a hazard to passersby shall be repaired or removed immediately.

#### **SEC. 27-1448. NONCONFORMING SIGNS.**

Nonconforming signs are those that were permanently installed and legally erected prior to the adoption of this Code. Nonconforming signs shall be allowed to continue in use so long as they are continuously maintained, are not relocated, and are not structurally altered or made more nonconforming in any way. If a sign is nonconforming and the copy is changed in any way or the sign is structurally altered, the sign shall be brought into conformance with these regulations.

#### **SEC. 27-1449. LANDSCAPING FOR FREESTANDING AND MONUMENT SIGNS.**

All freestanding and monument signs shall be located in a landscaped area. Landscaping should be appropriately sited to ensure that signs are not blocked or obscured by trees or bushes.

#### **SEC. 27-1450. SIGN ILLUMINATION.**

Externally illuminated signs shall have lighting confined to the sign with the light source positioned and shielded to eliminate spill over impacts to the surrounding area(s) in such a manner that it conforms to the site lighting standards. See subsection 27-1435(b). The light source for internally illuminated signs must be entirely enclosed within the sign. Internally illuminated signs shall be constructed with an opaque background and translucent letters and symbols. (Opaque means that the material must not transmit light from an internal illumination source.)



## **ARTICLE 27-1800. EAST BILLINGS URBAN REVITALIZATION DISTRICT CODE**

### **Sec. 27-1801. Purpose.**

The purpose of the East Billings Urban Revitalization District (EBURD) zoning districts and requirements is to provide standards for development as called for in the East Billings Urban Revitalization District Master Plan, adopted by the city in July 2009. The zoning districts are intended to allow existing uses to continue while integrating new mixed use and residential development appropriately through the use of form-based regulations. This code will be reviewed and modified as needed on an annual basis by the Billings Industrial Revitalization District, Inc. and the city.  
(Ord. No. 12-5581, § 3(Exh. B), 9-10-12)

### **Sec. 27-1816. - Signage.**

Refer to BMCC section 27-700 for sign requirements. The following additional requirements are specific to the EBURD and replaces information in the BMCC section 27-705.

- (a) *Intent.* Commerce is the primary purpose, function and goal of the EBURD. It is the economic engine that funds the city and Yellowstone County. The functions of signs are to support and enhance that purpose. Regardless of other considerations, the ability of a business to thrive in any given location is the final measure of appropriateness. In a community of our size serving a broad market including Montana, Wyoming and parts of North Dakota, and in a time of growing online commerce, it is increasingly necessary that a business must be able to reach beyond the immediate neighborhood to survive. The ways traffic moves through districts is the most reliable indicator of sign needs and the assurance of success of this purpose. The Billings Industrial Revitalization District Inc. ("BIRD") is the organization that oversees the EBURD and makes recommendations to the city council.
- (b) The following revises BMCC section 27-706 to incorporate the EBURD.
  - (1) Service station and convenience store signage shall adhere to the requirements of this section, BMCC subsections 27-1816(b) through (o). BMCC subsection 27-706(a) does not apply to the EBURD.
  - (2) Billboards shall be permitted only on boulevards or avenues within the EBURD (Montana Avenue, 1st Avenue N, 4th Avenue N, 6th Avenue N, and N 13th Street). All other requirements of BMCC subsection 27-706(b) shall apply, including the requirements of the existing moratorium.
  - (3) BMCC subsection 27-706(c), shopping center or mall signs does not apply to the EBURD.
  - (4) BMCC subsection 27-706(e), church, school, and other institutional use signs does not apply to the EBURD. Churches, schools, and other institutions shall adhere to the requirements of this section, BMCC subsections 27-1816(b) through (o).
  - (5) All signs that predate the adoption of this code are legally non conforming until they are completely replaced. At that point, the standards contained within are applicable.
  - (6) Section 27-705 will be applicable for all boulevard street types.

### **Table 27-1816-1. Sign Types permitted by Frontage Type.**

|               |                                | EBURD Frontage Types                      |                  |            |                |          |      |       |                 |
|---------------|--------------------------------|-------------------------------------------|------------------|------------|----------------|----------|------|-------|-----------------|
|               |                                | Yard<br>Frontage                          | General<br>Stoop | Storefront | Limited<br>Bay | Commerce | Open | Civic | Outdoor<br>Site |
| Sign<br>Types | Wall                           | ●                                         | ●                | ●          | ●              | ●        | ●    | ●     | ●               |
|               | Projecting                     |                                           | ●                | ●          | ●              | ●        | ●    | ●     | ●               |
|               | Awning                         | ●                                         | ●                | ●          | ●              | ●        | ●    | ●     | ●               |
|               | Canopy<br>Mounted              |                                           | ●                | ●          | ●              | ●        | ●    | ●     | ●               |
|               | Window                         |                                           |                  | ●          | ●              | ●        | ●    |       | ●               |
|               | Monument                       | ●                                         | ●                |            | ●              | ●        | ●    | ●     | ●               |
|               | Ped. Scale<br>Pole-<br>Mounted | ●                                         | ●                |            | ●              | ●        | ●    | ●     | ●               |
|               | Pole-<br>Mounted               |                                           |                  |            |                | ●        | ●    |       | ○               |
|               | ●                              | = Permitted                               |                  |            |                |          |      |       |                 |
|               | ○                              | = Permitted Only on Boulevard Street Type |                  |            |                |          |      |       |                 |

- (c) *Residential signage.* Refer to BMCC subsection 27-705(a), except: signage for a home occupation are permitted with the following requirements:
- (1) One (1) home occupation sign per lot is permitted.
  - (2) Home occupation sign shall be a wall sign, flat mounted against the building, or a pedestrian pole mounted sign.
  - (3) Home occupation sign shall be no larger than one (1) square foot in area.
  - (4) Home occupation sign shall not be directly or indirectly illuminated other than by those lights incidental to the residential use of the premises.
- (d) *Electronic message board signage.* Refer to BMCC subsection 27-705(c)(3) for requirements of all electronic message boards within the EBURD with the following exception:

- (1) Electronic message boards are only permitted on sign types if allowed per BMCC subsections 27-1816(g) through (o).
- (e) *State routes.* In addition to the regulations included in BMCC section 27-1816, off premise signage on parcels abutting a state maintained route are required to obtain an outdoor advertising control sign permit from the Montana Department of Transportation per the Montana Outdoor Advertising Act. Refer to Figure 27-1816(e)-1 for map of state maintained routes in the EBURD, for reference only.



**Figure 27-1816(e)-1. Map of State Maintained Routes as of February 2012, for Reference Only.**

- (f) *Sign types.* Sign types permitted in the EBURD are defined in BMCC subsections 17-1816(g) through (o).
- (1) Refer to Table 27-1816-1 for permitted sign types permitted by frontage type. Refer to BMCC section 27-1808 for frontage type information.
- (2) Refer to Table 27-1816-2 for the maximum permitted quantity of signage per lot. To calculate this quantity, all sign types on the lot shall be totaled, with the exception of exempt signs, temporary signs, and window signs.

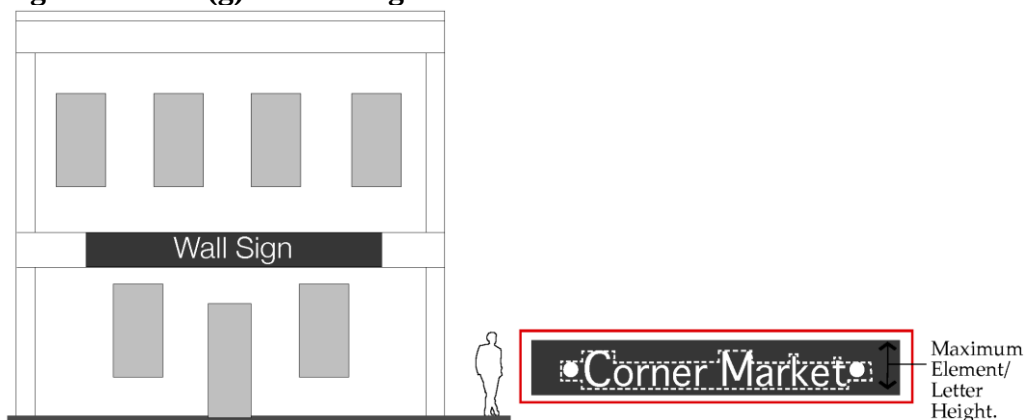
**Table 27-1816-2. Total Maximum Permitted Quantity of Signage per Lot by Frontage Type.**

| Frontage Type | Maximum Permitted Quantity of Signage Per Lot                                                                                                                          |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Yard          | 65 square feet of signage except residential signage (refer to BMCC subsection 27-1816(c)).                                                                            |
| General       | 3 square feet of signage per 1 linear foot of Lot width with a maximum of 150 square feet                                                                              |
| Storefront    |                                                                                                                                                                        |
| Limited Bay   |                                                                                                                                                                        |
| Commerce      | 3 square feet of signage per 1 linear foot of Lot width with a maximum of 200 square feet. An additional 40 square feet per additional tenant over 3 tenants permitted |
| Open          |                                                                                                                                                                        |
| Civic         | 3 square feet of signage per 1 linear foot of lot width with a maximum of 150 square feet                                                                              |

(g) *Wall sign.*

- (1) *Description.* Wall signs, also known as flat or band signs, are mounted directly to the building face to which the sign is parallel. Refer to Figures 27-1816(g)-1 and 27-1816(g)-2.

**Figure 27-1816(g)-1. Wall Sign.**



- (2) *General requirements.* Wall signs shall be developed according to the standards in Table 27-1816(g)-1.

- a. *Building openings.* Wall signs shall not cover windows or other building openings.
- b. *Architectural features.* Wall signs are strongly encouraged not to cover existing architectural building features.
- c. *Murals.* Murals, a type of wall sign painted onto the building face displaying the business name or activity, are prohibited on front facades.

**Table 27-1816(g)-1. Wall Sign Requirements.**

| Wall Sign Requirements            |                                                                                                                           |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Sign Area                         | No maximum area for sign type; Refer to Table 27-1816-2 for maximum per lot                                               |
| Height                            | No maximum letter or element height                                                                                       |
| Location on the Building or Site  | Permitted on all street facades; Non-illuminated wall signs are permitted on all facades.                                 |
| Placement on the Building or Site | 1' maximum projection from building face                                                                                  |
| Quantity                          | 1 per tenant per public ROW frontage; 1 per tenant per side or rear facade on a parking lot                               |
| Internal Illumination             | Permitted                                                                                                                 |
| Materials                         | Solid wood, metal, masonry & neon glass; Plastic & synthetics permitted only as separate alphanumeric characters or logos |

- (3) *Sign area.* Sign area is defined as the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure or character. The area of the sign having no such perimeter or border shall be computed by enclosing the entire area with parallelograms, triangles or circles of the smallest size sufficient to cover the entire area of the sign and computing the area of these parallelograms, triangles or circles. The area computed shall be the maximum portion or portions which may be viewed from any one direction.

- a. *Area credit.* All areas that utilize individual alphanumeric characters or logos (including only those using wood, wood substitute, metal, or masonry) may use a total area of ninety (90) percent of the calculation as outlined above.

- b. *Mural sign.* Area is calculated by measuring the area of the smallest square or rectangle that can be drawn around all of the sign elements, including any painted background.
- (h) *Projecting sign.*
- (1) *Description.* A projecting sign is attached to and projects from a building face or hangs from a support structure attached to the building face. Sign faces are typically perpendicular to the building face, but may be at an angle greater than forty-five (45) degrees from the facade. The sign may be vertically or horizontally oriented. Refer to Figure 27-1816(h)-1.

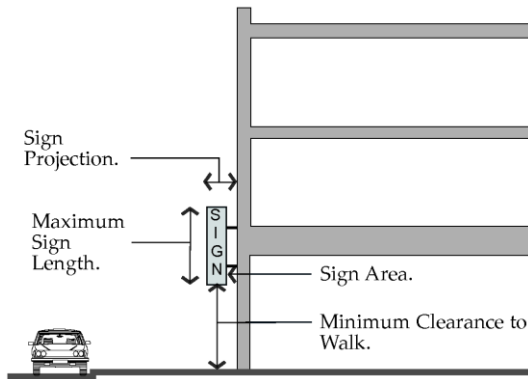


**Figure 27-1816(h)-1. Projecting Sign.**

- (2) *General requirements.* Projecting signs shall be developed according to the standards in Table 27-1816(h)-1.
- (3) *Computation.* The area of a projecting sign is equal to the area of one (1) of the sign's faces.
- (4) *Permit required.* An encroachment permit shall be obtained from the city engineering department for any projecting sign encroaching into the public right-of-way.

**Table 27-1816(h)-1. Projecting Sign Requirements.**

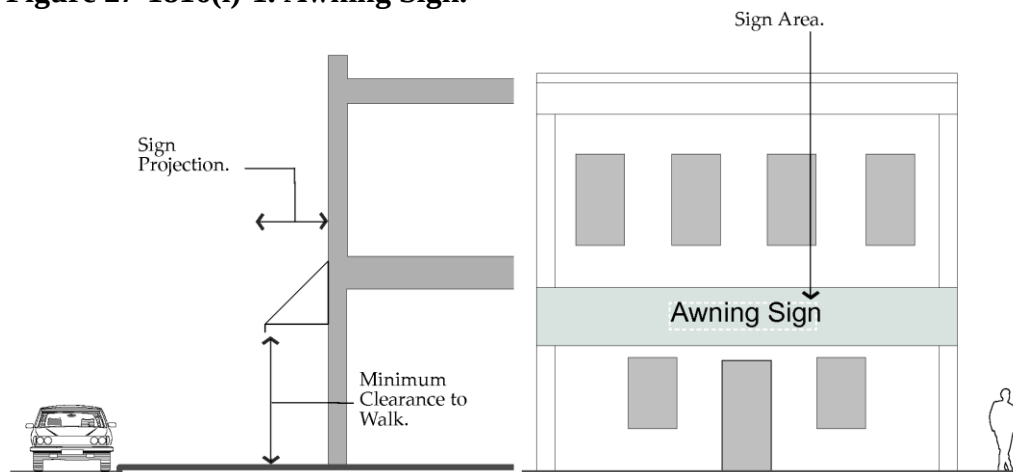
| Projecting Sign Requirements     |                                                                                                   |
|----------------------------------|---------------------------------------------------------------------------------------------------|
| Sign Area                        | No maximum area for sign type; Refer to Table 27-1816-2 for maximum per lot                       |
| Height                           | 8' maximum sign length, 9' minimum clearance to walk required                                     |
| Location on the Building or Site | Permitted on all facades; sign and structural supports shall not extend above the eave or parapet |

|                                   |                                                                                                                           |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Placement on the Building or Site | Shall not project over more than 2/3 the width of the sidewalk. (Refer to BMCC Sec. 27-1816(h)(4) for required permit)    |
| Quantity                          | 1 per tenant per public ROW frontage; 1 per tenant per side or rear facade on a parking lot                               |
| Internal Illumination             | Permitted                                                                                                                 |
| Materials                         | Solid wood, metal, masonry & neon glass; Plastic & synthetics permitted only as separate alphanumeric characters or logos |

(i) *Awning sign.*

(1) *Description.* A sign that is mounted, painted, or otherwise applied on or attached to an awning or canopy. Refer to Figures 27-1816(i)-1 and 27-1816(i)-2.

**Figure 27-1816(i)-1. Awning Sign.**



(2) *General requirements.* Awning signs shall be developed according to the standards in Table 27-1816(i)-1.

**Table 27-1816(i)-1. Awning Sign Requirements.**

| Awning Sign Requirements |                                                                                               |
|--------------------------|-----------------------------------------------------------------------------------------------|
| Sign Area                | Up to 50% of the awning may be used for signage; Refer to Table 27-1816-2 for maximum per lot |

|                                   |                                                                                                                                                                                                 |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Height                            | 8' minimum clearance to walk required                                                                                                                                                           |
| Location on the Building or Site  | Permitted on all facades                                                                                                                                                                        |
| Placement on the Building or Site | Maximum projection from building is 6'; Shall not project closer than 2' from back of curb; Shall not block any window, door, or the roof design. (Refer to BMCC Sec. 27-1816(i)(4) for permit) |
| Quantity                          | 1 per tenant per public ROW frontage; 1 per tenant per side or rear facade on a parking lot                                                                                                     |
| Internal Illumination             | Not permitted                                                                                                                                                                                   |
| Materials                         | Cloth, canvas, metal, or wood; All supports shall be made of metal or wood                                                                                                                      |

(3) *Sign area.* Defined as the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure or character. The area of the sign having no such perimeter or border shall be computed by enclosing the entire area with parallelograms, triangles or circles of the smallest size sufficient to cover the entire area of the sign and computing the area of these parallelograms, triangles or circles. The area computed shall be the maximum portion or portions which may be viewed from any one direction.

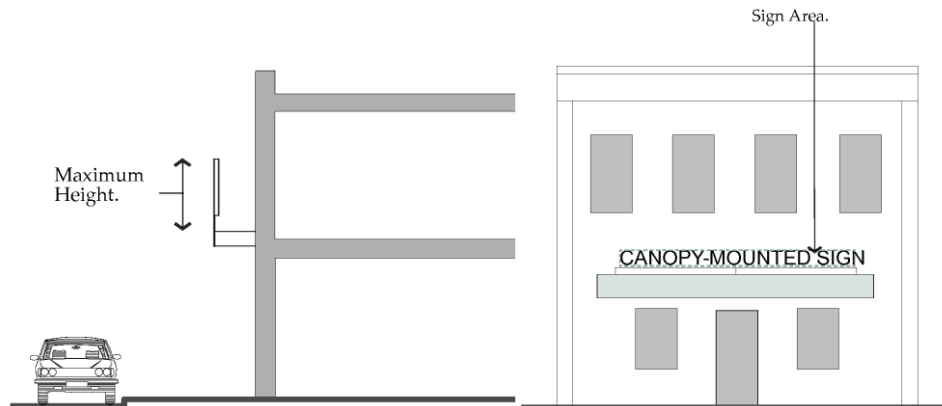
(4) *Permit required.* An encroachment permit shall be obtained from the city engineering department for any projecting sign encroaching into the public right-of-way.

(j) *Canopy-mounted sign.*

(1) *Description.* A sign with individual alphanumeric characters and/or logos that is mounted on top of a permanent canopy. Refer to Figures 27-1816(j)-1 and 27-1816(j)-2.



**Figure 27-1816(j)-1. Canopy-Mounted Sign.**



(2) *General requirements.* Canopy-mounted signs shall be developed according to the standards in Table 27-1816(j)-1.

**Table 27-1816(j)-1. Canopy-Mounted Sign Requirements.**

| Canopy-Mounted Sign Requirements  |                                                                                                                   |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Sign Area                         | No maximum area for sign type; Refer to Table 27-1816-2 for maximum per lot                                       |
| Height                            | No maximum letter or element height; Cannot project more than 2' above roof line of canopy                        |
| Location on the Building or Site  | Permitted on all facades                                                                                          |
| Placement on the Building or Site | Shall not block any window, door, or the roof design. (Refer to BMCC Sec. 27-1816(j)(4) for permit)               |
| Quantity                          | 1 per tenant per public ROW frontage; 1 per tenant per side or rear facade on a parking lot                       |
| Internal Illumination             | Permitted                                                                                                         |
| Materials                         | Solid wood, metal, & neon glass; Plastic & synthetics permitted only as separate alphanumeric characters or logos |

(3) *Sign area.* Sign area is defined as the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure or character. The area of the sign having no such perimeter or border shall be computed by enclosing the entire area with parallelograms, triangles or circles of the smallest size sufficient to cover the entire area of the sign and computing the area of these parallelograms, triangles or circles. The area computed shall be the maximum portion or portions which may be viewed from any one direction.

(4) *Permit required.* An encroachment permit shall be obtained from the city engineering department for any projecting sign encroaching into the public right-of-way.

(k) *Window sign.*

(1) *Description.* A window sign is posted, painted, placed, or affixed in or on a window exposed for public view or is a sign hung inside the building facing the window for public view. Refer to Figure 27-1816(k)-1.

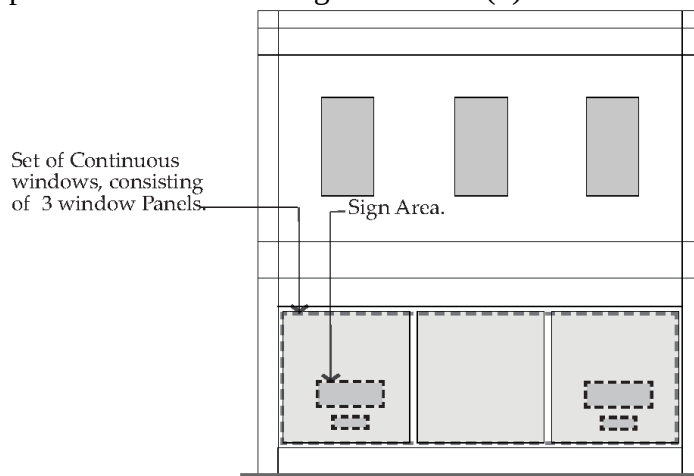


**Figure 27-1816(k)-1. Measuring window signs.**

(2) *General requirements.* Window signs shall be developed according to the standards in Table 27-1816(k)-1.

**Table 27-1816(k)-1. Window Sign Requirements.**

| Window Sign Requirements |                                                                                                                                            |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| Sign Area                | Up to 30% of a set of continuous windows may be covered with signage; No more than 50% of any one window panel may be covered with signage |
| Height                   | No maximum                                                                                                                                 |

|                                   |                                                                                                                      |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------|
| Location on the Building or Site  | Permitted on all facades                                                                                             |
| Placement on the Building or Site | Ground or upper story windows; May be affixed to window or hung/mounted behind glass                                 |
| Quantity                          | No maximum quantity, based on window sign area for ground story; 1 per tenant per floor for upper stories            |
| Internal Illumination             | Not permitted, except on neon or similarly illuminated window signs                                                  |
| Materials                         | Drawn, painted, or affixed on the glass; Wood, metal, neon glass, plastic, or other similar materials also permitted |

(3) *Computation.* A series of windows that are separated by frames or supporting material of less than six (6) inches in width shall be considered a single window for the purposes of computation.

- a. *Measurement.* To measure sign area percentage, divide the total sign area by the total window area, as illustrated in Figure 27-1816(k)-1.
- b. *Maximum allowance.* Window signs are not counted toward a site's maximum signage allowance.
- c. *Exempt signs.* Address and hours of operation are considered exempt signs and are not counted in the window sign area calculation. Refer to BMCC subsection 27-707(b), Exempt signs, with the exception of BMCC subsection 27-707(b)(23).
- d. *Temporary window signs.* Temporary window signs must be included in the total percentage of signage per window calculation.
- e. Window signs may not be internally illuminated except for neon or similar illuminated window signs.

(l) *Monument sign.*

(1) *Description.* A monument sign is freestanding; it is located in a front or side yard of a lot. Refer to Figures 27-1816(l)-1 and 27-1816(l)-2.

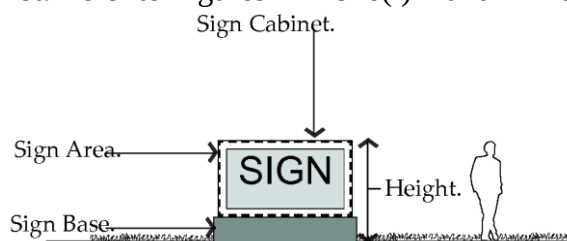


**Figure 27-1816(l)-1. Monument Sign.**

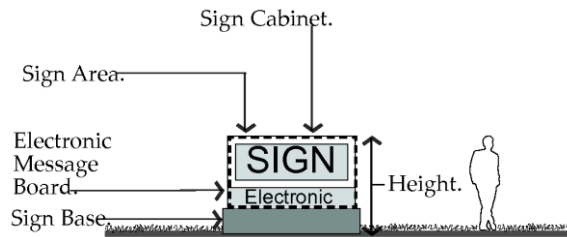


**Figure 27-1816(l)-2. Monument Sign with EMB.**

- (2) *General requirements.* Monument signs shall be developed according to the standards in Table 27-1816(l)-1.
- a. Up to two (2) monument signs on one (1) frontage.
    - i. Signs shall be at least one hundred fifty (150) feet apart.
  - b. Display's structure shall be monolithic and fully enclosed.
  - c. Electronic message boards. Electronic message boards (EMBs), including such components as light-emitting diodes (LEDs), are permitted on monument signs in the commerce and open frontage types by-right
  - d. Manually changeable copy. The area of any manually changeable copy cannot equal greater than fifty (50) percent of the area of the sign face on which it is located or twenty (20) square feet, whichever is less.

**Table 27-1816(l)-1. Monument Sign Requirements.**

| Monument Sign Requirements        |                                                                                                   |
|-----------------------------------|---------------------------------------------------------------------------------------------------|
| Sign Area                         | Maximum 140 sq ft per sign face Refer to Table 27-1816-2 for maximum per lot                      |
| Height                            | Maximum height 9'                                                                                 |
| Location on the Building or Site  | Front or corner yards                                                                             |
| Placement on the Building or Site | 10' Setback from driveways & side lot line; 3' Setback <sup>1</sup> from front & corner lot lines |
| Quantity                          | 1 per public ROW frontage                                                                         |
| Internal Illumination             | Permitted                                                                                         |

|                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Materials                                                                                                                                                                                                                                                                                                                                                                                | Solid wood, metal & masonry; Plastic & synthetics permitted on sign face; Electronic Message Board permitted in certain districts <sup>2</sup> |
| <sup>1</sup> If placed closer than five (5) feet from the front and corner side lot Lines, sign must not be located in a sight triangle extending ten (10) feet from either side of an intersection of a driveway and a vehicular right-of-way or two vehicular rights-of-way.<br><sup>2</sup> Refer to BMCC Sec. 27-1816(d) and 27-1816(l)(2)c for details on Electronic Message Boards |                                                                                                                                                |

(3) *Sign area.* Sign area is defined as the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure or character. The area of the sign having no such perimeter or border shall be computed by enclosing the entire area with parallelograms, triangles or circles of the smallest size sufficient to cover the entire area of the sign and computing the area of these parallelograms, triangles or circles. The area computed shall be the maximum portion or portions which may be viewed from any one direction.

a. *Measuring height.* Height shall include the sign face, base, cabinet, and ornamental cap.

(m) *Ped-scale pole-mounted sign.*

(1) *Description.* A ped-scale pole-mounted sign is freestanding and may be mounted on one (1) or two (2) poles. Three (3) configurations are permitted. Refer to Figure 27-1816(m)-1.

- a. A sign mounted onto a double set of poles.
- b. A sign mounted on a single pole.
- c. A sign hanging from a single pole.

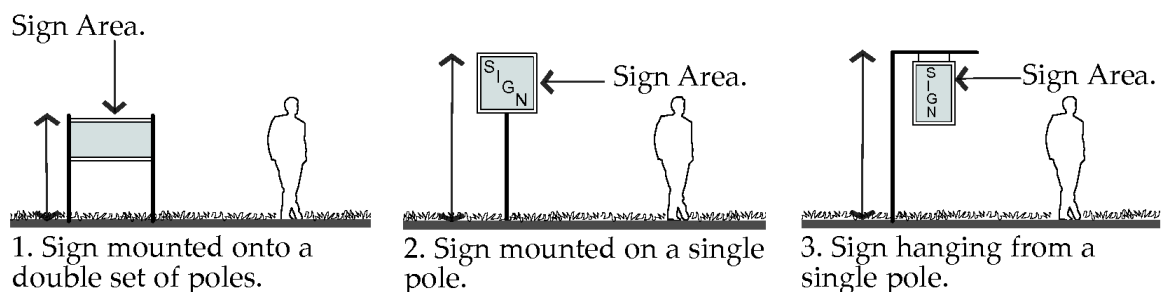


**Figure 27-1816(m)-1. Three Types of Ped-Scale Pole-Mounted Signs.**

(2) *General requirements.* Ped-scale pole-mounted signs shall be developed according to the standards in Table 27-1816(m)-1.

**Table 27-1816(m)-1. Ped-Scale Pole-Mounted Sign Requirements.**

| <b>Ped-Scale Pole-Mounted Sign Requirements</b> |                                                                                                                                                                 |
|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sign Area                                       | 8 sq ft maximum area per sign face; Refer to Table 27-1816-2 for maximum per lot                                                                                |
| Height                                          | 8' maximum height for sign mounted or hanging on a single pole; 5' for sign mounted on double set of poles; Each pole shall have a maximum diameter of 3 inches |
| Location on the Building or Site                | Front or Corner Yards                                                                                                                                           |
| Placement on the Building or Site               | 2' Setback from Front & Corner lot lines; Cannot overhang lot lines                                                                                             |
| Quantity                                        | 1 per lot                                                                                                                                                       |
| Internal Illumination                           | Permitted                                                                                                                                                       |
| Materials                                       | Solid wood, metal & masonry; Plastic & synthetics permitted on sign face                                                                                        |

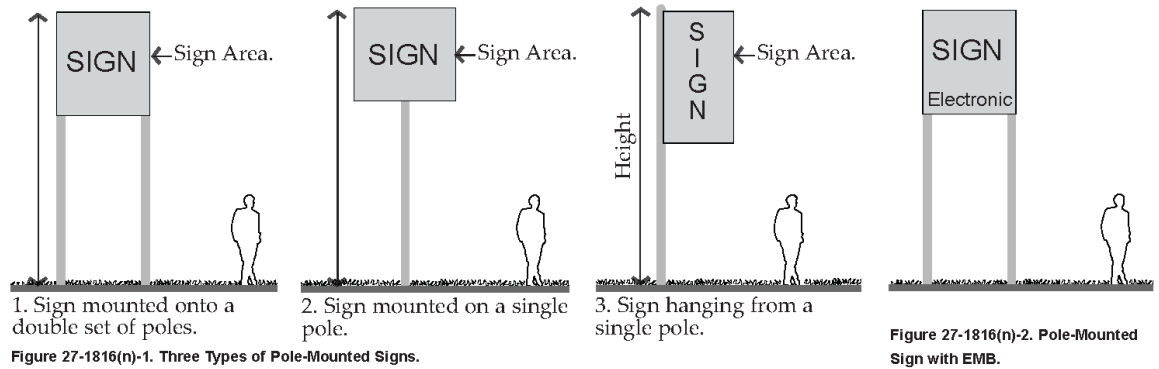
(3) *Computation.* The area of a pole-mounted sign is equal to the area of one (1) sign face.

(n) *Pole-mounted sign.*

(1) *Description.* A pole-mounted sign is freestanding with a one- or two-faced sign panel.

Three (3) configurations are permitted. Refer to Figure 27-1816(n)-1.

- a. A sign mounted onto a double set of poles.
- b. A sign mounted on a single pole.
- c. A sign hanging from a single pole.



(2) *General requirements.* Pole-mounted signs shall be developed according to the standards in Table 27-1816(n)-1.

- a. *Electronic message boards.* (Refer to Figure 27-1816(n)-2) Electronic message boards (EMBs), including such components as light-emitting diodes (LEDs), are permitted on pole-mounted signs, provided the following conditions are met:
  - i. The area of the EMB cannot equal greater than forty (40) percent of the area of the sign face on which it is located.
  - ii. One (1) sign containing an EMB is permitted per lot.
  - iii. Refer to BMCC subsection 27-1816(d) for additional requirements.
- b. *Manually changeable copy.* The area of any manually changeable copy cannot equal greater than fifty (50) percent of the area of the sign face on which it is located.
- c. *Special review.* Additional height and sign area, per Table 27-1816(n)-1, may be approved by a Special Review under the following conditions.
  - i. *Street.* The sign must front on a boulevard street.

**Table 27-1816(n)-1. Pole-Mounted Sign Requirements.**

| Pole-Mounted Sign Requirements    |                                                                        |
|-----------------------------------|------------------------------------------------------------------------|
| Sign Area                         | Refer to Table 27-1816-2 for maximum per lot                           |
| Height                            | 30' maximum height, not to exceed the height of the principal building |
| Location on the Building or Site  | Front or Corner Yards                                                  |
| Placement on the Building or Site | 2' Setback from Front & Corner lot lines; Cannot overhang lot lines    |

|                                                                                                        |                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Quantity                                                                                               | 1 per lot                                                                                                                                      |
| Internal Illumination                                                                                  | Permitted                                                                                                                                      |
| Materials                                                                                              | Solid wood, metal & masonry; Plastic & synthetics permitted on sign face; Electronic Message Board permitted in certain districts <sup>2</sup> |
| <sup>1</sup> Refer to BMCC Sec. 27-1816(n)(2)c for Special Review conditions.                          |                                                                                                                                                |
| <sup>2</sup> Refer to BMCC Sec. 27-1816(d) and 27-1816(n)(2)a for details on Electronic Message Boards |                                                                                                                                                |

(3) *Computation.* The area of a pole-mounted sign is equal to the area of one (1) sign face, including the electronic message board.

(o) *Roof sign.*

A. *Description.* A roof sign consists of individual letters or elements erected on the roof of a building.

- a. Sign projects above the highest point of the roof line or parapet of the building.
- b. Typically situated parallel to the adjacent street and does not project beyond the front facade of the building. Refer to Figures 27-1816(o)-1 and 27-1816(o)-2.

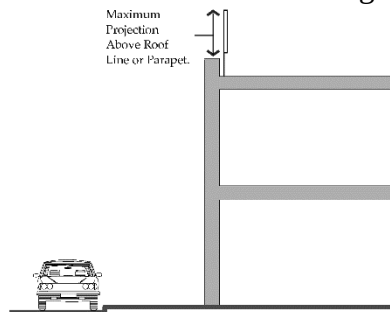


**Figure 27-1816(o)-1. Roof Sign.**

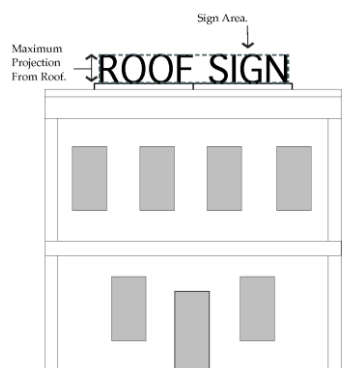


**Figure 27-1816(o)-2. Measuring Roof Signs.**



- B. *General requirements.* Roof signs shall be developed according to the standards in Table 27-1816(o)-1.

**Table 27-1816(o)-1. Roof Sign Requirements.**

| <b>Roof Sign Requirements</b>     |                                                                                                                                                                                                              |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sign Area                         | 3 sq ft per 1' building frontage. Refer to Table 27-1816-2 for maximum per lot                                                                                                                               |
| Height                            | Maximum height of letters & elements is 25% of building height.                                                                                                                                              |
| Location on the Building or Site  | Above roof line or parapet.                                                                                                                                                                                  |
| Placement on the Building or Site | Shall not project beyond the front Facade of the building                                                                                                                                                    |
| Quantity                          | 1 per lot                                                                                                                                                                                                    |
| Illumination                      | Internal and external illumination permitted.                                                                                                                                                                |
| Materials                         | Wood, wood substitute, metal, masonry; Plastic & synthetics permitted only as separate alphanumeric characters or logos; Neon glass is permitted provided the neon is not visible from the rear of the sign. |

- C. *Sign area.* Sign area is defined as the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure or character. The area of the sign having no such perimeter or border shall be computed by enclosing the entire area with parallelograms, triangles or circles of the smallest size sufficient to cover the entire area of the sign and computing the area of these parallelograms, triangles or circles. The area computed shall be the maximum portion or portions which may be viewed from any one direction.

(Ord. No. 12-5581, § 3(Exh. B), 9-10-12)

**County Zoning Section 27-700. – SIGNS**  
**Sec. 27-701 INTENT.**

(a) The purpose of this section shall be to coordinate the type, placement and scale of signs within the different land-use zones to recognize the commercial communication requirements of all sections of the business community; to encourage the innovative use of design; to promote both renovation and property maintenance; to allow for special circumstances; and to guarantee equal treatment under the law. These shall be accomplished by regulation of the display, erection, use and maintenance of signs. The use of signs is regulated according to zoning district. The placement and scale of signs are regulated by type and length of street frontage. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this section.

(b) This section shall not relate to building design. Nor shall this section regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government or fraternal organization; gravestones; barber poles; religious symbols; or any display or construction not defined herein as a sign.

Thus, the primary intent of this section shall be to regulate signs of a commercial nature intended to be viewed from any vehicular or pedestrian public right-of-way.

**Sec. 27-702 – DEFINITIONS.**

Words and phrases used in this Section have the meanings set forth in this section. Principles for computing sign area and sign height are contained in 27-703.

**Animated Sign:** Any sign that uses movement or change or lighting to depict action or create a special effect or scene.

**Area of Sign:** The entire area of a sign including the area within a perimeter which forms the outside shape including the frame, forming an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. The frame of a sign may be excluded from the area where such frame conveys no message and is constructed or affixed for aesthetic reasons beyond the necessary supports.

For computing the areas of any wall or canopy sign which consists of letters mounted or painted on a wall or canopy, the area shall be deemed to be the area of the smallest rectangular figures which can encompass all of the letters.

**Banner Sign:** Any sign (other than an official flag) made of cloth, paper or fabric of any kind, which is used to attract attention, whether or not imprinted with words or characters.

**Beacon:** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

**Billboard:** A sign which advertises products or services not sold or distributed on the premises on which the sign is located.

**Building Marker:** Any sign indicating the name of a building, date or other incidental information about its construction. A sign which is cut into a masonry surface or made of bronze or other permanent material.

**Canopy Sign:** Any sign that is a part of or attached to any awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area, and which does not extend horizontally beyond the limits of the canopy.

**Changeable Copy Sign:** A sign whose informational content can be changed or altered by manual or electric, electro-mechanical or electronic means. Changeable signs include the following types:

1. **Manually Activated:** Signs whose alphabetic, pictographic or symbolic information content can be changed or altered by manual means.
2. **Electrically Activated:** Signs whose alphabetic, pictographic or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Includes the following two types:
  - a. **Fixed Message Electronic Signs:** Signs whose basic informational content has been pre-programmed to include only certain types of information projections, such as time, temperature, predictable traffic conditions or other events subject to prior programming.
  - b. **Computer controlled Variable Message Electronic Signs:** Signs whose informational content can be changed or altered by means of computer-driven electronic impulses.

**Copy:** The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic or alphabetic form.

**Directional/Informational Sign:** An on-premise sign giving directions, instructions or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs. The sign may contain a logo provided that the logo may not comprise more than 20% of the total sign area.

**Director:** The Planning Director of the County or his/her designee.

**Flag:** Any fabric, banner or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

**Freestanding Sign:** Any sign supported by structures or supports that are placed on or anchored in, the ground and that are independent from any building or other structure, including monument signs.

**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.

**Height of Sign:** The vertical distance measured from the highest point of the sign to the crown of the adjacent street. This does not include the interstate highway.

**Lot:** Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer or ownership.

**Maintenance:** For the purposes of this Resolution, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the structure of the sign.

**Monument Sign:** A sign mounted directly to the ground with maximum height not to exceed six (6) feet.

**Nonconforming Sign:** A sign which was erected legally, but does not comply with subsequently enacted sign restrictions and regulations.

**Portable Sign:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs, designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

**Principal Building:** The building in which is conducted the principal use of the lot on which it is located. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages and other clearly accessory uses shall not be considered principal buildings.

**Projecting Sign:** A sign, other than a flat wall sign, which is attached to and projects from a building, wall or other structure not specifically designed to support the sign. Supports shall be covered in a neat and orderly fashion. Guy wire support shall be prohibited.

**Roof Sign, Above-peak:** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

**Roof Sign, Integral:** Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

**Setback:** The distance from the property line to the nearest part of the applicable building, structure or sign, measured perpendicularly to the property line.

**Sign:** Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

**Sign Administrator:** The Planning Director or his/her designee.

**Street:** A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated which has been dedicated to or acquired for public use and which extends the full width between right-of-way lines.

**Street Frontage:** The length of the property line of any one (1) premises along each public right-of-way it borders excluding alleys and serviceways.

**Suspended Sign:** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**Temporary Sign:** A non-permanent sign erected and maintained for a specific limited period of time.

Wall Sign: Any sign attached parallel to a wall, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. Sign depth shall not exceed twenty-two (22) inches, measured from the face of the structure.

Wind Driven Sign: Any sign consisting of one (1) or a series of two (2) or more banners, flags, pennants, ribbons, spinners, streamers or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

Window Sign: Any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

### Sec. 27-703. GENERAL PROVISIONS

(a) It shall hereafter be unlawful for any person to erect, place or maintain a sign in the Jurisdictional Area of Yellowstone County except in accordance with the provisions of this Section.

(b) Signs Prohibited. All signs not expressly permitted under this Section or exempt from regulation hereunder in accordance with the previous section are prohibited in the County. Such signs include, but are not limited to:

- (1) Beacons;
- (2) Wind driven sign, except flags as defined in Section 27-702 of this Section;
- (3) Strings of lights not permanently mounted to a rigid background, except those exempt under Section 27-703(c).
- (4) Inflatable signs and tethered balloons;
- (5) All portable signs not specifically permitted under Section 27-704;
- (6) Animated signs;
- (7) All above-peak roof signs;
- (8) All banner signs except as permitted under Section 27-704;
- (9) Abandoned signs;
- (10) Signs attached to trees, telephone poles, public benches, streetlights or placed on any public property or public right-of-way; and
- (11) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said signs (this does not apply to allowed portable signs or to signs or lettering on buses, taxis or vehicles operating during the normal course of business).

(c) Permits Required. Unless otherwise provided by this Section, all signs shall require permits and payment of fees as described in Section 27-707 of this Section. No permit is required for the maintenance of a sign or for a change of copy on painted, printed or changeable copy signs. Prior to any structural maintenance, the sign owner or the sign contractor is required to apply for and obtain a permit and to notify the Sign Administrator for an inspection when the maintenance is complete.

- (1) Signs Not Requiring Permits. The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this Section:

- (a) Construction signs of sixteen (16) square feet or less;
- (b) Special event or holiday lights or decorations;
- (c) Nameplates of two (2) square feet or less;
- (d) Public signs or notices, or any sign relating to an emergency;
- (e) Real estate signs;
- (f) Political signs;
- (g) Interior signs not visible from the exterior of the building;
- (h) Directional signs not to exceed twelve (12) square feet in area or six (6) feet in height; and
- (i) Temporary signs for seasonal agricultural sales in the Agricultural Open Space (A-1) district only. Such signs shall not exceed sixteen (16) square feet and may only be erected for sixty (60) days. One (1) sign per use per calendar year shall be allowed.

(d) Calculation of Sign Area. The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between and adjacent elements of the same. Such perimeter shall not include any structural elements lying outside the limits of such sign which do not form any integral part of the display.

The gross area of a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure, the sign area shall be computed by the measurement of one on the faces.

For computing the area of any wall or canopy sign which consists of letters mounted or painted on a wall or canopy, the area shall be deemed to be the area of the smallest rectangular figures which can encompass all of the letters.

(e) Clear Vision Triangle. No sign shall be placed within any clear vision triangle as illustrated in Sec. 27-618 of these regulations.

(f) Maintenance. All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Administrator shall have the right under Section 27-708 to order the repair or removal of any sign which is defective, damaged or substantially deteriorated.

(g) Lighting. Unless otherwise prohibited by this Section, all signs may be illuminated.

(h) Changeable Copy. Unless otherwise specified by this Section, any sign herein allowed may use manual or fixed message electronic sign.

Computer controlled variable message electronic signs shall be permitted provided that the bottom of the message center is ten (10) feet above the crown of the adjacent road. Computer controlled variable message electronic signs shall be permitted only in Community Commercial (CC), Highway Commercial (HC), Controlled Industrial (CI) and Heavy Industrial (HI).

(i) Sign Contractor's License. No person may engage in the business or erecting, altering, relocating, constructing or maintaining signs without a valid contractor's licenses and all required state and federal licenses.

(j) Indemnification and Insurance. All persons involved in the maintenance, installation, alteration or relocation of signs shall agree to hold harmless and indemnify the County, its officers, agents and employees against any and all claims of negligence resulting from such work insofar as this Section has not specifically directed the placement of a sign.

All persons involved in the maintenance, installation, alteration or relocation of signs shall maintain all required insurance and shall file with the state and the county a current satisfactory certificate of insurance to indemnify the state and the county against any form of liability.

## Sec. 27-704 - REGULATION BY ZONE

In any zoning district no sign may be placed or designed so as to simulate or interfere with traffic control devices or official highway directional/informational signs.

### (a) Signs Permitted in Residential Zones

These requirements apply to the following zoning districts: Agricultural Open Space (A-1), Agricultural Suburban (A-S), Residential 15,000 (R-150), Residential 9600 (R-96), Residential 7000 (R-70), Residential 7000 Restricted (R-70-R), Residential 6000 (R-6000), and Residential 6000 Restricted (R-60-R)

- (1) One non-illuminated sign for each street frontage of a construction project, not to exceed forty-eight (48) square feet in sign area. Such signs may be erected thirty (30) days prior to beginning of construction and shall be removed thirty (30) days following completion of construction.
- (2) One non-illuminated real estate sign per lot or premises not to exceed sixteen (16) square feet in sign area. Such signs must be removed fifteen (15) days following sale, rental or lease of the real estate involved.
- (3) One non-illuminated attached building nameplate per occupancy, not to exceed two (2) square feet in sign area.
- (4) One non-illuminated political sign not to exceed sixteen (16) square feet in sign area. Such signs shall not be erected more than forty-five (45) days prior to the election or referendum concerned and shall be removed ten (10) days following such election or referendum. Political signs may be placed only on private property and only with the permission of the property owner.
- (5) One subdivision sign per street frontage not to exceed forty-eight (48) square feet in sign area in each location.
- (6) One identification sign per entrance to apartment or condominium complex, not to exceed forty-eight (48) square feet in sign area.
- (7) One ranch identification sign at each public entrance, not to exceed forty-eight (48) square feet in sign area or thirty-two (32) feet in height. This sign is permitted in the Agricultural Open Space (A-1) district only.

- (8) One temporary sign not to exceed thirty-two square feet in area or eight (8) feet in height for the sale of agricultural products produced on site. This shall be permitted in the Agricultural - Open Space (A-1) district only. Each sign may be erected for no more than sixty (60) days. A temporary sign permit shall be required.
- (9) For permitted non-commercial and non-residential uses such as schools, churches and synagogues, one freestanding sign, not to exceed forty-eight (48) square feet in sign area, and one wall sign not to exceed forty-eight (48) square feet in sign area.

Special regulations for residential zones are as follows:

- (10) All allowed freestanding signs, except permitted ranch signs, shall have a maximum height limit of six (6) feet and shall have a setback of fifteen (15) feet from the property line.

(b) Signs Permitted in Residential Professional (RP) and Neighborhood Commercial (NC) Zones.

Signs are allowed as follows in the Residential Professional (RP) and the Neighborhood Commercial (NC) zones:

- (1) All signs as permitted in Section 27-704(a).
- (2) The total square feet of all signs located on the property, including, but not limited to freestanding, wall, canopy, under canopy, and directional signs, shall not exceed two (2) square feet in sign area for each lineal foot of property frontage.
- (3) One freestanding sign or monument sign per street frontage not to exceed one (1) square foot in sign area for each lineal foot of property frontage on which the sign is placed. Such signs may not exceed a height of twenty (20) feet. Maximum sign size is seventy-five (75) square feet.
- (4) One (1) wall sign, canopy or electric awning sign not to exceed fifteen (15) percent of the area of the building elevation on which the signs are installed.
- (5) One (1) under-canopy or wall sign for each separate occupancy or separate entrance not to exceed eight (8) square feet in sign area. Under-canopy signs must have a minimum clearance of nine (9) feet from the sidewalk.
- (6) Window signs shall not exceed fifteen (15) percent of the window area. This includes permanent and temporary window signs.
- (7) Directional/informational signs as required.

Special regulations and allowances for Residential Professional (RP) and Neighborhood Commercial (NC) zones are as follows:

- (8) Where any occupancy is on a corner lot, a minimum clear vision zone is to be maintained in a triangulated area at the point of intersection to allow an unobstructed view of oncoming traffic.
- (9) Freestanding signs shall maintain a minimum clearance of ten (10) feet over any sidewalk and fourteen (14) feet over any parking lot, driveway or crown of the street, whichever is higher.



- (10) Minimum setback for the leading edge of the sign shall be five (5) inside the property line with a maximum height of ten (10) feet. For each additional foot the sign is setback the sign height may increase one (1) foot to a maximum of twenty (20) feet in height.

(c) Signs Permitted in Community Commercial (CC), Highway Commercial (HC), Controlled Industrial (CI) and Heavy Industrial (HI)

Signs are allowed as follows in Community Commercial (CC), Highway Commercial (HC), Controlled Industrial (CI) and Heavy Industrial (HI) zones:

- (1) All signs as permitted in Section 27-704(a) and 27-704(b).
- (2) The total square feet of all signs located on the property, including, but not limited to freestanding, wall, projecting, integrated roof, canopy, under-canopy, and directional signs, shall not exceed three (3) square feet in sign area for each lineal foot of property frontage.
- (3) One freestanding sign per street frontage not to exceed two (2) square feet of sign are for each lineal foot of property frontage on which the sign is placed, with a maximum sign size of one hundred-fifty (150) square feet. The maximum sign height shall be twenty-four (24) feet. Where street frontage exceeds five hundred (500) feet, one additional freestanding sign may be allowed per five hundred (500) foot increment.
- (4) Minimum setback for the leading edge of the sign shall be five (5) inside the property line with a maximum height of ten (10) feet. For each additional foot the sign is setback the sign height may increase one and one-half (1-1/2) feet to a maximum of twenty-four (24) feet in height.
- (5) Wall signs shall not exceed twenty percent (20%) of the square footage of the wall area upon which they are installed. Canopy signs and electric awning signs shall not exceed twenty percent (20%) of the square footage of the wall area upon which they are installed (see Section 3.04 for sign area calculations). The combination of wall signs, canopy signs and electric awning signs shall not exceed the allowable square footage for the wall upon which they are placed.
- (6) Integrated roof signs may be used instead of wall signs. The integrated roof sign size shall not exceed the allowable size for a wall sign. Integrated roof signs shall be constructed so as to conceal all structures and fastenings. The height of the sign shall not exceed the roof to which it is attached.
- (7) Window signs shall not exceed thirty (30) percent of the window area. This included permanent and temporary window signs.
- (8) Projecting signs may be used instead of any wall or freestanding signs provided they do not project beyond the property line and maintain a clearance of ten (10) feet over sidewalk and fourteen (14) feet over any parking lot, driveway or crown of the street, whichever is higher. Projecting sign size shall not exceed the allowable size of wall signs. The height of the sign shall not exceed the roof of the wall to which it is attached.

- (9) One (1) under-canopy sign or wall sign for each separate occupancy or separate entrance not to exceed eight (8) square feet in sign area. Under-canopy signs must have a minimum clearance of ten (10) feet over the sidewalk.
- (10) On-premises directional signs as required

(d) Signs Permitted in the Interstate Corridor

Signs are allowed as follows in the Interstate Corridor (660 feet either side of the right-of-way of the Interstate Highway).

- (1) All signs as permitted in Sections 27-704(a), 27-704(b) and 27-704(c).
- (2) The total square feet of all signs located on the property, including, but not limited to freestanding, wall, projecting, integrated roof, canopy, under-canopy, and directional signs, shall not exceed three (3) square feet in sign area for each lineal foot of property frontage. This frontage shall be calculated using local streets, not the interstate highway.
- (3) Freestanding signs within the Interstate Corridor may be installed to a height of forty (40) feet and may be a maximum of three hundred-fifty (350) square feet if the principal purpose of such signs is to address interstate traffic.
- (4) Minimum setback for the leading edge of the sign shall be five (5) feet inside the property line with a maximum height of ten (10) feet. For each additional foot the sign is setback the sign height may increase one and one-half (1-1/2) feet to a maximum of forty (40) feet, if it is a freestanding sign addressing interstate traffic or twenty-four (24) feet for all other freestanding signs.
- (5) Freestanding signs which do not address interstate traffic must comply with the requirements for the zoning districts as outlined in Sections 27-704(a), 27-704(b) and 27-704(c).

(e) Shopping Center Signs

Shopping Center signs shall be allowed in the following zoning districts: Community Commercial (CC), Highway Commercial (HC), Controlled Industrial (CI) and Heavy Industrial (HI). Shopping Center signs may not be used in conjunction with a Common Signage Plan.

- (1) Shopping Centers shall be allowed one (1) freestanding directory sign per frontage. The sign may be one hundred-fifty (150) square feet plus five percent (5%) of the one hundred-fifty (150) square feet per tenant. Maximum sign size shall not exceed three hundred-fifty (350) square feet or the allowable square footage for the frontage on which the sign is installed. The setback requirements in Section 27-704(c) (4) shall apply.

(f) Billboards

- (1) Billboards shall be permitted in the Interstate Corridor (660 feet either side of the right-of-way of the Interstate Highway) on properties zoned CC, HC, CI or HI as follows:

- a. Billboards located within the Interstate Corridor shall have a maximum size of six hundred (600) square feet in size and shall be no more than forty (40) feet in height.
- b. Minimum distance between billboards shall five hundred (500) feet.
- c. Lighting shall be designed to minimize glare and interference with any adjacent residential uses or traffic.

Billboards not located in the interstate corridor are allowed as indicated below.

(2) Billboards shall be permitted in Highway Commercial (HC) as follows:

- a. Billboards shall be a maximum of three hundred (300) square feet in size and a maximum of thirty (30) feet in height.
- b. Minimum distance between billboards shall be seven hundred (700) feet.
- c. Lighting shall be designed to minimize glare and interference with any adjacent residential uses or traffic.

(3) Billboards shall be permitted in Community Commercial (CC) as follows:

- a. Billboards shall be a maximum of two hundred eighty-eight (288) square feet in size and a maximum of thirty (30) feet in height.
- b. Minimum distance between billboards shall be seven hundred fifty (750) feet.
- c. Lighting shall be designed to minimize glare and interference with any adjacent residential uses or traffic.

(4) Billboards shall be permitted in Controlled Industrial (CI) and Heavy Industrial (HI) as follows:

- a. Billboards shall be a maximum of three hundred seventy-eighty (378) square feet in size and a maximum of forty (40) feet in height.
- b. Minimum distance between billboards shall be five hundred fifty (500) feet.
- c. Lighting shall be designed to minimize glare and interference with any adjacent residential uses or traffic.

(g) Temporary Signs. Temporary Sign Permits: Temporary signs shall be allowed on private property only upon issuance of a Temporary Sign Permit, which shall be subject to the following requirements:

- (1) Term: A temporary sign permit shall allow the use of a temporary sign for new businesses or to existing businesses which are relocating and shall be limited in use to one (1) time for no more than sixty (60) days.
- (2) Number: Only one (1) temporary sign permit shall be issued to the same business license holder on the same lot in any calendar year.
- (3) Other Conditions: A Temporary sign shall be allowed only NC, CC, HC, CI, and HI zoning districts.

(h) Banner Signs. Permits for Banner Signs in the Public Right-of-Way: Permits for banner signs in the public right-of-way shall be issued in accordance with the following conditions:

- (1) Application: A banner sign application, which has been signed and approved by the owners of all private property to which the sign will be affixed, shall be submitted.
  - (a) The banner sign application must be submitted to and approved by the Director prior to placement of the banner sign.
  - (b) Application for a banner sign may not be submitted earlier than six (6) months prior to the date when the sign will first be displayed.
- (2) Term and Number of Permits: The maximum time during which any banner sign may be displayed is thirty (30) days. One permit shall cover a maximum of five (5) banners and locations.
- (3) Message and Symbols on Banner Signs: Message and symbols are limited to public service messages with no commercial advertising of any nature appearing on the banner. This shall not preclude the identification of an event sponsor provided that such identification shall not occupy more than fifteen percent (15%) of the area of the banner.
- (4) Size of Banner Signs: The maximum allowable size of a banner sign is three (3) feet by twenty (20) feet.
- (5) Banner signs are permitted in the NC, CC, HC, CI and HI zoning districts.
- (6) Other Conditions: The County may require the applicant to indemnify the County and to provide insurance covering any liability that may occur as a result of placement of the banner sign.

#### Sec. 27-705 - COMMON SIGNAGE PLAN

(a) Common Signage Plan: If the owners of two or more contiguous or adjacent (disregarding intervening streets and alleys) lots or the owner of a single lot with more than one building (excluding accessory buildings) or multiple use buildings, file with the Director for such lots a Common Signage Plan conforming with the provisions of this section, a twenty-five (25) percent increase in the maximum total sign area shall be allowed for each included lot. This bonus shall be allocated within each lot as the owner(s) elects.

(b) Provisions of Common Signage Plan: The Common Signage Plan shall contain all of the following information:

- (1) An accurate plot plan of the lot, at such scale as the Director may reasonably require;
- (2) Location of buildings, parking lots, driveways, clear vision triangles and landscaped areas on such lot;
- (3) Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) included in the plan under this Section; and
- (4) An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not.

- (5) Window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window signs (e.g., paper affixed to window, painted, etched on glass or some other material hung inside the window) and need not specify the exact dimension or nature of every window sign.

and shall also specify standards of consistency among all signs on the lots affected by the Plan with regard to:

1. Color scheme;
2. Letter or graphic style;
3. Lighting;
4. Location of each sign on the buildings;
5. Material; and
6. Sign proportions.

The above criteria does not apply to registered trademarks or established logos.

(c) Limit on Number of Freestanding Signs Under Common Signage Plan: The Common Signage Plan, for all lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one for each street on which the lots included in the plan have frontage and shall provide for shared or common usage of such signs.

(d) Other Provisions of the Common Signage Plan: The Common signage Plan may contain other restrictions as the owners of the lots may reasonably determine.

(e) Consent: Common signage Plan shall be signed by all owners or their authorized agents in such form as the Director shall require.

(f) Procedures: Common Signage Plan shall be included in any development plan, site plan, planned unit development or other official plan required by the County for the proposed development and shall be processed simultaneously with such other plan.

(g) Amendment: Common Signage Plan may be amended by filing a new or Common Signage Plan that conforms with all requirements of the Resolution then in effect.

(h) Existing Signs Not conforming to Common Signage Plan: If any new or amended Common Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within five (5) years all signs not conforming to the proposed amended plan or to the requirements of this Resolution effect on the date of submission.

(i) Binding Effect: After approval of a Common Signage Plan, no sign shall be erected, placed, painted or maintained, except in conformance with such plan, and such may be enforced in the same way as any provision of this Resolution. The Common Signage Plan may be dissolved at the request of the parties involved. Once the Common Signage Plan is dissolved all signage for the development must be brought into compliance with the provisions this Section within thirty (30) days of dissolution of the Common Signage Plan. In case of any conflict between the provisions of this Resolution and Common Signage Plan, the Resolution shall control.

(a) Determination of Legal Nonconformity. Existing signs which do not conform to the specific provisions of this Section may be eligible for the designation "legal nonconforming" provided that:

- (1) The Administrator determines such signs are properly maintained and do not in any way endanger the public.
- (2) The sign was installed in conformance with a valid permit or variance, or complied with all applicable laws on the date of adoption of this Resolution.
- (3) The sign owner registers the sign with the Administrator within six (6) months of the adoption of this Resolution. If the owner fails to register the nonconforming sign with the Administrator, the sign then must be brought into compliance with this Section.

(b) Loss of Legal Nonconforming Status. A legal nonconforming sign may lose this designation if;

- (1) The sign is relocated or replaced.
- (2) The structure or size of this sign is altered in any way except toward compliance with this Section. This does not refer to change of copy or normal maintenance.

(c) Maintenance and Repair of Nonconforming Signs. The legal nonconforming sign is subject to all requirements of this Section regarding, safety, maintenance and repair. However, if the sign suffers more than fifty (50) percent damage or deterioration, as based on appraisal, it must be brought into conformance with this Section or removed. The Yellowstone County Appraisers Office appraisal shall be used. If the sign owner does not agree with the County's appraisal of the sign, he/she may then obtain a third party appraisal from a certified appraiser at his/her own expense.

## Sec. 27-707 CONSTRUCTION SPECIFICATIONS

(a) Construction Specifications.

- (1) All signs shall be installed in compliance with the Uniform Building Code (UBC) and the National Electric Code (NEC).
- (2) All electrical freestanding signs, except billboards, must have underground electrical service to such signs.

## Sec. 27-708 ADMINISTRATION AND ENFORCEMENT

(a) Sign Administrator. The Administrator shall be the Planning Director or his/her appointee and is authorized to process applications for permits and variances, hold public hearing as required, and enforce and carry out all provisions of this Section. The Administrator is authorized to promulgate regulations and procedures consistent with this function.

The Administrator is empowered, upon presentation of proper credentials, to enter or inspect any building, structure or premises in the County for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable laws and regulations. Such inspections shall be carried out during business hours unless an emergency exists.

(b) Applications for Permits. Applications for a permit for the erection, relocation or structural repair of a sign shall be made to the Administrator upon a form provided by the Administrator and shall include, but not be limited to, the following information:

- (1) Name and address of the owner of the sign.
- (2) Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
- (3) The name, address and license number of the sign contractor installing the sign.
- (4) The type of sign or sign structure as defined in this Section.
- (5) A site plan with measurements showing the proposed location of the signs along with the locations of all existing signs on the same premises.
- (6) Specifications and drawings showing the materials, design, dimensions, structural supports and electrical components of the proposed sign.

(c) Permit Fees. All applications for permits filed with the Administrator shall be accompanied by a payment of the initial permit fee for each sign as established by Resolution by the Yellowstone County Board of County Commissioners. Said permit fee may be revised from time to time by resolution and approval of the Yellowstone County Board of County Commissioners.

(d) Issuance and Denial. The Administrator shall issue a permit and permit sticker or tag for the erection, structural alteration or relocation of a sign within ten (10) working days of receipt of a valid application, provided that the sign complies with all applicable laws and regulations of the County. In all applications where a matter of interpretation arises, the more specific definition or higher standard shall prevail.

When a permit is denied, the Administrator shall within ten (10) working days, provide a written notice to the applicant along with a statement of the reasons for denial, citing sections of this Section and interpretation of possible nonconformity. The Administrator may suspend or revoke an issued permit for any false statement or misrepresentation of facts in the application.

(e) Permit Condition, Refunds, and Penalties. If a permit is denied, the permit fee will be refunded to the applicant.

A permit is valid for ninety (90) days upon issuance of the permit. A one (1) time extension for sixty (60) days may be granted by the Administrator, provided that the written request for the extension is made prior to the expiration date of the issued permit.

If any sign is installed or placed on any property prior to receipt of a permit, the specified permit fee shall be doubled. However, payment of the doubled fee shall not relieve any person or any other requirements or penalties prescribed in this Section.

(f) Inspection Upon Completion. Any person installing, structurally altering or relocating a sign for which a permit has been issued shall notify the Administrator upon completion of the work. The Administrator may require a final inspection, including an electrical inspection and inspection of footings on freestanding signs.

The Administrator may require at the time of issuance of a permit written notification for an inspection be submitted prior to the installation of certain signs.

(g) Variances. All variances shall follow the procedure as outlined in Section 27-1511 of the Yellowstone County Zoning Regulations.

(h) Violations. When, in the opinion of the Administrator, a violation of this Section exists, the Administrator shall issue a written notice to the alleged violator. The notice shall specify those sections which the individual may be in violation of, and shall state that the individual has fourteen (14) days from the date of the order in which to correct the alleged violation.

If, upon, inspection, the Administrator finds a sign is abandoned or structurally, materially or electrically defective, or in any way endangers the public, the Administrator shall issue a written notice to the owner of the sign and the occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within fourteen (14) days of the date of the notice.

In cases of emergency, the Administrator may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety as defined in the local building or traffic codes.

(i) Removal of Signs By The Administrator. The Administrator may cause the removal of an illegal sign in cases of emergency, or for failure to comply with the written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Administrator.

If the amount specified in the notice is not paid within thirty (30) days of the notice, it shall become an assessment upon a lien against the property of the sign owner, and will be certified as an assessment against the property together with 1.5 percent per month penalty for collection in the same manner as the real estate taxes.

The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the Administrator, as in the case of a leased sign.

For purposes of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support the sign.

(j) Any person who fails to comply with the provisions of this Resolution may be subject to penalties as outlined in Section 27-1604 of the Yellowstone County Zoning Regulations.



**ARTICLE 27-400. NONCONFORMING USES OF LAND  
NONCONFORMING STRUCTURES AND USES OF STRUCTURES**

**SEC. 27-401. INTENT.**

- (a) The provisions of this chapter shall apply to buildings, structures, lands and uses which become nonconforming as a result of the application of this Resolution/Ordinance [Ord. No. 97-5048, adopted 12/22/1997] to them, or from classification or reclassification of property under Ord. No. 97-5048 or any subsequent amendments thereto. If a use originally authorized by a variance, special review or other valid use permit prior to the effective date, as defined in below subsection B of this Resolution/Ordinance is located within a district in which such use is not permitted by the terms of this Resolution/Ordinance, such use shall be a nonconforming use; however, pre-existing valid uses requiring a special review after the effective date of this Resolution/Ordinance shall not require a special review.
- (b) The effective date for these regulations is May 3, 1972 for any property that was located within the limits of the City of Billings on or before that date.

The effective date for any property located within the Yellowstone County 4½ mile jurisdictional area, but outside the limits of the City of Billings is on or before November 6, 1973.

- (c) To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of Ord. No. 97-5048 and upon which actual building construction has been carried on diligently. "Actual construction" is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

**SEC. 27-402. NONCONFORMING LOTS OF RECORD.**

- (a) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Resolution/Ordinance, a single-family dwelling and customary accessory buildings may be erected on any vacant single lot of record at the effective date of adoption, as defined in above subsection B, or amendment of this Resolution/Ordinance. Such lot must be in separate ownership and not of contiguous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area, that are generally applicable in the district, provided that the yard dimensions, lot coverage and other requirements not involving area of the lot shall conform to the regulations of the district in which such lot is located. An additional variance of area and yard requirements shall be obtained only through affirmative action by the Board of Adjustment (see BMCC Sections 27-1501, et seq.)

**ARTICLE 27-400. NONCONFORMING USES OF LAND**  
**NONCONFORMING STRUCTURES AND USES OF STRUCTURES**

- (b) If two (2) or more vacant lots or combinations of lots and portions of lots with contiguous frontage in single ownership or record exist at the time of adoption, as defined in Section 27-401, subsection B, or amendment of this Resolution/Ordinance, and if all or part of the lots do not meet the requirements for lot area as established by this Resolution/Ordinance, the land involved shall be considered to be an undivided parcel for the purpose of this Resolution/Ordinance, and no portion of the parcel shall be used or sold which does not meet lot area requirements established by this Resolution/Ordinance, nor shall any division of the parcel be made which leaves remaining any lot, with area below the requirements stated in this Resolution/Ordinance.

**SEC. 27-403. NONCONFORMING USES OF LAND.**

Where, on the effective date of adoption, as defined in Section 27-401, subsection B, or amendment of this Resolution/Ordinance, lawful use of land exists that is no longer permissible under the terms of this Resolution/Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (a) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption, as defined in Section 27-401, subsection B, or upon amendment of this Resolution/Ordinance.
- (b) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption, as defined in Section 27-401, subsection B, or upon amendment of this Resolution/Ordinance.
- (c) If any such nonconforming use of land ceases for any reason for a period of one (1) year or more, any subsequent use of such land shall conform to the regulations specified by this Resolution/Ordinance for the district in which such land is located.

Within a period of one (1) year or less, a manufactured home used for residential purposes which is a legal nonconforming use of land may be replaced by another manufactured home for residential purposes, so long as the new home is not substantially larger than the manufactured home that it replaced. In addition, the new manufactured home shall meet the minimum yard setback requirements including arterial setbacks (see BMCC Section 27-602), along with lot coverage requirements for the zoning district in which it is located.

**SEC. 27-404. NONCONFORMING STRUCTURES.**

Where a lawful structure exists at the effective date of adoption, as defined in Section 27-401, subsection B, or amendment of this Resolution/Ordinance that could not be built under the terms of this Resolution/Ordinance by reason of restriction on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains lawful, subject to the following provisions:

**ARTICLE 27-400. NONCONFORMING USES OF LAND  
NONCONFORMING STRUCTURES AND USES OF STRUCTURES**

- (a) No such structure may be enlarged or altered in a way which increases its nonconformity unless an enlargement or structural alteration makes the building more conforming or is required by law.
- (b) Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Resolution/Ordinance.
- (c) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
- (d) Structural alterations may be permitted if necessary to adapt a nonconforming building to new technologies or equipment pertaining to uses housed in such building. Any enlargement necessary to adapt to new technologies shall be authorized only by a variance, as described in BMCC Sections 27-1506 (City) and 27-1511 (County).

**SEC. 27-405. NONCONFORMING USES OF STRUCTURES.**

If a lawful use of a structure or of structures and premises in combination exists at the effective date of adoption, as defined in Section 27-401, subsection B, or amendment of this Resolution/Ordinance, that would not be allowed in the district under the terms of this Resolution/Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No existing structure devoted to a use not permitted by this Resolution/Ordinance in the zone in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zone in which it is located.
- (b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption, as defined in Section 27-401, subsection B, or amendment of the Resolution/Ordinance, but no such use shall be extended to occupy any land outside such building.
- (c) If no structural alterations are made, any nonconforming use of a structure, or structures and premises, may be changed to another nonconforming use provided that the governing body with jurisdiction on the property shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the governing body with jurisdiction on the property may require appropriate conditions and safeguards in accordance with the provisions of this chapter. Any proposed change from one nonconforming use to another nonconforming use shall be processed and reviewed under the Special Review provisions of BMCC Sections 27-1501, et seq., and the following criteria shall be considered:
  - (1) The nature and purpose of the existing nonconforming use;
  - (2) The difference in quality and character of the proposed use;

**ARTICLE 27-400. NONCONFORMING USES OF LAND  
NONCONFORMING STRUCTURES AND USES OF STRUCTURES**

- (3) The difference in the degree of use of the proposed use, including but not limited to hours of operation and parking requirements;
  - (4) The reasons for the proposed change; and
  - (5) The overall impact of the proposed use on the surrounding property.
- (d) Any structure, or structures and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure(s) is located, and the nonconforming use may not be thereafter resumed.
- (e) When a nonconforming use of a structure, or structures and premises in combination, is discontinued or abandoned for one (1) year or more, the structure, or structures and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Abandonment shall include, but not be limited to, cessation of the use for one (1) year or more.
- (f) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost at time of destruction.
- (g) Any sexually oriented business, located within the limits of the City of Billings, existing upon passage of this chapter which does not comply with the requirements established herein shall be deemed a legal nonconforming use. All existing legal nonconforming sexually oriented businesses, as of the effective date of this chapter, or any amendment hereto, shall comply with the provisions of this chapter within four (4) years from the date of the enactment of this section or any amendment thereto. (Refer also to BMCC Section 27-611.)

**SEC. 27-406. REPAIRS AND MAINTENANCE.**

Any building or other structure containing a nonconforming use, or any nonconforming building or portion thereof, declared unsafe by the Building Official may be strengthened or restored to a safe condition.

**SEC. 27-407. UNLAWFUL USE.**

Nothing in this Resolution/Ordinance shall be interpreted as authorization for or approval of a continuance of the use of a structure or premises in violation of the zoning regulations in effect at the time of the effective date of this Resolution/Ordinance.

(Ord. No. 97-5048, § 4, 12-22-97; Ord. No. 99-5079, § 1, 2-8-99)

## ARTICLE 27-200. DEFINITIONS

### SEC. 27-201. DEFINITIONS.

For the purpose of this Resolution/Ordinance, certain terms or words used herein are defined as follows:

The word PERSON includes a firm, association, organization, partnership, trust, company or corporation, as well as, an individual; the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular; the word SHALL is mandatory, the word MAY is permissive; the words USED or OCCUPIED include the words INTENDED, DESIGNATED, OR ARRANGED TO BE USED OR OCCUPIED; and the word LOT includes the words PLOT, TRACT OR PARCEL. Where other definitions are necessary and are not defined herein, the dictionary may define such terms.

**ACCESSORY:** A use, building or structure, part of a building or other structure, which is subordinate to, and the use of which is incidental to that of the main building, structure or use on the same lot, including a private garage.

- (1) **ATTACHED ACCESSORY STRUCTURE:** Any structure or building which has any roof or wall in common with the principal structure. For purposes of zoning, an attached accessory structure is considered part of the principal structure.
- (2) **DETACHED ACCESSORY STRUCTURE:** Any structure or building which does not have any roof or wall in common with any principal structure or building. For purposes of zoning, a detached accessory structure must maintain a minimum distance of six (6) feet from any other building or structure.

**ADULT FOSTER FAMILY CARE HOME:** See COMMUNITY RESIDENTIAL FACILITIES.

**AGRICULTURE:** The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, grazing land, animal and poultry husbandry, horticulture, floriculture, viticulture, including all uses customarily incidental thereto but not including any agriculture industry or business such as commercial feed lots, animal hospitals, food processing plants, fur farms or similar uses.

**AIRPORT OR AIRCRAFT LANDING FIELD:** Any runway, landing area or facility whether publicly or privately owned and operated, and which is designed, used or intended to be used either by public carriers or by private aircraft for landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

**ALTERATIONS:** A change or rearrangement of the structural parts of existing facilities, or an enlargement by extending the sides or increasing the height or depth or the moving from one (1) location to another. In buildings for business, commercial, industrial or similar uses, the installation or rearrangement of partitions affecting more than one third of a single floor area shall be considered an alteration.

**ANTENNA:** See BMCC Section 27-610

**APARTMENT HOUSE:** See DWELLING, MULTIPLE-FAMILY.

## **ARTICLE 27-200. DEFINITIONS**

**AUTOMOBILE OR VEHICLE SALVAGE OR WRECKING YARD:** The dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled, or partially dismantled, obsolete, or wrecked vehicles or their parts or any establishment or place of business which is maintained or used for the storage, keeping, buying or selling of wrecked, scrapped or dismantled motor vehicles or motor parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been removed for reuse or sale, shall constitute a salvage or wrecking yard.

**AUTOMOBILE SALES AREA:** *See VEHICLE SALES AREA.*

**BARS, TAVERNS AND COCKTAIL LOUNGES:** An establishment where alcoholic beverages are sold and consumed on the premises.

**BED & BREAKFAST INN:** A house, or a portion thereof, that contains short-term guest rooms where lodging, with or without meals, is provided for compensation. The operator of the inn shall live on the same property upon which the inn is located.

**BOARD:** The Board of Adjustment of the City of Billings or the Board of Adjustment of Yellowstone County.

**BOARDING OR LODGING HOUSE:** "Boarding house" means the same as lodging house, but where meals (with or without lodging) are provided for compensation and by prearrangement for a definite period for three (3) or more persons. Boarding houses shall not be construed to mean rest homes or convalescent homes. This definition shall also exclude "Bed & Breakfast Inns".

**BOAT SALES AREA:** *See VEHICLE SALES AREA.*

**BUILDING:** Any structure having a roof, but excluding all forms of vehicles even though immobilized. When a use is required to be within a building, or where special authority granted pursuant to this chapter requires that a use shall be within an entirely enclosed building then the term "building" means one so designed and constructed from the ground to the roof line, and shall contain no openings except for windows and doors which are designed so that they may be closed.

**BUILDING HEIGHT:** The vertical distance from the highest point of a structure to the "grade", excluding permissible height exceptions in BMCC Sections 27-308 and 27-309.

**BUILDING, PRINCIPAL:** The primary building or use on a lot that accommodates the principal use to which the premises are devoted.

**CAMP, PUBLIC & PRIVATE:** Any area or tract of land used or designed to accommodate two (2) or more camping parties, including cabins, tents, travel trailers and other camping outfits.

**CARPORT:** A structure to house or to protect motor vehicles owned or operated by the occupants of the main building which is open on three (3) or fewer sides.

**CAR WASH:** A building or area that provides facilities for washing and cleaning motor vehicles, excluding semi-tractors and/or semi-trailers, which may use production line methods with a conveyor, blower or other mechanical devices. This term also includes facilities which require hand labor in the cleaning of the vehicle.

## ARTICLE 27-200. DEFINITIONS

### CHILD CARE FACILITIES:

- (1) **FAMILY DAY CARE HOME:** A private residence in which supplemental parental care is provided for up to six (6) children, including the operator's children, from separate families on a regular basis. Such day care home shall be licensed by the Montana Department of Social and Rehabilitation Services under M.C.A., Title 53, Chapter 4, Part 5, as required by state law.
- (2) **GROUP DAY CARE HOME:** A private residence in which supplemental parental care is provided for seven (7) to twelve (12) children, including the operator's children, on a regular basis and which is licensed by the Montana Department of Social and Rehabilitation Services under M.C.A., Title 53, Chapter 4, Part 5, as required by state law.
- (3) **DAY CARE CENTER:** A place in which supplemental parental care and/or adult supervision is provided to thirteen (13) or more children, including the operator's children, on a regular basis, and which may include nursery schools, private kindergartens or after school care and supervision. Such day care center shall be licensed as required by the state, city or county and conducted in accordance with applicable state and local requirements.

**CHURCH OR OTHER PLACE OF WORSHIP:** A building which is used primarily for religious worship and related religious activities, including but not limited to churches, convents, monasteries, shrines and temples.

**CLINIC, MEDICAL:** A building designed and used for the medical, dental and surgical diagnosis and treatment of patients under the care of doctors and nurses, but where no surgery other than minor emergency care is performed and where no overnight care is provided.

**CLINIC, SURGICAL:** A clinic where surgery is performed on an outpatient basis only.

**CLUB, FRATERNAL:** A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal membership requirements. This definition includes such organizations as the Knights of Columbus, Masons, Elks and other similar organizations.

**CLUB, SERVICE:** Any nonprofit organization, the services of which are devoted entirely to the betterment or improvement of community in which it is located, including organizations such as the Lions, Kiwanis, Rotary, Optimists and other similar organizations.

**COMMUNITY GROUP HOME:** See **COMMUNITY RESIDENTIAL FACILITIES.**

### COMMUNITY RESIDENTIAL FACILITIES:

- (1) **ADULT FOSTER FAMILY CARE HOME:** A private home licensed by the Montana Department of Public Health and Human Services owned by one (1) or more persons eighteen (18) years of age or older which offers light personal care or custodial care to disabled adults who are not related to the owner by blood or marriage or which offers light personal care or custodial care to aged persons. The number of aged persons or disabled adults in an adult foster family care home may total no more than four (4).

## ARTICLE 27-200. DEFINITIONS

- (2) **COMMUNITY GROUP HOME:** A family oriented residence or home licensed by the appropriate state agency designed to provide residential services and facilities for developmentally, severely disabled or mentally disabled persons, but does not provide skilled or intermediate nursing care.
- (3) **HALFWAY HOUSE:** A place operated in accordance with the regulations of the Montana Department of Public Health and Human Services for the rehabilitation of alcohol or drug dependent persons.
- (4) **YOUTH FOSTER HOME:** A youth care facility licensed by the Montana Department of Public Health and Human Services in which substitute care is provided to one (1) to six (6) foster children or youths, other than the foster parents' own children, stepchildren or wards.
- (5) **YOUTH GROUP HOME:** A youth care facility licensed by the Montana Department of Public Health and Human Services in which substitute care is provided to seven (7) to twelve (12) children or youth.
- (6) **ASSISTED LIVING FACILITY:** An assisted living facility licensed by the Montana Department of Public Health and Human Services in a congregate residential setting that provides or coordinates personal care, 24-hour supervision and assistance, both scheduled and unscheduled, and activities and health-related services for persons 18 years old or older.

**CONDOMINIUM:** Property that is owned as single units with common elements located on property submitted to the provisions of MCA Title 70 Chapter 23. This term does not include a townhome or townhouse.

**CONVENIENCE STORE:** A retail store that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract, and depends upon, a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by the "7-11" and "Kwik-Way" chains. These stores may also include pumps and/or storage tanks from which fuels are dispensed at retail. No servicing, maintenance or repair work shall be conducted on the business premises. This definition shall exclude truck stops.

**DAY CARE CENTER:** *See* **CHILD CARE FACILITIES.**

**DRIVE-IN SERVICE:** A use whose character is dependent on a driveway approach, a drive-through and/or parking space for motor vehicles so as to either serve customers while in the vehicle or permit consumption of food or beverages in a vehicle obtained on the premises. Drive-in or drive-up window restaurants, drive-in banking, pickup windows for beverages or food, and other drive-in or drive-through services are included in this category. This definition shall exclude car washes and insurance adjusters.

**DUPLEX:** *See* **DWELLING, TWO-FAMILY.**

**DWELLING:** A building designed exclusively for residential purposes, including single-family, two-family, and multiple-family dwellings, but not including hotels or motel units, bed and breakfast guest rooms, boarding or lodging houses, or travel trailers and/or vehicles.

**DWELLING, TYPES OF:**



## ARTICLE 27-200. DEFINITIONS

- (1) **DWELLING, SINGLE-FAMILY:** A building constructed and designed for occupancy by one (1) family and containing one (1) dwelling unit.
- (2) **DWELLING, TWO-FAMILY (DUPLEX):** A building constructed and designed for occupancy by two (2) families living independently of each other, and containing two (2) dwelling units, where the dwelling units share a common separation such as a ceiling, wall, etc. (including, without limitation, the wall of an attached garage or porch) and where access cannot be gained between the units through an internal doorway.
- (3) **DWELLING, MULTIPLE-FAMILY:** A building constructed and designed for occupancy by three (3) or more families living independently of each other, and containing three (3) or more dwelling units, where the dwelling units share a common separation such as a ceiling, wall, etc. (including, without limitation, the wall of an attached garage or porch) and where access cannot be gained between the units through an internal doorway, excluding common hallways.

**DWELLING UNIT:** One (1) or more rooms designed for or occupied by one (1) family for living or sleeping purposes and may contain kitchen and/or bathroom facilities for use solely by one (1) family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit. A studio/efficiency apartment constitutes a dwelling unit within the meaning of this chapter.

**ENCLOSED STRUCTURE:** means a building that protects the contents thereof from the elements, including sight obscuring walls on all sides and a roof.

**FAMILY:** Any number of individuals, related by blood, marriage, adoption or other legal means, including any number of minor children in foster care, and/or any number of unrelated persons (including any domestic servants or caregivers) living together in a dwelling unit. The total number of persons living together in the dwelling unit cannot exceed the recommended guidelines, as amended time to time by HUD, of two (2) persons per bedroom (24 CFR Part 4, Section 982.401). A "family" is distinguished from a group occupying a boarding house, lodging house, bed and breakfast inn, fraternity/sorority house, hotel or clubhouse. (ORDINANCE 04-5292)

**FAMILY DAY CARE HOME:** See **CHILD CARE FACILITIES**.

**FENCE:** A barrier composed of posts connected by boards, rails, panels or wire for the purpose of enclosing space to separate parcels of land. This term also includes a masonry wall.

**FIREWORKS:** Those substances and/or articles which are more specifically defined in M.C.A. 50-37-101 through 50-37-103.

**FIREWORKS STAND:** A structure from which fireworks are sold, displayed or offered for sale. A fireworks stand is specifically limited to an approved temporary structure, as regulated in BMCC Section 27-614.

**FIREWORKS STORAGE BUILDING:** A structure used for the storage of fireworks.

**FLOODPLAIN OR FLOODWAY:** In all cases of interpretation, designated floodplain or floodway definitions as established by the Montana Department of Natural Resources and Conservation shall apply.

## **ARTICLE 27-200. DEFINITIONS**

**FRATERNITY/SORORITY HOUSE:** A dwelling or dwelling unit occupied by and maintained exclusively for fraternity or sorority members, their guests or visitors and affiliated with and acknowledged as a fraternity/sorority house by an academic or professional college or university or other recognized institution of higher learning.

**GAMBLING ESTABLISHMENT:** See BMCC Section 27-612.

**GARAGE, RESIDENTIAL:** An accessory building or an accessory portion of the main building, enclosed on more than three (3) sides and designed or primarily used only for the shelter or storage of vehicles owned and operated by the occupants of the buildings.

**GRADE (ADJACENT GROUND ELEVATION):** The lowest point of elevation of the finished surface of the ground, or the lowest point of elevation of the finished surface of the ground between the exterior wall of the building and the property line, if it is less than five (5) feet distance from the wall. In cases where walls are parallel to and within five (5) feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley, or public way.

**GROSS FLOOR AREA:** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

**GROUP DAY CARE HOME:** See **CHILD CARE FACILITIES**.

**HALFWAY HOUSE:** See **COMMUNITY RESIDENTIAL FACILITIES**.

**HAZARDOUS WASTE FACILITIES:** See BMCC Sections 27-605, et seq.

**HEIGHT:** The vertical distance from the highest point of a structure to the "grade", excluding permissible height exceptions in BMCC Section 27-310.

**HELIPORT:** Any facility whose primary purpose is for the landing or taking off of helicopters. This would include any accessory uses or structures related to the principal use as a heliport, such as maintenance and overhaul, fueling, service, storage, tie-down areas and hangars.

**HOME OCCUPATION:** See BMCC Section 27-606.

**HOSPITAL, ANIMAL:** A building or premises including veterinary hospitals for the medical or surgical treatment of animals or pets, including dogs and cats, also including the boarding of hospitalized animals subject to medical or surgical treatment.

**HOSPITAL, GENERAL:** An institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and licensed by state law to provide facilities and services in surgery, obstetrics and general medical practice, as distinguished from treatment of mental and nervous disorders and alcoholism, but not excluding surgical and post-surgical treatment of mental cases. Nursing homes and convalescent homes are excluded from this definition.

**HOSPITAL, MENTAL:** An institution licensed by state agencies under the provisions of law to offer facilities, care and treatment for cases of mental and nervous disorders.

**HOTEL:** A building, or portion thereof, designed or used for temporary lodging, being less than thirty (30) days, where lodging with or without meals is provided for compensation. A central dining room, banquet meeting hall, kitchen, plus accessory shops and services catering to the general public can be provided.

## ARTICLE 27-200. DEFINITIONS

**INOPERABLE VEHICLE:** Any vehicle incapable of immediate operation under its own power safely and in concurrence with governing and applicable traffic ordinances and statutes or any vehicle not having current license plates lawfully affixed thereto.

**JUNK:** Any worn out cast off or discarded article or material which is ready for destruction or has been collected or stored as salvage, for conversion to some other use or for reduction into components. Junk includes but is not limited to old or scrap brass, rope, rags, batteries, paper, tires, rubber debris or waste, iron, steel and other old or scrap ferrous or non-ferrous material.

**JUNKYARD:** An open area where wastes, or used or secondhand materials are bought, sold, exchanged, stored, processed or handled, which are not intended to be recycled. Materials shall include, but are not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles.

**KENNEL, COMMERCIAL:** Any lot, building, structure or premises where more than two (2) dogs or cats over the age of six (6) months, other than those owned by the kennel owner are kept or maintained for boarding, training, breeding or selling, exclusive of medical care or for quarantine purposes in excess of twenty-four (24) hours. Female dogs bred for the sole purpose of the sale of puppies for profit, and female dogs numbering more than three (3) constitute a Commercial Kennel.

**KENNEL, NONCOMMERCIAL:** A kennel at, in, or adjoining a private residence where more than two (2) dogs or cats are kept for the hobby of the householder in using them in shows or obedience trials, personal pleasure or for the guarding or protecting of the householder's property. The occasional raising of a litter of puppies or kittens at the kennel and the occasional sale of puppies or kittens by the keeper of a noncommercial kennel should in no way change the character of the residential property.

**LANDSCAPING:** The combination of living and nonliving elements, as further described in BMCC Sections 27-1101, et seq.

**LIMITED PHARMACEUTICAL MANUFACTURING:** Establishments primarily engaged in manufacturing bulk organic and inorganic medicinal chemicals and their derivatives and processing bulk botanical drugs and herbs. This definition also includes premises engaged in manufacturing, fabricating, or processing drugs in pharmaceutical preparations for human or veterinary use.

**LIVESTOCK & FOWL:** Livestock shall include all animals of the equine, bovine and swine class, including goats, sheep, mules, horses, hogs, cattle and other grazing animals. Fowl shall include chickens, geese, ducks, turkeys and other poultry.

**LOT:** A tract of land, no matter how legally described whether by metes and bounds, Certificate of Survey and/or by lots and block designation as in a recorded plat.

**LOT AREA:** The total area circumscribed by the boundaries of a lot, except that when the legal instrument creating a lot extends into a public street right-of-way and/or easement, then the lot boundary for purposes of computing the lot area shall be the street right-of-way.

**LOT COVERAGE:** The total area of a lot covered by buildings or roofed areas, excluding allowed projecting eaves, balconies and similar features. Lot coverage includes, but is not necessarily limited to the following: principle structures, accessory structures, carports, and

## ARTICLE 27-200. DEFINITIONS

covered decks and patios. Uncovered decks less than thirty (30) inches in height shall not be counted towards lot coverage.

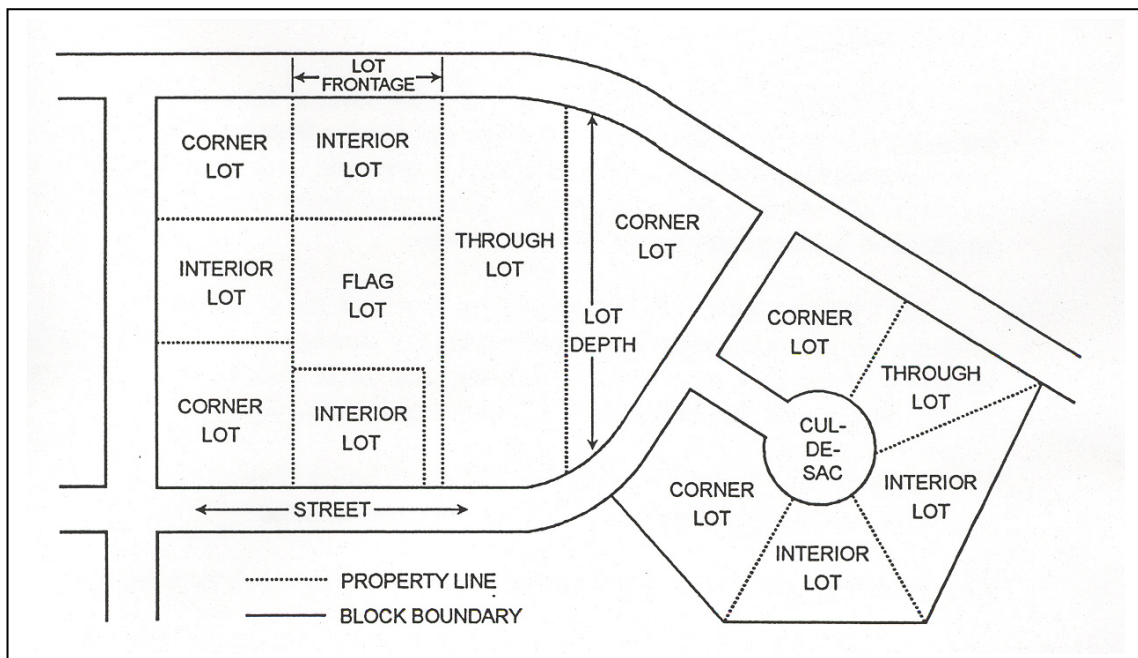
**LOT FRONTAGE:** That portion of the lot nearest the public street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to public streets shall be considered frontage, and yards shall be provided as indicated in BMCC Sections 27-308 and 27-309, District Regulations.

**LOT LINE:** A line of record bounding a lot which divides one lot from another lot or from a public or private street, alley or other public space.

- (1) **FRONT LOT LINE:** The lot line or lines abutting a public or private street.
- (2) **REAR LOT LINE:** The lot line not intersecting a front lot line that is most distant from and most clearly parallel to the front lot line.
- (3) **SIDE LOT LINE:** Any lot line that is not a front or a rear lot line.

### LOT TYPES:

- (1) **CORNER LOT:** A lot located at the intersection of two (2) or more streets.
- (2) **INTERIOR LOT:** A lot other than a corner lot with only one (1) frontage on a street other than an alley.
- (3) **THROUGH LOT OR DOUBLE FRONTAGE LOT:** A lot other than a corner lot with frontage on more than one (1) street other than an alley.



## **ARTICLE 27-200. DEFINITIONS**

**MANUFACTURED HOME:** A factory assembled structure or structures, equipped with the service connections necessary to be used as a dwelling unit, and constructed to be readily movable as a unit or units either on its own running gear or other system. Since 1976 manufactured home construction has been regulated by the federal Manufactured Housing Construction and Safety Standards Act as administered by the Department of Housing and Urban Development (HUD), and are not constructed in accordance with the standards set forth in the Uniform Building Code, applicable to site-built homes. See BMCC Section 27-608.

**MANUFACTURED HOME PARK OR COURT:** Land designed or used that contains temporary or permanent parking for two (2) or more manufactured homes spaces which are available to the general public for use as residences. This term does not include a parcel composed of individually platted lots, each lot of which is filed with the Yellowstone County Clerk and Recorder, which contain only one manufactured home per lot.

**MEDICAL CORRIDOR:** The area defined by the Billings Medical Corridor Study as the medical development impact area. This area is of special concern to the city as a potential location for medical or medically related uses, as well as, supporting uses and residential development. See BMCC Sections 27-901, et seq.

**MERCHANDISE:** All items of movable personal property offered for sale to the public for which no title is required to be registered with or issued by the state.

**MOBILE HOME OR TRAILER:** See **MANUFACTURED HOME**.

**MOTEL:** A group of attached or detached buildings containing individual sleeping units where a majority of such units open individually and directly to the outside, or to a common corridor and where a garage is attached to or a parking space is conveniently located at each unit, all for the temporary use, being less than thirty (30) days, by automobile tourist or transient and such word shall include tourist courts, motor courts, automobile courts and motor lodges.

**MOTOR VEHICLE:** A two (2) or more wheeled or track vehicle designed to transport one (1) or more persons or properties from one (1) location to another including without limitation: trucks, buses, cars, motorcycles, scooters, farm and industrial equipment.

### **MULTI-UNIT DEVELOPMENTS:**

- Condominium, Townhome, Townhouse or Commercial development projects that include common, private facilities shared by buildings or lots.
- Residential developments that have more than two dwelling units and include common, private facilities shared by buildings or lots.

**NEIGHBORHOOD CONVENIENCE STORE (County only):** A retail establishment of 3,000 square feet or less in gross floor area not including any outdoor seating area, located in a residential zoning district, offering for sale a relatively limited selection of prepackaged food products, household items, and other related goods, not including gasoline or fuel sales. Included in this definition are coffee, soup, and sandwich shops, bakeries, mail packaging and delivery services, laundromats and similar retail establishments.

**NONCONFORMING LOT:** See BMCC Section 27-402.

**NONCONFORMING STRUCTURE:** See BMCC Section 27-404.

**NONCONFORMING USE:** See BMCC Sections 27-403 and 27-405.

## ARTICLE 27-200. DEFINITIONS

**NURSING HOMES, CONVALESCENT HOMES, ORPHANAGES & CHARITABLE INSTITUTIONS:** A home operated similarly to a boarding house but not restricted to any number of guests or guest rooms, and the operator of which is licensed by the state, city or county to give special care and supervision to his/her patients. In such homes, nursing, dietary and other personal services are furnished to convalescents, invalids and aged persons, but within which homes are kept no persons suffering from a contagious or communicable disease, and within which are performed no surgery, maternity or other primary treatments such as are customarily provided in sanitariums or hospitals, and within which no persons are kept to be served who normally would be admitted to a mental hospital. Adult Foster Family Care Homes are not included in this definition.

**OCCUPIED:** Includes the words intended, designated or arranged to be occupied.

**OPEN STORAGE:** The storage for a period of five (5) consecutive days or more of junk, salvage, trash, inoperable vehicles and/or merchandise outside of an enclosed structure.

**PARKING, PUBLIC:** An open area other than a street used for the temporary parking of more than four (4) automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.

**PAWN SHOP:** *See* **SECONDHAND STORE AND/OR ANTIQUE SHOPS.**

**PLANNED DEVELOPMENT:** *See* BMCC Sections 27-1301, et seq.

**PLANNING BOARD:** The Yellowstone County Board of Planning as authorized under the provisions of M.C.A., Title 76, Chapter 1, Part 1, Section 76-1-101.

**PLANNING DIRECTOR:** The individual appointed by the City, after consideration of the recommendations from the County Commissioners and Board of Planning. The Director's duties and responsibilities shall be those defined in the Interlocal Agreement on Planning.

**PRINCIPAL USE:** The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory. The uses listed in BMCC Sections 27-305 and 27-306, District Regulations, are principal uses.

**PROJECT ANIMAL:** An animal raised exclusively for educational purposes and/or for participation in programs such as F.F.A., 4-H, or other similar types of programs.

**PROJECTION:** The distance any part of a structure extends beyond the building setback line. *See* BMCC Section 27-310 for a list of permitted projections.

**RECREATION, COMMERCIAL:** An area operated for profit and devoted to facilities and equipment for recreational purposes; swimming pools, tennis courts, playgrounds, golf courses, community clubhouses and other similar uses whether the use of such area is limited to private membership or whether open to the public upon the payment of a fee or service charge.

**RECREATION, NONCOMMERCIAL:** An area devoted to facilities and equipment for recreational purposes; swimming pools, tennis courts, playgrounds, community clubhouses and other similar uses maintained and operated by a nonprofit club, homeowners' association or other corporate structure and whose membership is limited to the residents within the area.

**RECREATIONAL VEHICLE:** *See* **TRAVEL TRAILER.**

**RECREATIONAL VEHICLE PARK:** *See* **TRAVEL TRAILER PARK.**

## **ARTICLE 27-200. DEFINITIONS**

**RECYCLING CENTER:** A facility that is not a junkyard and in which recoverable resources, such as newspaper, glassware and metal cans are collected, stored, flattened, crushed or bundled. This term does not include automobile or vehicle salvage or wrecking yards.

**RETIREMENT HOME:** A place of residence for several families or individuals in apartment-like quarters, rented or condominiums, which may feature services to retired persons such as limited nursing facilities, minimum maintenance living accommodations and recreation programs and facilities.

**RIGHT-OF-WAY:** A strip of land dedicated or acquired for use as a public way, or that is acquired through an easement.

**SALVAGE:** Something saved as valuable or useful from trash, rubbish, worn out equipment, or junk.

**SATELLITE DISH ANTENNA:** See BMCC Section 27-610.

**SCHOOL, COLLEGE OR UNIVERSITY:** A public or private institution for higher learning (beyond grade 12) providing instruction as approved by the Montana Department of Education or a national collegiate or university accreditation agency.

**SCHOOL, ELEMENTARY, JUNIOR, AND SENIOR HIGH, INCLUDING PUBLIC, PRIVATE AND PAROCHIAL:** An institution of learning which offers instruction in the several branches of learning and study required to be taught in the schools by the Montana State Board of Education.

**SCHOOL, TRADE OR VOCATIONAL-TECHNICAL:** A building where instruction is given to pupils in arts, crafts, or trades and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.

**SCRAP OR WASTE PROCESSING YARD:** See **JUNKYARD**.

**SECONDHAND STORE AND/OR ANTIQUE STORE:** Any retail establishment in which the principal portion of the articles, commodities, or merchandise handled, offered for sale, or sold on the premises are used or not new. Pawn shops are included in this definition.

**SERVICE STATION, AUTOMOBILE:** A place where fuel and/or lubricants are dispensed at retail and where light maintenance activities such as engine tune-ups, lubrication, tire repair, battery servicing and air conditioning service may be conducted. Service stations do not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, body work and/or drive-train repair and rebuilding are conducted.

**SETBACK:** That distance measured from the lot or property line to a supporting point(s) or wall(s) of a structure or building.

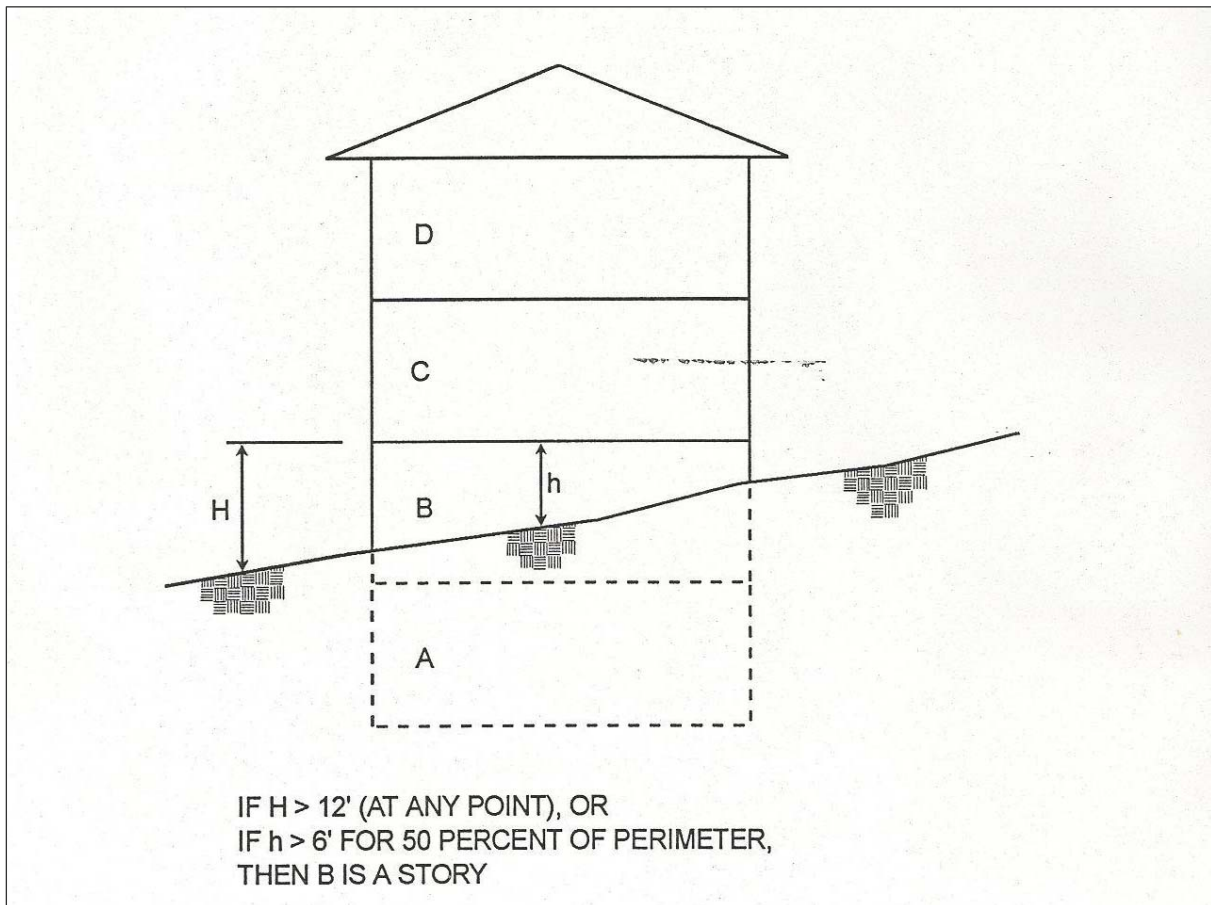
**SEXUALLY ORIENTED BUSINESS:** An "adult" arcade, "adult" bookstore, "adult" video store, "adult" motel or "adult" motion picture theater, as those terms are defined in BMCC Section 27-611.

**STABLE, PRIVATE:** A detached accessory building in which horses or other beasts of burden owned by the occupant of the premises are kept, and in which no such animals are kept for hire, remuneration or sale, and are kept for the owner's private use only.

**STABLE, COMMERCIAL:** A stable other than a private stable.

## ARTICLE 27-200. DEFINITIONS

**STORY:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar or unused under-floor space shall be considered a story.



### STREETS:

- (1) **STREET:** A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or however otherwise designated which has been dedicated to or acquired for public use and which extends the full width between right-of-way lines, which includes areas acquired or prescribed through an easement.
- (2) **ALLEY:** A minor way which is used primarily for vehicular service access or for utility lines to the back or the side of properties otherwise abutting on a street.
- (3) **ARTERIAL STREET:** A street which is intended to provide for high operating speeds, high levels of service and to serve longer trips through access



## ARTICLE 27-200. DEFINITIONS

management and the interconnection of major development areas such as the central business district, large commercial and industrial developments and major residential areas.

- (4) **COLLECTOR STREET:** A street that functions as a link between local streets and arterial streets and provides both access and movement functions within residential, commercial and industrial areas.
- (5) **CUL-DE-SAC:** A street that terminates in a vehicular turnaround.
- (6) **LOCAL STREET:** A street whose primary function is access and whose movement function is incidental and involves traveling to and from a collector. In addition, local streets are characterized by short trip lengths, low traffic volumes, slow speeds and deliberately discouraging through traffic.

**STRUCTURE:** A building or anything constructed in the ground or anything erected which requires location on the ground or water, or is attached to something having location on or in the ground, but not including fences less than six (6) feet in height or paved areas.

**STRUCTURE, PRINCIPAL:** A structure accommodating the principal use to which the property is devoted.

**TEMPORARY STRUCTURE:** A structure established for a fixed period of time as established by this chapter.

**TEMPORARY USE:** A use established for a fixed period of time as established by this chapter.

**THEATER, DRIVE-IN:** An establishment to provide entertainment through projection of motion pictures on an outdoor screen for audiences whose seating accommodations are provided by their own motor vehicles parked in car spaces provided on the same site with the outdoor screen.

**TOWNHOME OR TOWNHOUSE:** Property that is owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units, but under which they may jointly own the common areas and facilities

**TRAILER SALES AREA:** See **VEHICLE SALES AREA.**

**TRASH:** Something worth little or nothing.

**TRAVEL TRAILER:** A portable structure, not more than eight (8) feet wide, built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation use. Recreational Vehicles are included within this definition.

**TRAVEL TRAILER PARK:** Any area or tract of land designed or used that contains two (2) or more spaces which are available for rent to the general public for parking or placement of temporary recreational or vacation housing units. This term does not include a parcel composed of individually platted lots.

**TRUCK STOP:** Any occupancy which provides a service for highway travel directly or indirectly related to the servicing, repairing, and/or refueling of semi-trucks (also commonly known as tractors), semi-trailers, and their components. A truck stop is a point at which semi-trucks may stop for refueling or where truck drivers can park their trucks, trailers and

## ARTICLE 27-200. DEFINITIONS

components and seek lodging and/or food services, as well as, other services related to highway trucking needs.

**TRUCK WASH:** A building or area that provides facilities specifically designed for washing and cleaning semi-tractors and/or semi-trailers and recreational vehicles, which may use production line methods with a conveyor, blower or other mechanical devices. This term also includes facilities which require hand labor in the cleaning of the vehicle.

**USABLE OPEN SPACE:** That space on the same lot and contiguous to the principal building or buildings and which is either landscaped or developed and maintained for recreational purposes and excludes that portion of the lot which is utilized for off-street parking or loading space or for front yard setback requirements. Usable open spaces can be provided within a building or the roof top where facilities are provided for residents of the development.

**USED:** Includes the words intended, designated or arranged to be used.

**UTILITY, PUBLIC:** A private business organization performing some public service and subject to special governmental regulations or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, gas and transportation for persons and freight.

**VARIANCE:** See BMCC Sections 27-1501, et seq.

**VEHICLE SALES AREA:** An open area other than a street, used for the display, sale or rental of new or used automobiles, boats, trailers, motorcycles, snowmobiles or semi-tractors and/or trailers; and where no repair work is done except minor incidental repair excluding body and fender work or spray painting on the vehicle(s) to be displayed, sold or rented on the premises.

**WALKING DISTANCE:** That distance measured along the shortest path accessible to foot traffic.

**WATERCOURSE:** Any natural stream, river, creek or drainage in which water flows either continuously or intermittently and has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow. This term shall not include any facility created exclusively for the conveyance of irrigation water.

**WHOLESALE:** An establishment primarily engaged in the sale of goods and merchandise for resale instead of for direct consumption.

**YARD:** An open space about a building, other than a court, unoccupied and unobstructed from the ground to the sky, except as otherwise specifically provided in this Chapter.

- (1) **FRONT YARD:** A yard extending along the full length of the front lot line or lines and which is situated between a principal building and the front lot line or lines.
- (2) **REAR YARD:** A yard extending along the full length of a rear lot line and situated between the principal building and the rear lot line.
- (3) **SIDE YARD:** A yard not designated as a front or a rear yard.

**ARTICLE 27-200. DEFINITIONS**

**YOUTH FOSTER HOME:** *See* **COMMUNITY RESIDENTIAL FACILITIES.**

**YOUTH GROUP HOME:** *See* **COMMUNITY RESIDENTIAL FACILITIES.**

**ZONING COORDINATOR:** The person designated by the Planning Director to oversee the administration of this Chapter, unless otherwise noted.

**SECTION 27-1401 GENERAL PROVISIONS****A. PURPOSE AND INTERESTS**

The City has a legitimate, important, substantial, or compelling interest in:

1. Avoiding the proliferation of signs of generally increasing size, dimensions, and visual intrusiveness that tends to result from property owners competing for the attention of passing motorists and pedestrians because this approach to signage:
  - (a) Creates visual distraction and obstructs views, potentially creating safety hazards for motorists, bicyclists, and pedestrians;
  - (b) May involve physical obstruction of streets, sidewalks, or trails, creating public safety hazards;
  - (c) Degrades the aesthetic quality of the City, making the City a less attractive place for residents, business owners, visitors, and private investment; and
  - (d) Dilutes or obscures messages on individual signs due to the increasing competition for attention.
2. Maintaining and enhancing the character of the central business district and commercial corridors, both of which are resources of exceptional quality and vibrancy to the community as a whole.
3. Coordinating the location and type of signage with existing and proposed street frontage landscaping in a manner that contributes to the character, environmental quality, and economic health of the City and the region.
4. Maintaining a high-quality aesthetic environment to protect and enhance property values, leverage public investments in streets, sidewalks, trails, plazas, parks, open space, civic buildings, and landscaping, and enhance community pride.
5. Protecting minors from speech that is harmful to them according to state or federal law, by preventing such speech in places that are accessible to and used by minors.

**B. FINDINGS**

The City finds that:

1. Content-neutrality, viewpoint neutrality, and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out in this article and the constitutionally protected right to free expression.
2. The regulations set out in this article are unrelated to the suppression of constitutionally protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to the viewpoint of individual speakers.
3. The incidental restriction on the freedom of speech that may result from the regulation of signs pursuant to this article is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are set out in this article.
4. Regulation of the location, number, materials, height, sign area, form, and duration of display of temporary signs is essential to preventing sign clutter.
5. Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such

signs harm the safety and aesthetics of the public on City's streets or sidewalks if they are not removed.

6. Certain classifications of speech are not constitutionally protected due to the harm that they cause to individuals or the community.

#### **C. SAVINGS AND SEVERABILITY**

1. Signs containing noncommercial speech are permitted anywhere that commercial speech signs are permitted, subject to the same regulations applicable to such signs. Any sign that can be displayed under the provisions of this article may contain a noncommercial message.
2. If any clause, section, or other part of the application of these sign regulations shall be held by a court of competent jurisdiction to be unconstitutional or invalid, it is the intent of the City that such clause, section, or specific regulation be considered eliminated and not affecting the validity of the remaining clauses, sections, or specific regulations that shall remain in full force and effect.

#### **D. CONFLICTS WITH OTHER PROVISIONS**

Nothing in this article shall be deemed a waiver of the provisions of any other ordinance or regulation applicable to signs. Signs located in areas governed by several ordinances or applicable regulations shall comply with all such ordinances and regulations. If there is a conflict between this article and any other ordinance or regulation, the more stringent shall apply.

### **SECTION 27-1402 APPLICABILITY**

#### **A. APPLICABILITY**

1. The regulations contained in this article shall apply to, and regulate the display, construction, installation, erection, alteration, use, location, maintenance, and removal of all signs and support structures in all districts unless the sign, item, or activity is expressly exempted from these regulations.
2. No new sign shall be located, erected, modified, or maintained except in compliance with the regulations contained in this article.
3. Existing signs that were legally installed are not required to come into compliance with this article unless changes to the sign are made in a manner regulated in Section 27-1404, Nonconformities. Existing signs are required to comply with maintenance requirements and are subject to abandonment per Section 27-1410, Installation and Maintenance.

#### **B. SIGN PERMIT REQUIRED**

##### **1. New Signs**

A sign permit shall be required to erect, place, modify the size or shape, allow the continued placement, or convert any portion of a sign, including a conversion from temporary to permanent or from non-EMD to EMD unless otherwise provided in this article.

##### **2. Existing Signs**

Changes to existing signs that are made nonconforming by the 2020 Zoning Code update require a sign permit and are subject to Section 27-1403, Nonconformities.

##### **3. Sign Permit Exemptions**

The following activities shall not require a sign permit, provided that these exemptions shall not be construed as relieving the owner from the responsibility to comply with the provisions of this Zoning Code or any other law or ordinance, including the City's adopted building code(s):

- (a) Changing of the advertising copy or message on an existing approved painted or printed sign, marquee, changeable copy sign or a similar approved sign whether electrical, illuminated, electronic changing message display or non-illuminated painted message which are all specifically designed for the use of replaceable copy;
- (b) Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes. Replacement of or a change of a plastic sign face will be included as an exempt operation;
- (c) Changes in the content of show window displays and permitted temporary signs;

### **C. EXEMPTIONS**

The following signs, items, and operations shall not require a sign permit, but shall be undertaken in conformance with this article, and all adopted building code(s):

#### **1. Internal and Integral Signs**

- (a) Signs not intended for view or readily legible from the public right-of-way or adjacent residential, public, or civic districts or uses.
- (b) Integral signs that are carved into stone or similar material that are integral to the building or plaques that are placed flat against a building. Integral signs shall not exceed four square feet in area
- (c) Signs that are less than one square foot in area that are affixed to machines, equipment, fences, gates, walls, gasoline pumps, or utility cabinets.
- (d) Signs or banners on fences and structures within an arena, park, recreational complex, or athletic field, provided such signs or banners face inward to the arena, park, recreational complex, or athletic field.

#### **2. Flags and Insignia**

- (a) Flags that are affixed to a permanent flagpole or structure.
- (b) Up to two flutter flags affixed to a permanent flag pole.

#### **3. Neighborhood Watch Area**

- (a) All developed properties within a neighborhood watch area may post one sign provided by the neighborhood watch organization. Neighborhood watch signs shall be posted on private property.
- (b) Wall signs, not exceeding four square feet in sign area, shall be placed flat against the wall of a building.
- (c) Freestanding signs shall not exceed four square feet in sign area and six feet in height and shall be placed at least one foot behind all property lines. The maximum height for a freestanding sign located within a clear vision area, defined in Section 27-1802.H, is 30 inches.

**4. Public Signs**

- (a) Official public signs approved by a governmental body with jurisdiction over issues such as traffic safety, pedestrian safety, schools, railroads, or public notice, as well as signs required by the Manual of Uniform Traffic Controls.
- (b) Signs and notices required to be displayed, maintained, or posted by law or by any court or governmental order, rule, or regulation.
- (c) Government signs and notices provided for the convenience and safety of the community.
- (d) Bench signs. Bench signs on benches located on active, fixed bus routes, controlled or authorized by the Billings MET. The benches must be located on active, fixed routes. Signs shall be removed from or prohibited on benches located in prohibited sign locations or where the bench is not associated with an active, fixed route.

**5. Seasonal Displays**

- (a) Seasonal displays that might include incidental signage provided both the sign and the display meet the clear vision area requirements of Section 27-1802.H.

**6. Vehicle Signs**

Lettering or symbols applied directly onto or flush-mounted magnetically to a motor vehicle operating in the normal course of business.

**D. PROHIBITED SIGNS**

The following types of signs and sign structures are prohibited in all districts, except as otherwise provided by this article.

**1. Distracting, Interfering, or Confusing Signs**

- (a) Non-electronic message displays signs that are animated by means of flashing, scintillating, blinking, traveling lights, displaying video, or any other means not providing constant illumination. Electronic message displays may be allowed provided they comply with the standards in Section 27-1405.C.
- (b) Signs that contain or are an imitation of an official traffic or emergency sign or signal or which, by reason of their size, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.
- (c) Signs with a lighting or control mechanism that causes radio, radar, cellular, wireless, or other electronic signal interference.
- (d) Wind-driven signs; additionally, no sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement.

**2. External Movement and Light Projecting Signs**

- (a) Signs that operate or employ visible moving parts or any portion of which moves, or give the illusion of motion;
- (b) Signs that emit audible sound, odor or visible matter; or
- (c) Signs that are light projecting or operate or employ any motion picture projection or video projection in conjunction with any advertisements.

**E. PROHIBITED LOCATIONS**

Signs and sign structures, including exempt signs, are prohibited in the following locations:

**1. Improper Location**

- (a) In the right-of-way or on other public property without approval of the City.
- (b) Placed on private property without the consent of the owner or authorized agent of the owner of such property.
- (c) Within a clear vision triangle (See Section 27-1802.H).
- (d) Attached to utility poles, other utility or public infrastructure structures or equipment, or wireless communication facilities.

**2. Creation of Hazardous Condition**

- (a) Signs that create conflict with traffic control signs, signals, or various private signs resulting in vehicular or pedestrian safety hazards, including any sign placed at any location where it may, by reason of its size, shape, design, location, content, coloring, or manner of illumination, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, by obscuring or otherwise physically interfering with any official traffic control device, or that may be confused with an official traffic control device.
- (b) Signs that creates a danger to the public during periods of inclement weather or high winds due to their location or the manner in which they are placed.
- (c) Signs that create a hazard due to collapse, fire, collision, decay, abandonment, or other safety considerations.
- (d) Signs that obstruct firefighting, police, or emergency activities.
- (e) Signs that are improperly mounted or installed, such as signs attached to a standpipe, gutter drain, unbraced parapet wall, or fire escape, unless the safety of such sign and such mounting have been verified in writing by a structural engineer licensed to practice in the state.

**3. Parking of Advertising Vehicles:**

No person shall park any vehicle or trailer on a public right-of-way or public property or on private property so that it is visible from the public right-of-way and which has attached thereto or located thereon any sign or advertising device for the sole purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises. This section is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettered on a motor vehicle, or company vehicle signs.

**4. Fence or Wall Signs**

Non-exempt signs that are painted on or attached to any fence or any wall which is not structurally a part of a building.

**F. PROHIBITED CONTENT**

No sign shall be approved or disapproved based on the content or message it displays, except that the following content, without reference to the viewpoint of the speaker, shall not be displayed on signs:

- 1. Text or graphics that is harmful to minors as defined by state or federal law;



2. Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats, as such words and phrases are defined by controlling law;
3. Text or graphics that present a danger or risk due to their potential confusion with traffic control signs;
4. Signs that provide false information related to public safety (e.g., signs that use the words "stop" or "caution" or comparable words, phrases, symbols, or characters) that are presented in a manner as to confuse or imply a safety hazard that doesn't exist; or
5. Text or graphics that provide false or misleading information.

## SECTION 27-1403 NON-CONFORMING SIGNS

### A. NONCONFORMING SIGNS

Where a lawful sign exists at the effective date of this article, or amendment of this article, that would be illegal under the terms of this article, the use of such sign may be continued so long as it remains otherwise lawful, subject to the provisions of this section.

### B. CLASSIFICATION OF NONCONFORMITIES

There are two types of legal, nonconforming signs: major and minor. Signs with multiple nonconforming elements are classified in the category of the most significant nonconformity.

#### 1. Major Nonconforming Signs

Major nonconforming signs are those signs for which the nonconformity generates a nuisance per se, violates City sign policy, or is incompatible with adjacent signs and/or the adopted guiding principles such that public policy favors their elimination from the zone if they are discontinued, abandoned, or destroyed. Major nonconforming signs include:

- (a) Off-premises signs;
- (b) Dangerous signs;
- (c) Signs that exceed the maximum height or size permitted in the zone district by more than 20%;
- (d) Nonconforming setback that encroaches on or over a public right-of-way, clear vision area, or public access easement;
- (e) Signs with nonconforming illumination;
- (f) Nonconforming sign types; and
- (g) Signs approved with a variance that permits any issue included in this major nonconformity list,

#### 2. Minor Nonconforming Signs

Minor nonconforming signs are any nonconforming signs that are not classified as major nonconforming signs. Minor nonconforming signs include but are not limited to:

- (a) Signs that exceed the maximum height or size permitted in the zone district by 20% or less;
- (b) Nonconforming setback that does not encroach on or over a right-of-way, and
- (c) Nonconforming separation.

**C. MAJOR NONCONFORMITIES****1. Alterations**

- (a) A major nonconforming sign or sign structure may not be altered in any way that increases any nonconformity. A proposed change to any nonconforming aspect of a major nonconforming sign shall require the entire sign to be brought into conformance with this article.
- (b) General repairs, maintenance, and change to advertising copy that does not include replacing a static sign with an EMD are not considered alterations.

**2. Replacement**

- (a) A major nonconforming sign that is voluntarily replaced shall be replaced with a conforming sign.
- (b) A major nonconforming sign that loses its nonconforming status per Section 27-1403.F shall be replaced with a conforming sign.

**D. MINOR NONCONFORMITIES****1. Alterations**

- (a) A minor nonconforming sign may be altered in a manner that conforms to this Zoning Code while still maintaining the nonconforming elements. For example, a sign that is two feet over the height limit for the zone district may be altered provided the height is not increased.
- (b) General repairs, maintenance, and change to advertising copy that does not include replacing a static sign with an EMD are not considered alterations.

**2. Replacement**

- (a) A minor nonconforming sign that is voluntarily replaced shall be replaced with a conforming sign.
- (b) A minor nonconforming sign that loses its nonconforming status per Section 27-1403.F shall be replaced with a conforming sign.

**E. SIGN REMOVAL FOR PUBLIC PURPOSES**

Any nonconforming sign temporarily removed by a public utility company, the City, or any governmental agency to accommodate repair, maintenance, or expansion operations may be replaced, provided that there is no change in size, height, or location of the sign. If any sign is moved as a direct result of a governmental or utility project, it may be relocated to a position determined by the City engineer to be appropriate in relation to the project, and such a sign shall not be considered nonconforming for the reason of applicable separation standards. No permit shall be required for such replacement.

**F. LOSS OF NONCONFORMING STATUS**

A nonconforming sign shall lose its nonconforming designation and be required to come into compliance with this article if any of the following apply:

- 1. Any portion of the primary sign structure is replaced.
- 2. The primary structure on the site is replaced, renovated in a manner that expands the building footprint by more than 50%, or when the sign is required to be moved to accommodate building replacement or expansion in compliance with the zone district regulations.
- 3. A major nonconforming sign is removed, relocated, or replaced for any reason except towards compliance with this article.

4. If more than 50 percent of a nonconforming sign is damaged by any means, as measured by total replacement cost of both the sign and structure prior to such destruction, and the sign type is no longer permitted in the zone district, it shall be considered destroyed and shall not be brought back into service or use except in conformity with the provisions of this article.
5. The sign is voluntarily replaced in compliance with this article.
6. The sign is abandoned pursuant to Section 27-1410.C.

#### **G. MAINTENANCE AND REPAIR**

1. A nonconforming sign is subject to all requirements of this article regarding safety, maintenance, and repair.
2. Temporary removal of any portion of a sign for repairs or general maintenance shall not be considered to be in violation of this section, provided that no alterations are made to the sign or sign structure. Should such sign or sign structure be moved permanently for any reason and over any distance whatsoever, it shall thereafter conform to all regulations for the district in which it is located after it has been moved or relocated.
3. Maintenance shall not include the conversion of a nonconforming sign to an electronic message display sign. Any such conversions may only be made to a conforming sign and shall be subject to the permitting and fee requirements set forth in this article.

#### **H. RECORDS**

In addition to initial and construction inspections, signs may be inspected periodically by the Planning and Community Services Department to ensure continued compliance with this article.

**SECTION 27-1404 MEASUREMENT AND CALCULATION****A. APPLICABILITY**

This section applies to all sign types and classifications, including permanent signs, temporary signs, and off-premises signs.

**B. SIGN AREA****1. Maximum**

The permitted maximum area for all individual signs is determined by the sign type and the zoning district in which the sign is located.

**2. Building and Street Frontage**

(a) Building frontage is the wall of the principal building that faces the street abutting the property.

(1) If the principal building is located on a corner lot, the frontage shall be the wall of the principal building which faces the street with the highest average daily traffic count.

(2) Accessory structures shall not be included in the calculation of maximum signage. Wall signs may be affixed to accessory structures; where this is done the amount of signage used on the accessory structure shall be deducted from the total amount of wall signage permitted on the property.

(3) The surface area of a wall shall be determined by measuring the building height and multiplying it by the length of the wall, without deduction for doors and windows. "False fronts" and mansard roofs shall not be included when calculating the total area of a wall.

(b) Street frontage is the linear footage of a lot adjacent to a street or right-of-way. Street frontage calculation includes driveways.

(c) If the principal building is located on a corner lot, both frontages on a public street or right-of-way shall be allowed to apply principal signage standards. When a site has multiple frontages with permitted signage, the permitted signage may only be used on the frontage for which it has been calculated; permitted sign area may not be transferred from one frontage to another unless specifically stated in this article.

**3. Method of Measuring Sign Area****(a) Freestanding Signs**

(1) The sign area of a freestanding sign shall be measured from the outside edge of the sign face.

a. The sign area of a freestanding sign consisting of more than one single-sided sign shall be computed by adding together the total area(s) of all signs.

b. Area calculation does not include decorative rocks or landscaping adjacent to a monument sign.

(2) The sign area for multiple-sided signs shall be calculated as follows:

a. The total sign area for a two-sided sign shall be calculated using one face, but the second face may not exceed the area of the first face.

- b. The total sign area for a three-sided sign shall be calculated using one face, but the second and third face total area may not exceed the area of the first face.

(b) Three-Dimensional Signs

The sign area of three-dimensional free-form or sculptural (non-planar) signs is calculated as 50 percent of the sum of the area of the four vertical sides of the smallest cube that will encompass the sign.



*Identification of the vertical sides of a three-dimensional sign*

(c) Wall Signs

- (1) Wall Sign with Border: The sign area is entire area within any type of perimeter or border which may enclose the outer limits of the sign face.

- (2) Wall Sign without Border: The area of the sign that does not have a perimeter or border shall be computed by enclosing the entire area with parallelograms, triangles, or circles of the smallest size sufficient to cover the entire area of the sign and computing the area of these parallelograms, triangles or circles. The area computed shall be the maximum portion or portions which may be viewed from any one direction.

(d) Window Signs

Sign area percentage is measured for each architecturally distinct window by dividing the sign area by the window area.

## C. HEIGHT AND CLEARANCE

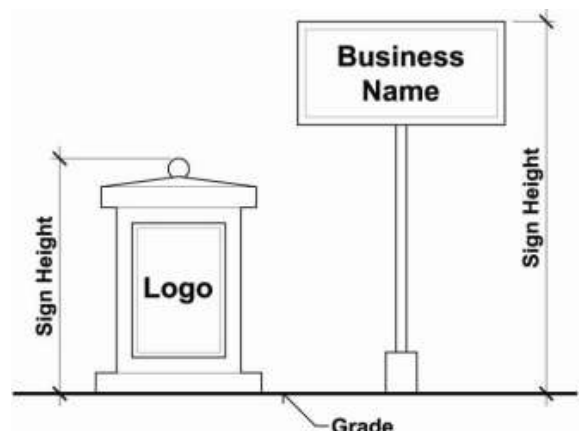
The permitted maximum height for all signs is determined by the sign type and the zoning district in which the sign is located. Sign height and clearance is measured as follows:

### 1. Freestanding Sign Height

- (a) The vertical distance measured from the highest point of the sign to the crown of the adjacent street, not including the interstate highway.
- (b) Height shall include the sign face, base, cabinet, and ornamental cap.
- (c) When the existing finished grade at the point of measurement is lower than the average elevation of the adjacent street finished grade parallel to the location where the sign will be installed, that portion of the sign below the street shall not be included in determining the sign's overall height.

### 2. Sign Clearance

- (a) Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade directly underneath the sign at the lowest



point of the sign structure, including any framework or other structural elements.

- (b) Signs that project over a roof shall maintain a four foot clearance over the average roof height.

#### **D. SEPARATION**

1. On-premises sign separation shall be measured along the property lines from the center of the sign.
2. Off-premises sign separation shall be measured either by linear feet or radius and diameter, as specified in Section 27-1409.

#### **E. SETBACK**

1. Required setbacks are measured from the property line inward.
2. Clear vision areas, defined in Section 27-1802.H, may be required in addition to specified setbacks.

## SECTION 27-1405 GENERAL REGULATIONS FOR PERMANENT, ON-PREMISES SIGNS

The purpose of this section is to provide generally applicable sign regulations by sign type. The section is organized by sign category – freestanding, attached, and electronic message displays (EMDs). The amount of signage permitted by zone district is identified in Section 27-1406.

### A. FREESTANDING SIGNS

#### 1. Number of Signs Permitted and Required Separation for Multiple Signs

- (a) Where a developed property abuts more than the total lineal feet of street frontage applicable to a specific district, one additional free-standing may be erected for each additional 300 feet of street frontage as described in Table 27-1400.1.
- (b) For properties where more than one freestanding sign is permitted, the distance between freestanding signs on that parcel shall meet the distance specified in Table 27-1400.1.
- (c) Where a developed parcel has frontage on more than one public right-of-way or street, excluding alleys, driveways, and service ways the provisions of this subsection shall apply to each street frontage.

**Table 27-1400.1: Permitted Number of Permanent Freestanding Signs**

| Number of Permanent Freestanding Signs | Street Frontage Length |                 |
|----------------------------------------|------------------------|-----------------|
|                                        | Frontage (linear feet) | Separation (ft) |
| 1                                      | 0-600                  | 150             |
| 2                                      | 601-900                | 150             |
| 3 (max)                                | 901-1200               | 150             |

#### 2. Access Point Signs

- (a) Access point signage shall be located at public access points where a driveway or other public entryway intersects with a public street. Access point signs are for vehicular access, not pedestrian access.
- (b) Access point signs that are visible from the public right-of-way shall be permanently anchored or fastened.
- (c) Each vehicular access point may have one access point sign.
- (d) Access point signs are exempt from the total freestanding sign calculation in Table 27-1400.1 and are not included in freestanding sign separation measurements.



*Figure 1: Sample Access Point Sign*

#### 3. Monument Signs

Monument signs shall have zero clearance above the existing finish grade level and shall be supported in or on the ground.



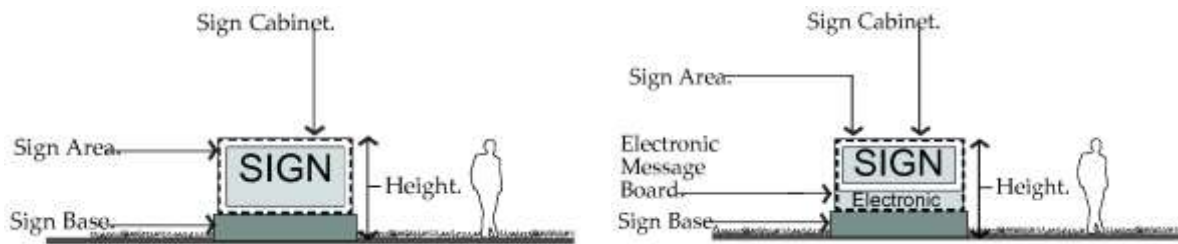


Figure 2: Monument Sign Elements



Figure 3: Monument Sign Examples

#### 4. Pole Signs

- (a) If a free-standing sign projects over a private vehicular driveway or parking lot aisle, the minimum clearance of 14 feet shall be maintained between the bottom of the sign edge and the established grade of the site.
- (b) A clear, unobstructed area, a minimum of eight feet in height is required above existing finish grade level when a pole sign is located over a pedestrian walkway or within a clear sight triangle.

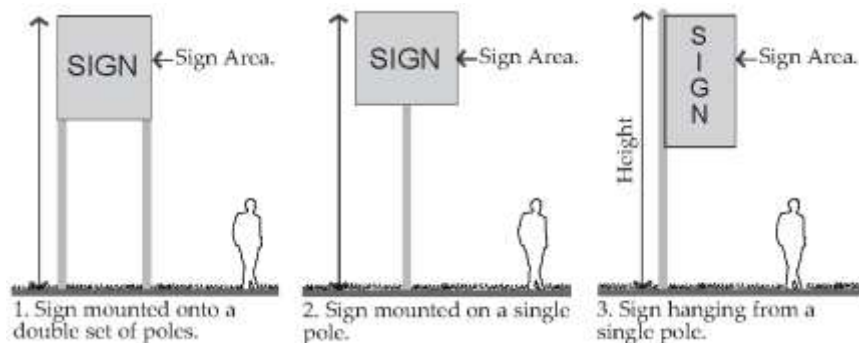


Figure 3: Pole Sign Configurations





Figure 4: Pole Sign Examples

### 5. Pedestrian-Scale Signs

(a) A pedestrian-scale pole-mounted sign is freestanding and may be mounted on one or two poles. Three configurations are permitted:

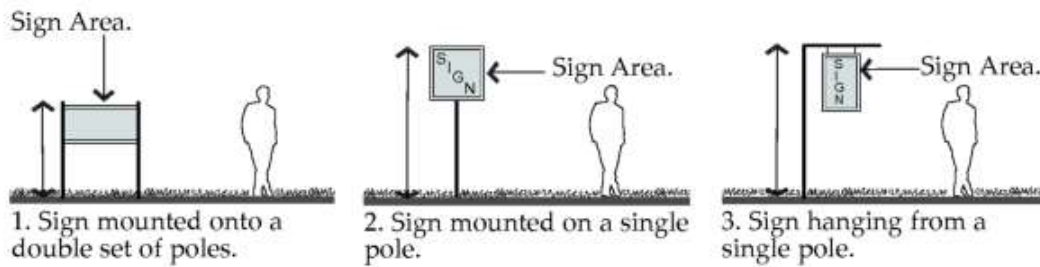


Figure 5: Pedestrian-Scale Sign Configurations

(b) Hanging signs may not overhang a lot line or right-of-way.

### 6. Structural Canopy

Structural canopy signs shall be mounted on the canopy and shall not project more than 24 inches above or below the canopy structure. Signs that project below the canopy shall maintain a minimum clearance of 14 feet between the bottom of the sign edge and the established grade of the site.



Figure 6: Structural Canopy Sign Examples

**7. Subdivision, and Neighborhood Signs**

- (a) Two entrance signs are permitted per subdivision or neighborhood entrances.
- (b) A sign, masonry wall, landscaping and other similar materials or features may be combined to form a display.
- (c) Dimensions:
  - (1) Sign area, max: 32 square feet
  - (2) Height, max.: Eight feet or the height of the wall on which the sign is located, whichever is lower.
  - (3) Setback: a minimum of five feet behind all property lines.



Figure 7: Subdivision and Neighborhood Sign Examples

## B. ATTACHED SIGNS

### 1. Awning Signs

- (a) Signage placed upon an awning will count as one sign for that awning or canopy regardless of the number of sides of the awning or canopy have signage.
- (b) Maximum Projection: six feet from the building and the awning and sign shall not project closer than two feet from back of curb. An encroachment permit is required for any awning sign that encroaches into the public right-of-way.
- (c) Minimum Clearance: eight feet.
- (d) The awning sign shall not interfere with the operation any window, door, ventilation system or the roof design.

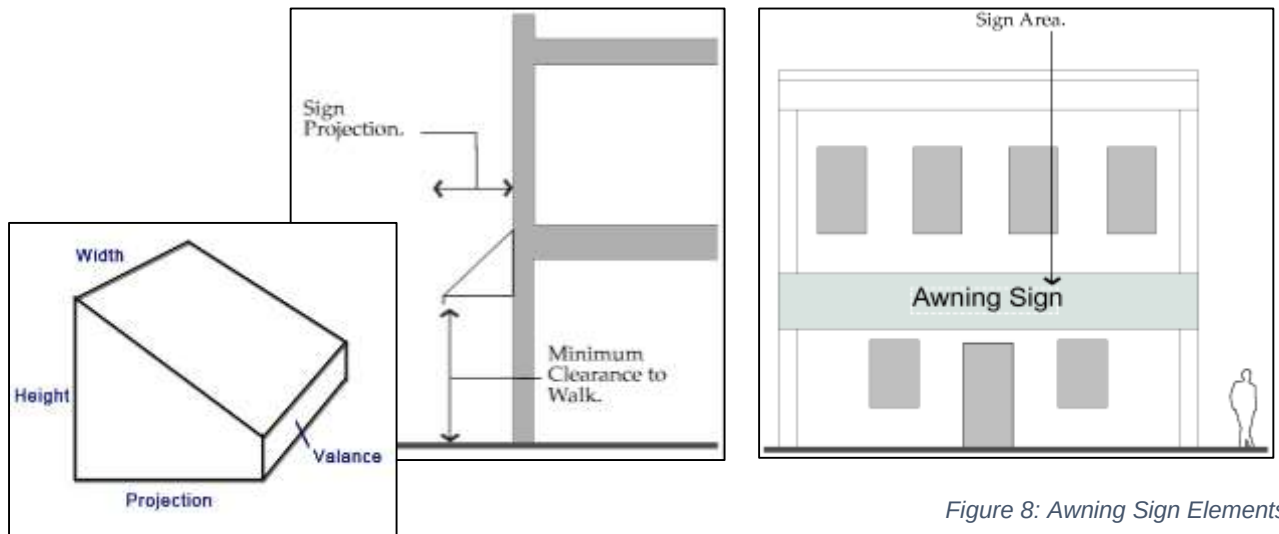


Figure 8: Awning Sign Elements



Figure 9: Awning Sign Examples

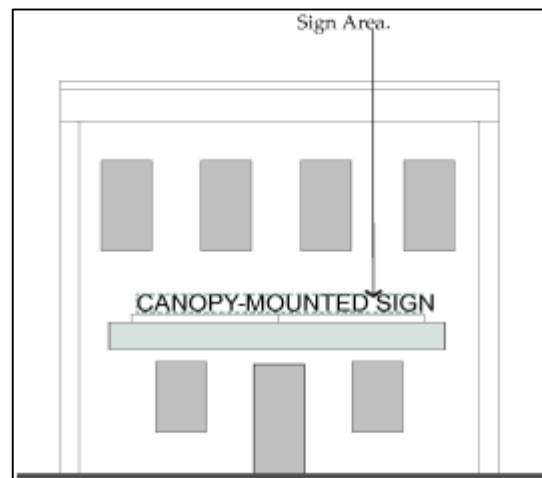
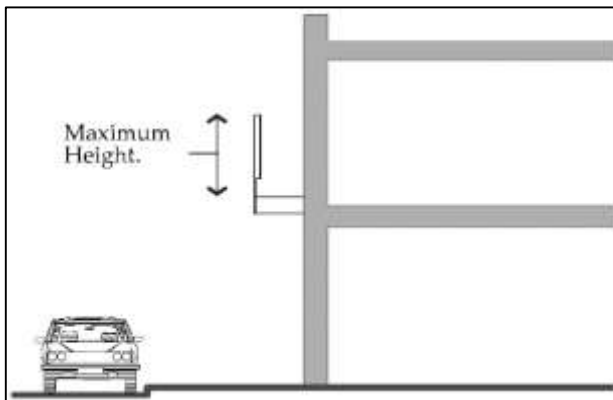
## 2. Canopy Signs

- (a) Minimum Clearance: eight feet. Where under-canopy signs are permitted there shall be eight feet of clearance beneath the under-canopy sign.
- (b) Maximum Projection: Canopy signs may project up to two feet to a vertical line from the curb face over the right-of-way. An encroachment permit is required for any canopy sign that encroaches into the public right-of-way.
- (c) Signage placed on a canopy will count as one sign for that canopy regardless of the number of sides of the canopy have signage.
- (d) The canopy sign shall not interfere with the operation of any window, door, ventilation system, or the roof design.

Figure 10: Canopy Sign Examples



Figure 11: Canopy Sign Elements



### 3. Marquee Sign

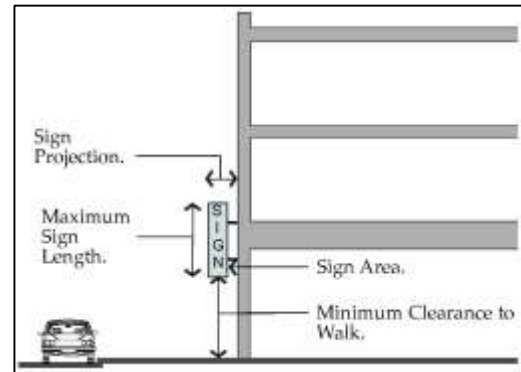
- (a) Minimum Clearance: Eight feet
- (b) Maximum Projection: six feet from the building; the sign shall not project closer than two feet from back of curb. An encroachment permit is required for any projecting sign that encroaches into the public right-of-way.
- (c) Marquee signs may be used only on theaters.
- (d) The roofs of all marquees exceeding 40 square feet shall be properly guttered and connected with downspouts to storm sewers so that water will not drip or flow into sidewalks or streets.
- (e) All signage on the marquee shall be affixed flat to the vertical face of the marquee.
- (f) Either manual changeable copy or EMDs may be incorporated in the overall signage. EMD and manual changeable copy sign areas are limited to the face of the marquee, without extension above or below the marquee. The EMD message shall be limited to one copy change every 24 hours.



Figure 12: Marquee Sign Examples

**4. Projecting Sign**

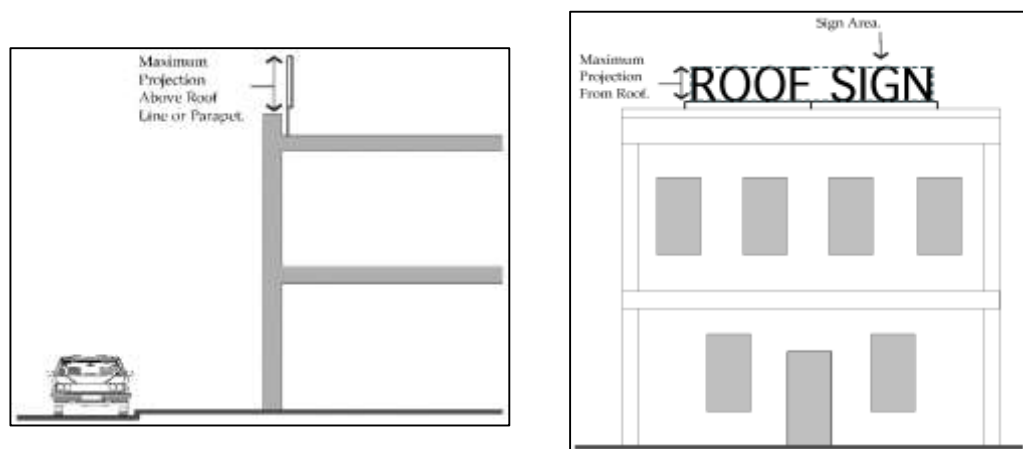
- (a) Minimum Clearance: Eight feet
- (b) Maximum Projection: Six feet from the building or two feet from the back of curb, whichever is less. An encroachment permit from City Engineering is required for any projecting sign that encroaches into or over the public right-of-way.
- (c) Maximum Sign Dimensions: Six by eight feet.
- (d) Supports shall be covered in a neat and orderly fashion. Guy wire support is prohibited.





**5. Roof Sign**

- (a) Maximum Height: Roof signs shall not extend more than four feet above the average height of the roof.
- (b) Maximum Projection: Roof signs shall not project horizontally, overhang, or extend beyond any exterior wall or parapet line of any roof.
- (c) The supports, anchors, or braces for the roof sign shall be enclosed so that they are not visible from the street or other public or private property.
- (d) Roof signs shall be designed to look like part of the building or roof structure, with most of the sign structure incorporated into the sign design, rather than suspended from or standing on the building that displays significant sign structure. Roof signs shall typically be situated parallel to the adjacent street.
- (e) Neon glass is permitted provided the neon is not visible from the rear of the sign.

*Figure 13: Roof Sign Examples**Figure 14: Roof Sign Elements*

**6. Wall Sign****(a) Maximum Projection:**

- (1) Wall signs that do not extend more than 12 inches from the face of the building may be installed at any height on the structure.
- (2) Wall signs that project more than 12 inches from the face of the building shall be installed with eight feet of clearance below the sign.
- (3) Signs that project more than 24 inches or that are not installed parallel to the wall plane shall be considered projecting signs.

**(b) Maximum Height:**

- (1) Wall sign(s) shall not extend above the roofline of the building to which it is attached.
- (2) An EMD wall sign shall be placed at least two feet from the top of the wall on which it is installed. Where the size of the structure on which the sign is placed permits, the maximum height of a wall sign with an EMD shall be 40 feet from the building wall grade.



Figure 15: Wall Sign Examples



## 7. Window Sign

- (a) The area of window signs shall be counted as part of the overall permitted sign area as follows:
  - (1) Sign face coverage of up to 25 percent of the area of an individual window is exempt from calculation in the overall sign area maximum.
  - (1) The total amount of any sign face coverage that exceeds 25 percent of the area of an individual window shall be included in the wall area signage calculation. For example, if a business installs a window sign that covers 35 percent of the window, 10% of the sign area is included in the wall sign area calculation.
- (b) Location: Ground or upper story windows.
- (c) Installation: Signs may be affixed directly to the inside or outside window or hung/mounted inside the window from the top, side, or bottom of the window frame or similar architectural element.



Figure 16: Window Sign Examples

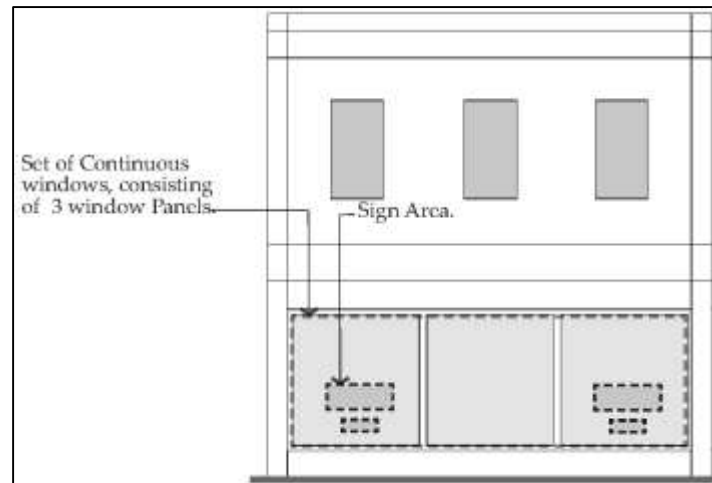


Figure 17: Window Sign Elements

**C. ELECTRONIC MESSAGE DISPLAY (EMD) SIGNS****1. EMD Signs Prohibited**

EMD signs are prohibited in the following districts:

- (a) All residential neighborhood districts: N1-3, NX1-3 and RMH
- (b) Neighborhood Office
- (c) Neighborhood Mixed-Use
- (d) Public 1
- (e) Historic districts

**2. Display Technology**

The technology currently being deployed for EMDs is LED (light emitting diode), but there may be alternate, preferred, and superior technology available in the future. Any other technology that operates pursuant to the display brightness limits above shall not require an ordinance change for approval.

**3. Incorporation in Wall or Freestanding Sign**

- (a) An EMD may only be used in conjunction with an adjacent wall sign or as part of a freestanding sign and shall not be displayed on its own.
  - (1) The EMD shall not be larger than 40 percent of the total square footage of the permanent graphic portion of the sign when compared as separate components.
  - (2) For purposes of determining the allowable total sign area, the permanent graphic portion of the sign and the EMD shall be included in the same perimeter and measured as a single sign, inclusive of any physical separation between the two components.
- (b) Only one EMD sign, either wall or freestanding is permitted per developed parcel. EMD sign(s) shall be counted in the total number of signs allowed on the parcel.

**4. Generally Applicable Display Standards**

- (a) All EMD signs shall comply with the following display standards:
  - (1) EMDs must be equipped with an automatic image dimming capability (ambient light monitors). This feature must be enabled at all times, allowing the display to automatically adjust brightness based on ambient light conditions. The sign must be operated at a brightness level no greater than the manufacturer's recommended levels
  - (2) The sign shall not include audio, pyrotechnic, bluecasting (bluetooth advertising), or other similar components.

**5. Static Display EMD**

Where a static display EMD is permitted by this article, the following standards shall apply:

- (a) A static display EMD may display a series of static messages and may not flash, scintillate, blink, show motion borders or traveling lights, employ any other aspect of animation, or display video.
- (b) Messages on static display EMDs shall not include flashing, the varying of light intensity, or scrolling.

- (c) Each static message on the sign shall be displayed for a minimum of six seconds in duration.
- (d) Message change shall be completed instantaneously.
- (e) There shall be a direct change from one message to the next. All transition effects, such as motion, animation, fading, scrolling, or dissolving are prohibited.

**6. Animated Display EMD**

Where an animated display EMD is permitted by this article, the following standards shall apply:

- (a) The sign shall be on-premises;
- (b) A freestanding animated display EMD sign shall be separated by at least 35 linear feet in any direction from any other freestanding animated display EMD;
- (c) The sign shall be located at least 100 feet from any residential neighborhood zone (N1-3, NX1-3, or RMH); and
- (d) Video display is prohibited.

**7. Sign Permit Conditions**

The following conditions apply to all EMD sign permits. Failure to comply shall result in the sign ceasing operation until compliance occurs.

- (a) That the sign shall at all times be operated in accordance with City codes and that the owner or operator shall provide proof of such conformance within 24-hours of a request by the City;
- (b) That a City inspector may access the property upon 24 hours' notice to the owner, operator or permittee so that the City may verify that the EMD has the automatic image dimming capability engaged. In the event of a citizen complaint regarding the EMD brightness, the owner, operator or permittee may be required by the City inspector to manually reduce the brightness to a lower setting;
- (c) That whether the sign is programmed from the site or from a remote location, the computer interface that programs the sign and the sign's operation manual shall be available to City staff upon 24 hours' notice to the owner, operator or permittee.
- (d) Sign permit applications to install an EMD must include a certification from the owner or operator that the sign shall at all times be operated in compliance with the conditions set out in City code. The owner, operator or permittee shall immediately provide proof of such conformance upon request of the City.



Figure 18: EMD Sign Examples

**SECTION 27-1406 GENERALLY APPLICABLE SITE AND DESIGN STANDARDS****A. ILLUMINATION FOR NON-ELECTRONIC MESSAGE DISPLAYS****1. Intent**

Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare which is hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.

**2. External Illumination**

Externally illuminated signs shall have lighting confined to the sign and shall be positioned and shielded to minimize impacts to the surrounding area(s).

**3. Internal Illumination**

(a) Internally illuminated signs, where permitted, including neon lighting, must be static in intensity and color.

(b) The light source for internally illuminated signs must be entirely enclosed within the sign.

**4. Flashing or Rotating Lights Restricted**

Flashing or rotating lights are prohibited.

**B. LANDSCAPING**

The area surrounding a freestanding sign shall comply with the applicable requirements of Section 27-1200, Landscaping.

**SECTION 27-1407 SIGN REGULATIONS BY ZONE DISTRICT****A. NEIGHBORHOOD RESIDENTIAL****1. Applicability**

The standards in this section shall apply to the following districts: N1, N2, N3, NX1, NX2, NX3, RMH

**2. Summary Table**

Table 27-1400.2 identifies the types of signs permitted in the neighborhood districts, subject to the regulations identified in the table and this article.

**Table 27-1400.2: Permanent Signs in Neighborhood Residential Districts**

| Sign Type                                                                       | Number             | Height (max., ft.) | Sign Area per Sign (max., sf.) | Setback (min., ft.) | Illumin.             | Additional Standards      |
|---------------------------------------------------------------------------------|--------------------|--------------------|--------------------------------|---------------------|----------------------|---------------------------|
| <b>Attached Signs</b>                                                           |                    |                    |                                |                     |                      |                           |
| Wall: Multi-unit Development                                                    | 1; see 27-1407.A.3 | Same as wall [1]   | 12                             | n/a                 | Internal or external | 27-1405.B Wall Signs      |
| Wall: Public, Civic, and Institutional Uses                                     | 1                  | Same as wall [1]   | 32                             | n/a                 | Internal or external | 27-1405.B Wall Signs      |
| <b>Freestanding Signs</b>                                                       |                    |                    |                                |                     |                      |                           |
| Monument: Neighborhood or Subdivision                                           | 2 per entrance     | 8                  | 32                             | 5 [2]               | Internal or external | 27-1405.A Monument Signs  |
| Monument: Public, Civic, and Institutional                                      | 1 per parcel       | 8                  | 48                             | 5 [2]               | Internal or external | 27-1405.A, Monument Signs |
| <b>Notes:</b>                                                                   |                    |                    |                                |                     |                      |                           |
| [1] May not project above wall on which located                                 |                    |                    |                                |                     |                      |                           |
| [2] From all property lines; must comply with clear vision areas per 27-1802.H. |                    |                    |                                |                     |                      |                           |

**3. District Specific Standards**

- (a) Where signs are linked to a use category, a description of the category can be found in Section 27-1000, Use Standards.
- (b) EMD signs are not permitted in neighborhood residential districts.
- (c) Multi-unit wall signage is permitted as follows:
  - (1) NX1: the sign shall be located on the primary building on a wall facing the main entrance to the development.
  - (2) NX2,3, and RMH, all with 10 or more units: wall sign with the same restrictions as NX1 plus one neighborhood monument sign.

**B. NEIGHBORHOOD OFFICE, NEIGHBORHOOD MIXED-USE, AND EBURD RSV****1. Applicability**

The standards in this section shall apply to the following districts: NO, NMU, and EBURD RSV

**2. Maximum Total Permitted Sign Area**

(a) Attached signs: 20% of total wall area of a public street-facing wall, to a max of 100 square feet.

(b) Freestanding signs: 60 square feet unless otherwise provided in Table 27-1400.4. Table 27-1400.1, Permitted Number of Permanent Freestanding Signs applies.

**3. Summary Tables**

Tables 27-1400.3 and 27-1400.4 identify the types of signs permitted in the NO and NMU districts, subject to the regulations identified in the table and this article.

**Table 27-1400.3: Attached Signs NO, NMU, and EBURD RSV**

| Sign Type                                                                                                                                                                                          | Number                           | Height (max., ft.)                         | Sign Area per Sign (max., sf.) | Illumin.             | Additional Standards        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------|--------------------------------|----------------------|-----------------------------|
| <b>Awning</b>                                                                                                                                                                                      | 1 per awning                     | n/a                                        | n/a                            | Internal or external | 27-1405.B, Awning Signs     |
| <b>Canopy</b>                                                                                                                                                                                      | 1 per canopy                     | n/a                                        | n/a                            | Internal or external | 27-1405.B, Canopy Signs     |
| <b>Projecting</b>                                                                                                                                                                                  | 1 per street frontage            | Same as wall [1]                           | 32                             | Internal or external | 27-1405.B, Projecting Signs |
| <b>Wall</b>                                                                                                                                                                                        | 1 per tenant per street frontage | Same as wall [1]                           | 32 [2]                         | Internal or external | 27-1405.B, Wall Signs       |
| <b>Window</b>                                                                                                                                                                                      | n/a                              | Limited to architect. distinct window area | 27-1405.B, Window Signs        | No                   | 27-1405.B, Window Signs     |
| <b>Notes:</b>                                                                                                                                                                                      |                                  |                                            |                                |                      |                             |
| [1] May not project above wall on which located                                                                                                                                                    |                                  |                                            |                                |                      |                             |
| [2] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met. |                                  |                                            |                                |                      |                             |

**Table 27-1400.4: Freestanding Signs NO, NMU, and EBURD RSV**

| Sign Type                                                                                                                                                                                          | Number                | Height (max., ft.)               | Sign Area per Sign (max., sf.)                                            | Setback (min., ft.)             | Illumin.              | Additional Standards               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------------------|---------------------------------------------------------------------------|---------------------------------|-----------------------|------------------------------------|
| Access Point                                                                                                                                                                                       | 1 per vehicle access  | 3                                | 2                                                                         | 0 [1]                           | Internal or external  | 27-1405.A, Access Point Signs      |
| Monument                                                                                                                                                                                           | 1 per street frontage | 8                                | 32                                                                        | 5 [1]                           | Internal or external  | 27-1405.A, Monument Signs          |
| Monument, Multitenant [2]                                                                                                                                                                          | 1 per street frontage | 8                                | Same as monument plus 10 sf per tenant up to 6 tenants (base + 60 sf max) | 5 [1]                           | Internal or external  | 27-1405.A, Monument Signs          |
| Pedestrian-Scale Freestanding                                                                                                                                                                      | 1 per street frontage | Single pole: 8<br>Double pole: 5 | 8                                                                         | 2 [1]                           | Internal or external  | 27-1405.A, Pedestrian-Scale Signs  |
| Structural Canopy                                                                                                                                                                                  | 1 per street frontage | 2 feet above canopy              | n/a                                                                       | Canopy: zone district standards | Internal or external; | 27-1405.A, Structural Canopy Signs |
| <b>Notes:</b>                                                                                                                                                                                      |                       |                                  |                                                                           |                                 |                       |                                    |
| [1] From all property lines; must comply with clear vision areas per 27-1802.H                                                                                                                     |                       |                                  |                                                                           |                                 |                       |                                    |
| [2] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met. |                       |                                  |                                                                           |                                 |                       |                                    |

#### 4. District Specific Standards

- Where signs are linked to a use category, a description of the category can be found in Section 27-1000, Use Standards.
- Residential uses and structures within an NO, NMU, or EBURD RSV district are permitted the same signage as neighborhood residential districts as provided in Table 27-1400.2.
- EMD signs are not permitted in NO, NMU, or EBURD RSV districts.
- Tenant signage in multitenant structures shall be allocated to each tenant unit based on the front wall area of the individual unit. Tenants with side, rear, or alley entrances are permitted wall signage on the wall with their primary public entrance only.



**C. CORRIDOR MIXED-USE AND EBURD RSVMS****1. Applicability**

The standards in this section shall apply to the following districts: CMU1, CMU2, and EBURD RSVMS.

**2. Maximum Total Permitted Sign Area**

(a) Attached signs: Attached signs: 20% of total wall area to a max of 250 square feet.

(b) Freestanding signs:

(1) Table 27-1400.1, Permitted Number of Permanent Freestanding Signs applies.

(2) Table 27-1400.5, Maximum sign area for freestanding signs is as follows:

**Table 27-1400.5: Freestanding Sign Maximum Area in CMU1, CMU2, and EBURD RSVMS**

| Zone District and Number of Businesses                                                                                                                                                                    | Street Frontage 0-300 linear feet                                | Street Frontage Greater than 300 linear feet                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|------------------------------------------------------------------|
| CMU1 One Tenant                                                                                                                                                                                           | 50 sf                                                            | 50 sf                                                            |
| CMU1 Multiple Tenants [1]                                                                                                                                                                                 | + 10 sf sign area per additional tenant up to 6 tenants (110 sf) | + 10 sf sign area per additional tenant up to 6 tenants (110 sf) |
| CMU2 One Tenant                                                                                                                                                                                           | 80 sf                                                            | 140 sf                                                           |
| CMU2 Multiple Tenants [1]                                                                                                                                                                                 | + 20 sf sign area per additional tenant up to 6 tenants (200sf)  | + 10 sf sign area per tenant up to 10 tenants (240 sf)           |
| CMU2 Shopping Center [1]                                                                                                                                                                                  | 375 sf                                                           | 375 sf                                                           |
| Notes: [1] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met. |                                                                  |                                                                  |

**3. Summary Tables**

Tables 27-1400.6 and 27-1400.7 identify the types of signs permitted in these districts, subject to the regulations identified in the table and this article.

**Table 27-1400.6: Attached Signs in CMU1, CMU2, and EBURD RSVMS**

| Sign Type                                                                                                                                                                                          | Number                           | Height (max., ft.)              | Sign Area per Sign (max., sf.) | Illumin.             | EMD                          | Additional Standards       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------|--------------------------------|----------------------|------------------------------|----------------------------|
| <b>Awning</b>                                                                                                                                                                                      | 1 per awning                     | n/a                             | n/a                            | Internal or external | n/a                          | 27-1405.B, Awning Sign     |
| <b>Canopy</b>                                                                                                                                                                                      | 1 per canopy                     | n/a                             | n/a                            | Internal or external | n/a                          | 27-1405.B, Canopy Sign     |
| <b>Projecting</b>                                                                                                                                                                                  | 1 per tenant                     | Same as wall                    | 48                             | Internal or external | n/a                          | 27-1405.B, Projecting Sign |
| <b>Wall</b>                                                                                                                                                                                        | 1 per tenant per street frontage | Same as wall                    | D.2.(a), above [1]             | Internal or external | Static; Max 40% of sign area | 27-1405.B, Wall Sign       |
| <b>Window</b>                                                                                                                                                                                      | n/a                              | architect. distinct window area | 27-1405.B, Window Signs        | No                   | n/a                          | 27-1405.B, Window Signs    |
| <b>Notes</b>                                                                                                                                                                                       |                                  |                                 |                                |                      |                              |                            |
| [1] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met. |                                  |                                 |                                |                      |                              |                            |

**Table 27-1400.7: Freestanding Signs in CMU1, CMU2, and EBURD RSVMS**

| Sign Type                                                                                                                                                                            | Number                | Height (max., ft.)             | Sign Area per Sign (max., sf) | Setback (min., ft.)             | Illumin.             | EMD                          | Additional Standards                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|--------------------------------|-------------------------------|---------------------------------|----------------------|------------------------------|----------------------------------------|
| Access Point                                                                                                                                                                         | 1 per vehicle access  | 3                              | 6                             | 0 [2]                           | Internal or external | n/a                          | 27-1405.A, Access Point Sign           |
| 1) Monument, 2) Multitenant Monument, or 3) Shopping Center                                                                                                                          | Table 27-1400.1       | 8                              | Table 27-1400.5               | 5 [2]                           | Internal or external | Static: Max 40% of sign face | 27-1405.A Monument Sign                |
| Pedestrian-Scale Freestanding                                                                                                                                                        | Table 27-1400.1       | Single Pole: 8; Double Pole: 5 | 8                             | 2 [2]                           | Internal or external | Static: Max 40% of sign face | 27-1405.A, Pedestrian-Scale Freestand. |
| Pole                                                                                                                                                                                 | 1 per parcel          | 25 [1]                         | Table 27-1400.5               | 5 [2]                           | Internal or external | Static: Max 40% of sign face | 27-1405.A, Pole Sign                   |
| Structural Canopy                                                                                                                                                                    | 1 per street frontage | 2 feet above canopy            | n/a                           | Canopy: Zone district standards | Internal             | Static; Max 40% of sign face | 27-1405.A, Structural Canopy Sign      |
| <b>Notes:</b>                                                                                                                                                                        |                       |                                |                               |                                 |                      |                              |                                        |
| [1] The maximum height of pole signs located in the CMU2 and EBURD RSVMS districts within 660 feet of and oriented to the interstate or interstate frontage right-of-way is 40 feet. |                       |                                |                               |                                 |                      |                              |                                        |
| [2] From all property lines; must comply with clear vision areas per 27-1802.H.                                                                                                      |                       |                                |                               |                                 |                      |                              |                                        |

**4. District Specific Standards**

- (a) Where signs are linked to a use category, a description of the category can be found in Section 27-1000, Use Standards.
- (b) Tenant signage in multitenant structures shall be allocated to each tenant unit based on the front wall area of the individual unit. Tenants with side, rear, or alley entrances are permitted wall signage on the wall with their primary public entrance.

**D. CBD AND DX****1. Applicability**

The standards in this section shall apply to the CBD and DX zone district.

**2. Maximum Total Signage****(a) Attached signs**

(1) Buildings under 10 stories: 10% of the wall area up to a max of 250 square feet.

(2) Buildings 10 stories and taller: 10% of wall area with no maximum.

(b) Freestanding signs: 0.5 square foot per lineal foot of street frontage to a max of 50 square feet unless otherwise provided in Table 27-1400.9. Table 27-1400.1, Permitted Number of Permanent Freestanding Signs: urban standards apply.

**3. Summary Tables**

Tables 27-1400.8 and 27-1400.9 identify the types of signs permitted in these districts, subject to the regulations identified in the table and this article.

**Table 27-1400.8: Attached Signs in CBD and DX**

| Sign Type                    | Number                           | Height (max., ft.) [1]                     | Sign Area Max per Sign (sf) | Illumin.             | EMD                            | Additional Standards                                     |
|------------------------------|----------------------------------|--------------------------------------------|-----------------------------|----------------------|--------------------------------|----------------------------------------------------------|
| Awning                       | 1 per awning                     | n/a                                        | n/a                         | Internal or external | n/a                            | 27-1405.B, Awning Signs                                  |
| Canopy                       | 1 per canopy                     | n/a                                        | n/a                         | Internal or external | n/a                            | 27-1405.B, Canopy Signs                                  |
| Projecting                   | 1 per street frontage            | May not extend beyond roofline             | 48 sf                       | Internal or external | n/a                            | 27-1405.B, Projecting Signs                              |
| Roof                         | 1 per premises                   | 4 ft above roofline                        | x                           | Internal or external | Animated; Max 40% of sign face | 27-1405.B, Roof Sign                                     |
| Under awning or canopy signs | 1 per tenant                     | Below awning or canopy                     | x                           | Internal or external | n/a                            | Buildings with awnings or canopies over the right-of-way |
| Wall                         | 1 per tenant per street frontage | Same as wall                               | E.2(a) above [2]            | Internal or external | Animated; Max 40% of sign face | 27-1405.B, Wall Sign                                     |
| Window                       | n/a                              | Limited to architect. distinct window area | 27-1405.B, Window Signs     | No                   | n/a                            | 27-1405.B, Window Signs                                  |

**Notes:**

[1] Attached signs on taller structures, except for roof signs, shall be located at or below the 10<sup>th</sup> story of the building.

[2] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met.

**Table 27-1400.9: Freestanding Signs in CBD and DX**

| Sign Type                                                                                                                                                                                          | Number                                  | Height (max., ft.)            | Sign Area per Sign (max., sf)                                           | Setback (min., ft.) | Illumin .            | EMD                            | Additional Standards                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-------------------------------|-------------------------------------------------------------------------|---------------------|----------------------|--------------------------------|---------------------------------------|
| Access Point                                                                                                                                                                                       | 1 per vehicle access                    | 3                             | 6                                                                       | 0 [2]               | Internal or external | n/a                            | 27-1405.A, Access Point Sign          |
| Monument; Monument, Multitenant                                                                                                                                                                    | 1 per street frontage; Table 27-1400.1  | 8                             | 50 per side; plus 4 sf sign area per tenant up to 6 tenants (24 sf) [1] | 0 [2]               | Internal or external | Animated, max 40% of sign area | 27-1405.A Monument Sign               |
| Pedestrian-Scale Freestanding                                                                                                                                                                      | 1 per street frontage; Table 27-1400.1. | Single Pole: 8; Double Pole 5 | 12 per side                                                             | 0 [2]               | Internal or external | Animated, max 40% of sign area | 27-1405.A, Ped.-Scale Freestand. Sign |
| Structural Canopy                                                                                                                                                                                  | 1 per street frontage                   | 2 feet above canopy           | n/a                                                                     | 0 [2]               | Internal             | Static, max 40% of sign area   | 27-1405.A, Structural Canopy Sign     |
| <b>Notes:</b>                                                                                                                                                                                      |                                         |                               |                                                                         |                     |                      |                                |                                       |
| [1] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met. |                                         |                               |                                                                         |                     |                      |                                |                                       |
| [2] From all property lines; must comply with clear vision areas per 27-1802.H.                                                                                                                    |                                         |                               |                                                                         |                     |                      |                                |                                       |

**E. COMMERCIAL, INDUSTRIAL, AND EBURD CW, 13<sup>TH</sup> ST, AND IS****1. Applicability**

The standards in this section shall apply to the following districts: CX, I1, I2, and EBURD CW, 13<sup>th</sup> St. and IS

**2. Maximum Total Signage**

- (a) Attached signs: 2 square feet per lineal foot of building frontage to a max of 250 square feet.
- (b) Freestanding signs: 1 square foot per lineal foot of street frontage to a max of 250 square feet unless otherwise provided in Table 27-1400.11. Table 27-1400.1, Permitted Number of Permanent Freestanding Signs applies.

**3. Summary Table**

Tables 27-1400.10 and 27-1400.11 identify the types of signs permitted in these districts, subject to the regulations identified in the table and this article.

**Table 27-1400.10: Attached Signs Commercial, Industrial, and EBURD CW, 13<sup>th</sup>, and IS**

| Sign Type                                                                                                                                                                                          | Number                           | Height (max., ft.)                         | Sign Area Max per Sign (sf) | Illumin.             | EMD                          | Additional Standards       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------|-----------------------------|----------------------|------------------------------|----------------------------|
| Awning                                                                                                                                                                                             | 1 per awning                     | n/a                                        | n/a                         | Internal or external | n/a                          | 27-1405.B, Awning Sign     |
| Canopy                                                                                                                                                                                             | 1 per canopy                     | n/a                                        | n/a                         | Internal or external | n/a                          | 27-1405.B, Canopy Sign     |
| Projecting                                                                                                                                                                                         | 1 per tenant                     | Same as wall                               | 48                          | Internal or external | n/a                          | 27-1405.B, Projecting Sign |
| Roof [1]                                                                                                                                                                                           | 1 per premises                   | 4 ft above roofline                        | 250                         | Internal or external | n/a                          | 27-1405.B, Roof Sign       |
| Wall                                                                                                                                                                                               | 1 per tenant per street frontage | Same as wall                               | F.2(a) above, [2]           | Internal or external | Static; Max 40% of sign face | 27-1405.B, Wall Sign       |
| Window                                                                                                                                                                                             | n/a                              | Limited to architect. distinct window area | 27-1405.B, Window Signs     | No                   | n/a                          | 27-1405.B, Window Signs    |
| <b>Notes:</b>                                                                                                                                                                                      |                                  |                                            |                             |                      |                              |                            |
| [1] Permitted in lieu of a wall sign.                                                                                                                                                              |                                  |                                            |                             |                      |                              |                            |
| [2] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met. |                                  |                                            |                             |                      |                              |                            |

**Table 27-1400.11: Freestanding Signs Commercial, Industrial, and EBURD CW, 13<sup>th</sup> St., and IS**

| Sign Type                                                                                                                                                                                          | Number                                  | Height (max., ft.)  | Sign Area per Sign (max., sf)                      | Setback (min., ft.) | Illumin.             | EMD                          | Additional Standards              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|---------------------|----------------------------------------------------|---------------------|----------------------|------------------------------|-----------------------------------|
| Access Point                                                                                                                                                                                       | 1 per vehicle access                    | 3                   | 6                                                  | 0 [1]               | Internal or external | n/a                          | 27-1405.A, Access Point Sign      |
| Monument                                                                                                                                                                                           | 1 per street frontage; Table 27-1400.1  | 8                   | 100 per side                                       | 5 [1]               | Internal or external | Static; Max 40% of sign face | 27-1405.A Monument Sign           |
| Multitenant Monument [2]                                                                                                                                                                           | 1 per street frontage; Table 27-1400.1  | 8                   | 100 plus 10 sf per tenant up to 6 tenants; 160 max | 5 [1]               | Internal or external | Static; Max 40% of sign face | 27-1405.A Monument Sign           |
| Shopping Center Monument                                                                                                                                                                           | 1 per street frontage                   | 8                   | 375                                                | 5 [1]               | Internal or external | Static; Max 40% of sign face | 27-1405.A, Monument Sign          |
| Pole                                                                                                                                                                                               | 1 per street frontage; Table 27-1400.1. | 25 [3]              | 100 per side                                       | 5 [1]               | Internal or external | Static; Max 40% of sign face | 27-1405.A, Pole Sign              |
| Structural Canopy                                                                                                                                                                                  | 1 per street frontage                   | 2 feet above canopy | n/a                                                | 5 [1]               | Internal             | Static; Max 40% of sign face | 27-1405.A, Structural Canopy Sign |
| <b>Notes:</b>                                                                                                                                                                                      |                                         |                     |                                                    |                     |                      |                              |                                   |
| [1] From all property lines; must comply with clear vision areas per 27-1802.H.                                                                                                                    |                                         |                     |                                                    |                     |                      |                              |                                   |
| [2] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met. |                                         |                     |                                                    |                     |                      |                              |                                   |
| [3] The maximum height of pole signs within 660 feet of and oriented to the interstate or interstate frontage right-of-way is 40 feet.                                                             |                                         |                     |                                                    |                     |                      |                              |                                   |

**F. PUBLIC DISTRICTS****1. Public 1: Park and Open Space**

- (a) Freestanding signage is permitted per street frontage as identified in Table 27-1400.12.
- (b) Internal park signage is exempt per Section 27-1403.C.

**Table 27-1400.12: Maximum Sign Area P1**

| Street Type        | Maximum Total Sign Area (sf) |
|--------------------|------------------------------|
| Local              | 32                           |
| Collector          | 64                           |
| Minor Arterial     | 64                           |
| Principal Arterial | 100                          |

**2. Public 2: Public and Institutional**

Signage is permitted pursuant to Section 27-1406.B, NO and NMU.

**3. P3: Medical Campus Signs****(a) Applicability**

- (1) The standards in this section shall apply to the P3 Medical Campus district.
- (2) The permitted signage in the P3 Medical Campus is applicable to two categories of structures and uses, both of which are defined in Section 27-1800:
  - a. Medical Structures: any primary structure on the campus that is used for the provision of medical services or support of medical staff and administration.
  - b. Non-Medical Structures: Permitted support campus structures such as, but not limited to, restaurants or hotels.

**(b) District Specific Terms**

- (1) Internal signage is defined as signage that is not visible from outside of the campus or from the main circulation routes of the campus.
- (2) Street frontage is defined as building frontage on an exterior street. Signs facing other internal streets are considered internal signage.

**(c) Prohibited Signs and Lighting**

The following signs and lighting are prohibited in the P3 Medical Campus district:

- (1) Animated display EMD
- (2) Inflatable signs
- (3) Flashing illumination and flashing neon
- (4) Strobe lights
- (5) Searchlights
- (6) Temporary signs
- (7) Window signs

## (d) Medical Structures Signage

Maximum signage is calculated by sign category as provided below.

**Table 27-1400.13: Medical Structure Signs in P3**

| Attached                                                                                                                                                                                                                                                                                                                                                                       |        |                    |                                             |                                                        |                                   |                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------------------|---------------------------------------------|--------------------------------------------------------|-----------------------------------|----------------------|
| Sign Type                                                                                                                                                                                                                                                                                                                                                                      | Number | Height (max., ft.) | Sign Area per Sign (max., sf)               |                                                        | Illumination                      | Additional Standards |
| Attached, all                                                                                                                                                                                                                                                                                                                                                                  | n/a    | Height of wall     | Smaller of 25% of wall area or 250 feet [1] |                                                        | Internal, external, or static EMD | 27-1405              |
| Freestanding                                                                                                                                                                                                                                                                                                                                                                   |        |                    |                                             |                                                        |                                   |                      |
| Sign Type                                                                                                                                                                                                                                                                                                                                                                      | Number | Height (max., ft.) | Sign Area per Sign (max., sf)               | Setback (min, ft)                                      | Illumin.                          | Additional Standards |
| Freestanding, all                                                                                                                                                                                                                                                                                                                                                              | n/a    | 20                 | 175                                         | 5 [2]; 100 ft separation from other freestanding signs | Internal, external, or static EMD | 27-1405              |
| Notes:                                                                                                                                                                                                                                                                                                                                                                         |        |                    |                                             |                                                        |                                   |                      |
| [1] On a structure within 150 feet of and not separated by a public street from an N zone, wall signs may not, individually or collectively, cover more than 25 percent of the surface area of any wall. The surface area of a wall shall be determined by measuring the building height and multiplying it by the length of the wall, without deduction for doors and windows |        |                    |                                             |                                                        |                                   |                      |
| [2] From all property lines; must comply with clear vision areas per 27-1802.H.                                                                                                                                                                                                                                                                                                |        |                    |                                             |                                                        |                                   |                      |

## (e) Non-Medical Structure Signage

(1) Maximum signage is calculated by sign type, as provided below.

(2) Tables 27-1400.14 and 27-1400.15 identify the types of signs permitted for non-medical structures in the P3 district, subject to the regulations identified in the table and this article.

**Table 27-1400.14: Non-Medical Structure Attached Signs in P3**

| Sign Type  | Number                | Height (max., ft.) | Sign Area per Sign (max., sf)            | Illumination                      | Additional Standards       |
|------------|-----------------------|--------------------|------------------------------------------|-----------------------------------|----------------------------|
| Awning     | 1 per awning          | Flat on awning     | Size of awning                           | Internal or external              | 27-1405.B, Awning Sign     |
| Canopy     | 1 per canopy          | 24" above canopy   | 27-1405.B, Canopy Sign                   | Internal or external              | 27-1405.B, Canopy Sign     |
| Projecting | 1 per street frontage | Height of wall     | 27-1405.B, Projecting Sign               | Internal, external, or static EMD | 27-1405.B, Projecting Sign |
| Wall       | 1 per street frontage | Height of wall     | 25% of wall or 100 sf, whichever is less | Internal, external, or static EMD | 27-1405.B, Wall Sign       |



**Table 27-1400.15: Non-Medical Structure Freestanding Signs in P3**

| Sign Type                                                                       | Number                | Height (max., ft.) | Sign Area per Sign (max., sf)             | Setbacks (min., ft.) | Illumin.                          | Additional Standards              |
|---------------------------------------------------------------------------------|-----------------------|--------------------|-------------------------------------------|----------------------|-----------------------------------|-----------------------------------|
| Access Point                                                                    | 2 per vehicle access  | 3                  | 8                                         | n/a [2]              | Internal or external              | 27-1405.A, Access Point Sign      |
| Monument                                                                        | 1 per street frontage | 8                  | 32                                        | 5 [2]                | Internal, external, or static EMD | 27-1405.A Monument Sign           |
| Structural Canopy                                                               | 1 per street frontage | Same as canopy     | 20% of canopy facia on side where mounted | 5 [2]                | Internal or static EMD            | 27-1405.A, Structural Canopy Sign |
| <b>Notes:</b>                                                                   |                       |                    |                                           |                      |                                   |                                   |
| [1] From all property lines; must comply with clear vision areas per 27-1802.H. |                       |                    |                                           |                      |                                   |                                   |

#### 4. P3 Educational and Civic Campus Signs

##### (a) Applicability

- (1) The standards in this section shall apply to the P3 Educational Campus and P3 Civic Campus district.
- (2) The permitted signage in the P3 Educational or Civic Campus is applicable to two categories of structures and uses:
  - a. Educational or Civic Structures: any primary structure on the campus that is used for the provision of core campus services or support of staff and administration.
  - b. Support Structures: Permitted support campus structures that may include but are not limited to uses such as restaurants or hotels.

##### (b) District Specific Terms

- (1) Internal signage is defined as signage that is not visible from outside of the campus or from the main circulation routes of the campus.
- (2) Street frontage is defined as building frontage on an exterior street. Signs facing other internal streets are considered internal signage.

##### (c) Educational and Civic Structure Signage

Maximum signage is calculated by sign category as provided below.

**Table 27-1400.16: Educational Structure Signs in P3**

| Attached                                                                                                                                                                                                                                                                                                                                                                       |        |                    |                                             |                                                        |                                   |                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------------------|---------------------------------------------|--------------------------------------------------------|-----------------------------------|----------------------|
| Sign Type                                                                                                                                                                                                                                                                                                                                                                      | Number | Height (max., ft.) | Sign Area per Sign (max., sf)               |                                                        | Illumination                      | Additional Standards |
| Attached, all                                                                                                                                                                                                                                                                                                                                                                  | n/a    | Height of wall     | Smaller of 25% of wall area or 175 feet [1] |                                                        | Internal, external, or static EMD | 27-1405              |
| Freestanding                                                                                                                                                                                                                                                                                                                                                                   |        |                    |                                             |                                                        |                                   |                      |
| Sign Type                                                                                                                                                                                                                                                                                                                                                                      | Number | Height (max., ft.) | Sign Area per Sign (max., sf)               | Setback (min, ft)                                      | Illumin.                          | Additional Standards |
| Freestanding, all                                                                                                                                                                                                                                                                                                                                                              | n/a    | 20                 | 175                                         | 5 [2]; 100 ft separation from other freestanding signs | Internal, external, or static EMD | 27-1405              |
| Notes:                                                                                                                                                                                                                                                                                                                                                                         |        |                    |                                             |                                                        |                                   |                      |
| [1] On a structure within 150 feet of and not separated by a public street from an N zone, wall signs may not, individually or collectively, cover more than 25 percent of the surface area of any wall. The surface area of a wall shall be determined by measuring the building height and multiplying it by the length of the wall, without deduction for doors and windows |        |                    |                                             |                                                        |                                   |                      |
| [2] From all property lines; must comply with clear vision areas per 27-1802.H.                                                                                                                                                                                                                                                                                                |        |                    |                                             |                                                        |                                   |                      |

## (d) Support Structure Signage

- (1) Maximum signage is calculated by sign type, as provided below.
- (2) Tables 27-1400.17 and 27-1400.18 identify the types of signs permitted for non-educational structures in the P3 district, subject to the regulations identified in the table and this article.

**Table 27-1400.17: Support Structure Attached Signs in P3**

| Sign Type  | Number                | Height (max., ft.) | Sign Area per Sign (max., sf)            | Illumination                      | Additional Standards       |
|------------|-----------------------|--------------------|------------------------------------------|-----------------------------------|----------------------------|
| Awning     | 1 per awning          | Flat on awning     | Size of awning                           | Internal or external              | 27-1405.B, Awning Sign     |
| Canopy     | 1 per canopy          | 24" above canopy   | 27-1405.B, Canopy Sign                   | Internal or external              | 27-1405.B, Canopy Sign     |
| Projecting | 1 per street frontage | Height of wall     | 27-1405.B, Projecting Sign               | Internal, external, or static EMD | 27-1405.B, Projecting Sign |
| Wall       | 1 per street frontage | Height of wall     | 25% of wall or 100 sf, whichever is less | Internal, external, or static EMD | 27-1405.B, Wall Sign       |

**Table 27-1400.18: Support Structure Freestanding Signs in P3**

| Sign Type                                                                       | Number                | Height (max., ft.) | Sign Area per Sign (max., sf)             | Setbacks (min., ft.) | Illumin.                          | Additional Standards              |
|---------------------------------------------------------------------------------|-----------------------|--------------------|-------------------------------------------|----------------------|-----------------------------------|-----------------------------------|
| Access Point                                                                    | 2 per vehicle access  | 3                  | 8                                         | n/a [2]              | Internal or external              | 27-1405.A, Access Point Sign      |
| Monument                                                                        | 1 per street frontage | 8                  | 32                                        | 5 [2]                | Internal, external, or static EMD | 27-1405.A Monument Sign           |
| Structural Canopy                                                               | 1 per street frontage | Same as canopy     | 20% of canopy facia on side where mounted | 5 [2]                | Internal or static EMD            | 27-1405.A, Structural Canopy Sign |
| <b>Notes:</b>                                                                   |                       |                    |                                           |                      |                                   |                                   |
| [1] From all property lines; must comply with clear vision areas per 27-1802.H. |                       |                    |                                           |                      |                                   |                                   |

## G. HISTORIC DISTRICTS

Statement of special purpose. This special code acknowledges the unique visual concerns associated with the Billings' historic districts, including the Billings Townsite Historic District, Old Town Historic District, and North Elevation Historic District, as defined in BMCC Section 6-1103, and recognizes the benefits of restoring the district's visual appearance of prosperity, cohesiveness, and historic integrity, while continuing to promote business advertising variety, individuality, and growth.

### 1. Signs Permitted in Historic Districts

Within the North Elevation Historic District signs are permitted as per the underlying zone district and in compliance with the requirements for placement and style as per this code section.

Within the Billings Townsite Historic District and Old Town Historic District, signs are permitted as follows:

- (a) Excluding window signs, one additional sign type per business is allowed, except for business with entrances on more than one street, in which case one sign type per street entrance is allowed.
- (b) The size of signs in the historic district is limited to 50 percent of that allowed in this article.
- (c) No new roof signs shall be permitted after the adoption of this code [insert date].

### 2. Sign Standards

- (a) Signs and sign lettering within the Billings Townsite, Old Town, and the North Elevation Historic Districts shall be designed and installed to compliment the architectural style.
- (b) Where an awning does not have a clear vertical plane, the signage may not exceed 25 percent of the lower third of the awning.
- (c) Signage placed on a valance of an awning may not exceed 12 inches in height.

- (d) Internally illuminated signs shall be constructed with an opaque background and translucent letters and symbols. Opaque means that the material must not transmit light from an internal illumination source.
- (e) In the Billings Townsite and Old Town Historic Districts, the use of neon is encouraged when done in a manner that is historic in nature, compatible, or complementary to the character of the district and adjacent signage. The use of neon should be incorporated into the design of the sign. Neon and incandescent lamps may flash in the following ways.
  - (1) Alternating. One section comes on as another goes off.
  - (2) Scintillating. Random sections go on and off with part of the lighting on at all times.
  - (3) Chasing. One section comes on at a time and is followed by one section going off at a time. Part of the sign is on at all times.
  - (4) Sweeping (filling). The lighting sections individually go on until all of the sections are on, then the entire group goes off and then the process is repeated.
  - (5) On-off action—not allowed. Lighting that goes all on and then all off.
- (f) No sign will be permitted to obscure or cover any significant architectural detail or decorative element of the existing building.
- (g) The material used in the manufacturing of the sign should either be materials traditional to the time period of the structure, such as wood, stone, metal, neon, or a modern material that effectively simulates the original materials.
- (h) The use of lighting should be sensitive to the character of the district. Direct lighting through the use of fixtures such as goose neck lamps is encouraged. Back lighted solid letters or stained glass is encouraged. The use of back lighted, molded plastic faces is discouraged. Installation must comply with the applicable electrical codes. All raceways, exposed conduits and supports will be painted to match or compliment the building.
- (i) Ghost signs that were created prior to 1935 shall be permitted. These signs will not count toward the allowable square footage or allowable number of signs. Ghost signs are encouraged provided they meet the following conditions:
  - (1) Ghost signs shall be permitted to fade, to be stabilized, or restored to the original condition.
  - (2) Any ghost sign that is changed, or any post-1935 ghost sign that is restored or changed shall comply with the applicable sign district regulations.
- (j) Only on-premises signs shall be allowed within the Billings Townsite, Old Town and North Elevation Historic Districts.
- (k) Once the copy of an existing sign is changed it must come into compliance with the special provisions of the historic sign district and the existing sign code.

### 3. Prohibited Signs

The following signs are prohibited.

- (a) New billboards, off-premise/third party signs.
- (b) Electronic message displays.

- (c) Changeable copy signs, except for the use on a theater marquee.
- (d) Rotating signs.
- (e) Intermittent or flashing lights, except for neon signs as described above.
- (f) Above peak roof signs unless a roof sign had previously been on the building.

#### 4. Temporary Signs

##### (a) Banner signs in the Public Right-of-Way

- (1) Banners may be placed upon light standards to announce district wide events or exhibits at the Western Heritage Center.
- (2) Banners may not exceed 20 square feet in area.
- (3) Banners may not be stretched across the public rights-of-way.

##### (b) Banners on Private Property

Each business shall be permitted to display one banner not to exceed 32 square feet in area for one five-day period per calendar year.

##### (c) Sandwich board (A-frame) signs.

- (1) One sandwich board sign shall be permitted per public entrance.
- (2) All requirements of BMCC Section 22-407.1 and 22-407.2 must be met.
- (3) Sandwich boards must be securely anchored to the ground.
- (4) Sandwich boards may only be displayed during regular business hours.

**SECTION 27-1408 TEMPORARY SIGNS****A. PURPOSES**

The purposes of these temporary sign regulations are as follows:

1. Enhance opportunities for visual communication, including promoting the legibility of such communications;
2. Create a more attractive economic and business climate within the City;
3. Enhance and protect the physical appearance of all areas of the City;
4. Identify permissible signage for temporary uses and temporary events, and
5. Reduce the distractions, obstructions, and hazards to pedestrian and automobile traffic caused by the excessive number, size, or height, inappropriate means of illumination or movement, indiscriminate placement, overconcentration, or unsafe construction of signs.

**B. ALLOWED ON PRIVATE PROPERTY RESTRICTIONS**

Temporary event signs, including, but not limited to, those specified within this article, may be allowed off-premises on private property provided they meet the following requirements:

1. The sign conforms to all requirements of this article;
2. The sign does not interfere with automobile traffic or pedestrians;
3. The sign is not placed in the public right-of-way or on public property;
4. When a sign placed on private property, is done with the express permission of the property owner; and
5. The sign is not a public danger or nuisance during high winds or inclement weather.

**C. PERMIT AND DISPLAY**

1. A temporary sign permit is required unless otherwise specified in this article.
2. Temporary signs shall comply with the following unless otherwise specified in this article:
  - (a) Maximum display time: 30 days;
  - (b) Maximum number of temporary signs: shall not exceed one 32 sf sign per property frontage unless otherwise permitted in this article.

**D. GENERALLY APPLICABLE TEMPORARY SIGN STANDARDS****1. Temporary Sign Types**

The following temporary sign types are applicable to this section:

Table 27-1400.19: Temporary Sign Types

| Sign           | Max. Size               | Max. Height |
|----------------|-------------------------|-------------|
| Banner         | 32 sf                   | n/a         |
| Inflatable     | 4,500 cubic ft (volume) | 30 ft       |
| Sandwich Board | 8 sf per side           | 4 ft        |
| Yard, Large    | 32 sf                   | 8 ft        |
| Yard, Small    | 16 sf                   | 6 ft        |

**2. Location**

- (a) Temporary signs are subject to the prohibited sign locations identified in Section 27-1401.E.
- (b) No temporary sign shall cause unsafe ingress or egress or otherwise create traffic visibility problems – Sec. 27-1802.H.

**3. Size and Placement Limitations**

The following placement limitations are generally applicable to temporary signs unless otherwise specified in this article.

- (a) Signs may be printed on both sides or two single-sided banners may be placed back-to-back. V-type configurations are not permitted.
- (b) Measuring one side of the display shall determine the square footage for purposes of computation.

**E. ADDITIONAL TEMPORARY SIGNS PERMITTED BY TYPE****1. Banner Sign**

- (a) One banner sign is permitted for one 30-day period in mixed-use, commercial, industrial, and EBURD districts.
- (b) Banner signs are limited to use on private property unless otherwise provided in a zone district.
- (c) Banner signs must be securely attached to a structure, the wall of a building, or canopy.

**2. Inflatable Signs**

- (a) One inflatable sign is permitted for one 30-day period in the CMU1, CMU2, CX, I1, I2, and EBURD districts.
- (b) Inflatable signs are permitted on rooftops provided the sign and structure are securely anchored to the rooftop.

**3. Sandwich Board Signs**

- (a) Sandwich board signs may be placed on private property or the public sidewalk in the NO, NMU, CBD, DX, and EBURD districts directly in front of the business at any time when the business is open.
- (b) Sandwich board signs shall be placed so they do not interfere with or impede the flow of pedestrian movement; a minimum of three feet of unobstructed sidewalk with must be maintained while the sign is displayed.
- (c) Sandwich board signs placed on a public sidewalk within the street right of way will follow all requirements of BMCC Section 22-407.1 and 22-407.2.

**F. ADDITIONAL TEMPORARY SIGNS PERMITTED BY ACTIVITY****1. Active Real Estate Listing**

Additional temporary signage is permitted for the duration of the active real estate listing as follows:

- (a) Neighborhood residential use or property: one small yard sign per street frontage.
- (b) Mixed use, commercial, and industrial use or property: one large yard sign or banner attached to a permanent structure per street frontage.
- (c) Open house event: signage permitted per Table 27-1400.20.

(d) Temporary sign permits are not required.

**2. Active Building Permit / Active Construction**

(a) Single structure development shall be permitted one large yard sign per construction project. The sign shall be confined to the site of construction and shall be removed five days after issuance of an occupancy certificate or completion of construction and prior to occupancy.

(b) Subdivision development projects shall be permitted two large yard signs per subdivision development project. The sign shall be removed six months after construction on the last lot is commenced.

(c) Contractor, architect, surveyor, or engineer signs. Subcontractors on an active construction project may place a maximum of one small yard sign on one street frontage for the same period of time as the single structure or subdivision development sign. Subcontractor signs may be moved from lot to lot as construction progresses.

(d) Temporary sign permits are not required.

**3. New or Relocating Business**

New businesses or existing businesses which are relocating may have one additional temporary sign that complies with the standards of Table 27-1400.19. The temporary sign shall be limited in use to one time for no longer than 60 days. A Temporary Sign permit is required.

**4. Real Estate Sign – Prospective Development Listing**

Additional temporary signage is permitted for a subdivision, multi-unit residential development, or non-residential structure following the issuance of a building permit as follows:

(a) Residential development: One large yard sign per public entrance.

(b) Non-residential development: One large yard sign per public entrance or one banner placed on the structure per street frontage.

(c) The sign shall remain only as long as property remains unsold or unleased for the first time within the tract, but not to exceed one year. The planning division may extend the one-year time period upon written request by the owners/developers of the project.

(d) A Temporary sign permit is required.

**G. TEMPORARY SIGNAGE PERMITTED BY TEMPORARY USE GROUP PERMIT**

**1. Temporary Use Signage Permitted**

(a) Temporary uses allowed by temporary use permit may have up to 100 square feet of temporary sign area allocated across signage that complies with Table 27-1400.19 for the district in which the temporary use is located.

(b) Group 3 Temporary Uses will require a Temporary sign permit. Group 1 and Group 2 Temporary Uses will not require sign permits for temporary signage.

(c) The temporary signage shall meet the following standards:

(1) Signs advertising the temporary use or activity are allowed only at the same location as the temporary use.

(2) Signage may only be displayed while the temporary use is on the property.



- (3) Clear vision triangle standards are applicable (Sec 27-1802.H).
- (4) Paper or cardboard signs are prohibited.
- (5) All signage and temporary structures must be removed at the time the temporary use has ceased on the property.

#### H. TEMPORARY SIGNAGE PERMITTED BY EVENT

##### 1. Standards for Temporary Event Signage

- (a) Temporary signs may be allowed as part of a special event whether or not a temporary use permit for the event is required.
- (b) Temporary signs for special events may be off-premises with the permission of the property owner, and may be allowed on a parcel in addition to the maximum amount of temporary signage permitted on that parcel.
- (c) Temporary signs for special events do not require permits.

##### 2. Signage Permitted

Temporary signs permitted for special events are restricted to the types, sizes, and heights identified in Table 27-1400.20 unless otherwise specified in this subsection.

**Table 27-1400.20: Temporary Signage by Event**

| Event                      | Type of Sign | Number Permitted | Duration                                                 |
|----------------------------|--------------|------------------|----------------------------------------------------------|
| Estate/Garage/Rummage Sale | Yard, small  | 4                | 24 hours before and after event, no permit required      |
| Open House/Auction         | Yard, small  | 4                | 24 hours before and after event                          |
| Public Event               | Yard, large  | 10               | Placed no more than 7 days before; removed w/in 48 hours |
|                            | Banner       | 5                |                                                          |

**SECTION 27-1409 OFF-PREMISES/BILLBOARD SIGNS****A. PURPOSE AND INTENT:**

The purpose of this section is to regulate the impact of billboards on the community; to improve the appearance of major corridors and gateways; to enhance the urban design of the greater downtown area and the west end; to insure compatibility between billboards and adjacent land uses; and to limit the impact that billboards have on sign clutter in the community. The City recognizes that billboards are a necessary and appropriate advertising medium, and that there are acceptable and viable locations for billboards within the community.

It is the intent of this subsection to address the following specific concerns regarding the impact of billboards upon the community:

1. The citizens of Billings, and others visiting or traveling through the City are very concerned about the urban design and visual integrity of the City.
2. Billboards may be often incongruous with the City's natural setting and features due to their large-scale figures, numbers, letters, and colors.
3. A billboard may dominate the view from vehicles and interfere with the occupants' enjoyment of the City's natural setting and features.
4. A high concentration of billboards may create traffic safety problems and distract attention away from public safety signs.
5. Billboards of excessive size or height should be downsized within a reasonable period of time.
6. Billboards are incompatible with residential uses.
7. The I-90, Highway 3, Main Street, 27th Street, other gateways, and Shiloh Road are major entryways to the City which are of particular importance in terms of urban design and public perception to citizens, visitors, and tourists.
8. The downtown area defined in the Downtown Strategic Plan is an area in which urban design significantly influences the health and vitality of the total community.

**B. NO NEW OFF-PREMISES/BILLBOARD SIGNAGE PENDING REMOVAL OF NON-CONFORMING SIGNS****1. New Billboards Prohibited**

No off-premises/billboard sign shall be constructed or erected in any district after the date of the enactment of this subsection 27-1409 [previous code Section 27-706(b), adopted by Ord. No. 99-5107, enacted Nov. 22, 1999].

**2. Billboard Replacement Provisions**

- (a) For each non-conforming off-premises/billboard sign face removed a replacement conforming off-premises/billboard sign face may be erected. Replacement off-premises/billboard sign face(s) shall comply with all of the applicable regulations contained herein.
- (b) When all non-conforming off-premises/billboard signs within the City have been removed pursuant to this section, then additional off-premises/billboard signs may be constructed in accordance with the regulations contained herein.

**C. LOCATION STANDARDS FOLLOWING COMPLIANCE WITH SEC. 27-1409.B**

All replacement billboards shall be located in accordance with the following standards:

**1. Zoning Districts**

- (a) Replacement billboards shall be permitted as an allowed use in Heavy Commercial (CX), Controlled Industrial (I1), and Heavy Industrial (I2) zoning districts and on Boulevard Street Types in EBURD zone districts.
- (b) Billboards shall be permitted as an allowed use in Corridor Mixed Use 2 (CMU2) zoning district provided that the structure is two hundred (200) feet or more from a residential zoning district.
- (c) A special review shall be required for all billboards to be located in a CMU2 zone if the structure is less than 200 feet but greater than 150 feet from a residential zoning district.
- (d) Billboards may be permitted in the CBD through Section 17-16xx, Special Review.
- (e) No new billboards shall be permitted on, directed to, or within 200 feet of the following corridors regardless of the applicable zoning:
  - (1) 27th Street from I-90 to Airport Road (excluding 27th Street North from Montana Avenue to 6th Avenue North).
  - (2) Highway 3 (Airport Road) from Alkali Creek Road west to the City limits.
  - (3) Shiloh Road from I-90 to Rimrock Road.
  - (4) Yellowstone River.
  - (5) Any historic district registered on the National Register of Historic Places.

**2. Locations Standards**

- (a) Billboards shall be set back 20 feet from the front property line.
- (b) No billboard shall be placed on the roof of any building or structure.

**3. Spacing Standards**

Billboards shall be required to have the following spacing requirements:

- (a) Billboards located in CMU2 shall have a minimum spacing of a 1,000-foot radius from any other billboard.
- (b) Billboards located in CX, I1, I2, and EBURD shall have a minimum spacing of 600 linear feet from any other billboard.
- (c) No billboard shall be placed within 150 feet of any neighborhood residential zone.

**4. Area, Height, Face, and Pole Standards**

All replacement billboards (and new billboards when permitted) shall conform to the following standards:

- (a) Sign area: New and replacement billboards faces and supporting framework shall not exceed the following sign areas:
  - (1) Generally: 250 square feet.
  - (2) Located within the interstate corridor: 480 square feet.
- (b) Height, maximum:
  - (1) 35 feet above the road grade to which the billboard reads.

- (2) The minimum distance between grade and the bottom of the billboard shall be 15 feet.
  - (c) Faces:
    - (1) There shall be no more than a total of two faces per supporting structure.
    - (2) All structures must be single face, back-to-back, or "v" type of construction. Stacked faces are prohibited.
  - (d) Pole construction: All structures must be of single pole construction.
- 5. Special Review Requirements for Off-Premise/Billboard Signs in CMU2 and CBD**  
The following criteria will be used in reviewing the proposed structure:
- (a) The location and placement of the sign will not endanger motorists or pedestrians and does not interfere with the clear vision triangle at street, railroad, or street driveway intersections.
  - (b) The signs will not cover or blanket any prominent view of a structure or facade of historical or architectural significance.
  - (c) The sign will not obstruct views of users of adjacent buildings to side yards. This requirement does not include views of distant vistas.
  - (d) The sign cannot be seen from religious assemblies, schools, the Yellowstone River or any City, county, or state park; or, if it can be seen it must be located at 250 feet from the boundaries of such places.
  - (e) The height of signs located in undeveloped areas (no buildings within 300-foot radius) shall not exceed 26 feet above grade. The minimum clearance of a sign shall be at least 15 feet.
  - (f) The sign's lighting will not cause hazardous or unsafe driving conditions for motorists and will not glare, reflect, or spill onto adjacent business or residential areas.
- 6. Lighting and Display**
- (a) Static lighting shall comply with Section 27-1406.A or the EMD provisions in this section.
  - (b) Electronic Message Display (EMD) lighting shall comply with Section 27-1405.C and the following:
    - (1) A billboard EMD may be allowed on any off-premises/billboard sign face provided it conforms to all of the standards and requirements of the City sign code including the limitation on replacement of nonconforming off-premises billboard signs in Section 27-1409(b) and the maintenance and repair requirements of Section 27-1410.
    - (2) A billboard EMD does not need to be incorporated in a freestanding or wall sign pursuant to Section 27-1405.C, the EMD may be used as the only sign area on the billboard sign face.
- 7. Landscaping**  
The provisions of Section 27-1406.B, Landscaping, apply to new and replacement billboards.
- 8. Discontinuance**

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

**SECTION 27-1410 INSTALLATION AND MAINTENANCE****A. INSTALLATION****1. Compliance with Adopted Building Code(s)**

All signs shall comply with the appropriate provisions of any adopted building and related code(s) with standards for design, structural members, and connections. Signs shall also comply with the provisions of the applicable electrical code and the additional construction standards hereinafter set forth in this section.

**B. MAINTENANCE****1. Good Condition**

Every sign in the City, including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in good condition at all times.

- (a) All signs, including those exempted, shall be kept neatly painted, including all metal parts and supports by which these conditions are deteriorating.
- (b) The sign administrator may inspect and have the authority to order the painting, repair, alteration, or removal of signs which become dilapidated or are abandoned, or which constitute physical hazard to the public safety.

**2. Continuous Maintenance Required**

- (a) Any sign that has been approved or that has been issued a permit shall be maintained by the owner or person in possession of the property on which the sign is located. Maintenance shall be such that the signage continues to conform to the conditions imposed by the sign permit.
- (b) Any damaged sign base shall be repaired within 60 days.
- (c) No person shall maintain or permit to be maintained on any premises owned or controlled by such person any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises.
- (d) Any signage which has been damaged to such extent that it may pose a hazard to passersby shall be repaired or removed immediately. If the sign is repaired, it shall be done in compliance with this article.

**C. ABANDONMENT****1. Abandoned Signs**

- (a) Except as otherwise provided in this article, the City may determine that a sign or sign structure has been abandoned where either:
  - (1) The sign or sign structure is no longer used by the property or sign owner, in which case discontinuance of sign use may be shown by expiration or revocation of a business license for the business located on the property, or cessation of use of the property where the sign or sign structure is located for the use or purpose associated with the sign; or
  - (2) The sign or sign structure has been damaged, and repairs and restoration have not been started within 45 days of the date the sign was damaged, or, once started, are not diligently pursued to completion.
- (b) A nonconforming sign that meets the requirements of this section may be considered abandoned and will be subject to enforcement and removal.

- (c) Temporary signs shall be considered abandoned if the associated permit has expired, the special event has occurred in the past or if the sign fails to meet the maintenance requirements of this article.
- 2. **Sign Face Change**
  - (a) Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business or where a building or tenant space is for lease shall not be deemed abandoned unless the property remains vacant for a period of six months or more.
  - (b) The sign face(s) of all signs associated with the structure or tenant space shall be removed and shall be replaced with a blank face.
- 3. **Sign Removal**
  - (a) An abandoned sign or sign structure is prohibited and shall be removed by the owner of the sign or owner of the premises within 45 days of a determination of abandonment.
  - (b) When an on-premises sign or sign structure becomes abandoned due to demolition or destruction of the structure in which the business was located, the sign and structure shall be removed at the same time as the demolition of the structure, or within 45 days of a determination of abandonment by the sign administrator.
  - (c) Where a successor to a business agrees in writing, prior to the demolition of the structure or as part of a determination of abandonment, to bring any sign into compliance with this article and to maintain the sign as provided in this article, the removal requirement shall not apply. The sign and sign structure shall be brought into full compliance prior to the issuance of a certificate of occupancy for use of any part of the associated structure or business.

**SECTION 27-1411 VIOLATIONS AND SIGN REMOVAL****A. VIOLATIONS****1. Unlawful Signs**

No person shall erect on any premises owned or controlled by such person any sign which does not comply with the provisions of this article.

**2. Signs Declared Unlawful**

- (a) The sign administrator may declare any sign unlawful if it endangers public safety by reasons of inadequate maintenance, dilapidation or abandonment. Any such declaration shall state the reasons of the sign administrator for stating that the sign constitutes a safety hazard to the general public.
- (b) Any sign owned, kept, displayed or maintained by any person with the City, the ownership keeping a display which is unlawful pursuant to the provisions of this article, is hereby declared to be in violation of this article. The sign administrator may declare any such sign to be unlawful, and such declaration shall state in writing the reason or reasons why such sign and the keeping, owning, maintenance, construction and display or operation thereof, is unlawful under the terms of this article.



**SECTION 27-1412 ADMINISTRATION AND INSPECTION****A. SIGN PERMIT****1. Permits Required**

- (a) Except as otherwise provided in this article, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the City or cause the same to be done, without first obtaining an approved sign permit for each sign from the sign administrator as required by this article.
- (b) A sign permit shall be required for each group of signs on a single supporting structure installed simultaneously. Thereafter, each additional sign erected on the structure must have a separate sign permit.
- (c) These directives shall not be construed to require any permit for a change of copy on any sign, nor for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way.

**2. Permit Expiration**

- (a) Every sign permit issued by the sign administrator shall become null and void if work is not commenced within 120 days from the date of such permit.
- (b) If work authorized by such permit is suspended or abandoned for 60 days any time after the work is commenced, a new permit shall be first obtained to do so, provided that no changes have been made in the original plans. Such permit may not be unreasonably withheld, providing that proper application and payment of permit fees is complied with and a proper application is fully and correctly completed.

**3. Permission to Install**

No person shall erect, construct or maintain any sign upon any property or building without the consent of the owner or person entitled to possession of the property or building if any, or their authorized representatives.

**B. APPLICATION PROCESS****1. Application for Permit**

Application for a permit shall be made to the sign administrator through a process provided by the sign administrator and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the City including:

- (a) Name and address of owner of the sign;
- (b) Name and address of owner or the person in possession of the premises where the sign is located or to be located;
- (c) Clear and legible drawings or photo with description definitively showing the location of the sign which is the subject of the permit and all other existing signs whose construction requires permits, when such signs are on the same premises;

**2. Issuance; Denial**

- (a) The sign administrator may issue a permit for the erection, alteration, or relocation of a sign within the City when an application therefor has been properly made and the sign complied with all appropriate laws and regulations of the City.
- (b) The sign administrator may, in writing, suspend or revoke a permit under provisions of this section whenever the permit is issued on the basis of a misstatement of fact

or fraud. When a sign permit is denied by the sign administrator, he or she shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.

- (c) The sign administrator shall make a determination within 30 business days of receiving a complete application.

**3. Effect of Issuance**

No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.

**C. TEMPORARY SIGN PERMIT**

**1. Application for Permits**

Application for a temporary sign permit shall be made to the sign administrator by the owner or person entitled to possession of the property or business on which the temporary sign is to be located and shall be upon the form prescribed by the sign administrator. All information required by the sign administrator to assure compliance with all laws and regulations of the City shall accompany the application, including:

- (a) Name and address of the owner of the temporary sign;
- (b) Name and address of the owner or person in possession of the business or premises on which the temporary sign is to be located and the length of time that the business has existed at such location;
- (c) Clear and legible drawings or photo with description definitely showing the proposed location of the temporary sign which is the subject of the permit and of all other existing signs on the premises.

**2. Issuance—Denial**

- (a) The sign administrator may issue a temporary sign permit for the erection or display of a temporary sign within the City when the administrator has determined that the applicant has met all requirements of this section and all other applicable laws of the City.
- (b) The sign administrator shall establish area/height allowance and shall specify where the temporary sign is to be located, taking into consideration clear vision triangle and setback requirements.

**SECTION 27-1401 GENERAL PROVISIONS****A. PURPOSE AND INTERESTS**

The County has a legitimate, important, substantial, or compelling interest in:

1. Avoiding the proliferation of signs of generally increasing size, dimensions, and visual intrusiveness that tends to result from property owners competing for the attention of passing motorists and pedestrians because this approach to signage:
  - (a) Creates visual distraction and obstructs views, potentially creating safety hazards for motorists, bicyclists, and pedestrians;
  - (b) May involve physical obstruction of streets, sidewalks, or trails, creating public safety hazards;
  - (c) Degrades the aesthetic quality of the County, making the County a less attractive place for residents, business owners, visitors, and private investment; and
  - (d) Dilutes or obscures messages on individual signs due to the increasing competition for attention.
2. Maintaining and enhancing the character of the central business district and commercial corridors, both of which are resources of exceptional quality and vibrancy to the community as a whole.
3. Coordinating the location and type of signage with existing and proposed street frontage landscaping in a manner that contributes to the character, environmental quality, and economic health of the County and the region.
4. Maintaining a high-quality aesthetic environment to protect and enhance property values, leverage public investments in streets, sidewalks, trails, plazas, parks, open space, civic buildings, and landscaping, and enhance community pride.
5. Protecting minors from speech that is harmful to them according to state or federal law, by preventing such speech in places that are accessible to and used by minors.

**B. FINDINGS**

The County finds that:

1. Content-neutrality, viewpoint neutrality, and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out in this article and the constitutionally protected right to free expression.
2. The regulations set out in this article are unrelated to the suppression of constitutionally protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to the viewpoint of individual speakers.
3. The incidental restriction on the freedom of speech that may result from the regulation of signs pursuant to this article is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are set out in this article.
4. Regulation of the location, number, materials, height, sign area, form, and duration of display of temporary signs is essential to preventing sign clutter.
5. Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such

signs harm the safety and aesthetics of the public on County's streets or sidewalks if they are not removed.

6. Certain classifications of speech are not constitutionally protected due to the harm that they cause to individuals or the community.

#### **C. SAVINGS AND SEVERABILITY**

1. Signs containing noncommercial speech are permitted anywhere that commercial speech signs are permitted, subject to the same regulations applicable to such signs. Any sign that can be displayed under the provisions of this article may contain a noncommercial message.
2. If any clause, section, or other part of the application of these sign regulations shall be held by a court of competent jurisdiction to be unconstitutional or invalid, it is the intent of the County that such clause, section, or specific regulation be considered eliminated and not affecting the validity of the remaining clauses, sections, or specific regulations that shall remain in full force and effect.

#### **D. CONFLICTS WITH OTHER PROVISIONS**

Nothing in this article shall be deemed a waiver of the provisions of any other ordinance or regulation applicable to signs. Signs located in areas governed by several ordinances or applicable regulations shall comply with all such ordinances and regulations. If there is a conflict between this article and any other ordinance or regulation, the more stringent shall apply.

### **SECTION 27-1402 APPLICABILITY**

#### **A. APPLICABILITY**

1. The regulations contained in this article shall apply to, and regulate the display, construction, installation, erection, alteration, use, location, maintenance, and removal of all signs and support structures in all districts unless the sign, item, or activity is expressly exempted from these regulations.
2. No new sign shall be located, erected, modified, or maintained except in compliance with the regulations contained in this article.
3. Existing signs that were legally installed are not required to come into compliance with this article unless changes to the sign are made in a manner regulated in Section 27-1404, Nonconformities. Existing signs are required to comply with maintenance requirements and are subject to abandonment per Section 27-1411, Installation and Maintenance.

#### **B. SIGN PERMIT REQUIRED**

##### **1. New Signs**

A sign permit shall be required to erect, place, modify the size or shape, allow the continued placement, or convert any portion of a sign, including a conversion from temporary to permanent or from non-EMD to EMD unless otherwise provided in this article.

##### **2. Existing Signs**

Changes to existing signs that are made nonconforming by the 2020 Zoning Code update require a sign permit and are subject to Section 27-1404, Nonconformities.

##### **3. Sign Permit Exemptions**

The following activities shall not require a sign permit, provided that these exemptions shall not be construed as relieving the owner from the responsibility to comply with the provisions of this Zoning Code or any other County law or ordinance:

- (a) Changing of the advertising copy or message on an existing approved painted or printed sign, marquee, changeable copy sign or a similar approved sign whether electrical, illuminated, electronic changing message display or non-illuminated painted message which are all specifically designed for the use of replaceable copy;
- (b) Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes. Replacement of or a change of a plastic sign face will be included as an exempt operation;
- (c) Changes in the content of show window displays and permitted temporary signs;

### **C. EXEMPTIONS**

The following signs, items, and operations shall not require a sign permit, but shall be undertaken in conformance with this article, and all adopted building code(s):

#### **1. Internal and Integral Signs**

- (a) Signs not intended for view or readily legible from the public right-of-way or adjacent residential, public, or civic districts or uses.
- (b) Integral signs that are carved into stone or similar material that are integral to the building or plaques that are placed flat against a building. Integral signs shall not exceed four square feet in area
- (c) Signs that are less than one square foot in area that are affixed to machines, equipment, fences, gates, walls, gasoline pumps, or utility cabinets.
- (d) Signs or banners on fences and structures within an arena, park, recreational complex, or athletic field, provided such signs or banners face inward to the arena, park, recreational complex, or athletic field.

#### **2. Flags and Insignia**

- (a) Flags that are affixed to a permanent flagpole or structure.
- (b) Up to two flutter flags affixed to a permanent flag pole.

#### **3. Neighborhood Watch Area**

- (a) All developed properties within a neighborhood watch area may post one sign provided by the neighborhood watch organization. Neighborhood watch signs shall be posted on private property.
- (b) Wall signs, not exceeding four square feet in sign area, shall be placed flat against the wall of a building.
- (c) Freestanding signs shall not exceed four square feet in sign area and six feet in height and shall be placed at least one foot behind all property lines. The maximum height for a freestanding sign located within a clear vision area, defined in Section 27-1802.H, is 30 inches.

**4. Public Signs**

- (a) Official public signs approved by a governmental body with jurisdiction over issues such as traffic safety, pedestrian safety, schools, railroads, or public notice, as well as signs required by the Manual of Uniform Traffic Controls.
- (b) Signs and notices required to be displayed, maintained, or posted by law or by any court or governmental order, rule, or regulation.
- (c) Government signs and notices provided for the convenience and safety of the community.

**5. Seasonal Displays**

- (a) Seasonal displays that might include incidental signage provided both the sign and the display meet the clear vision area requirements of Section 27-1802.H.

**6. Vehicle Signs**

Lettering or symbols applied directly onto or flush-mounted magnetically to a motor vehicle operating in the normal course of business.

**D. PROHIBITED SIGNS**

The following types of signs and sign structures are prohibited in all districts, except as otherwise provided by this article.

**1. Distracting, Interfering, or Confusing Signs**

- (a) Non-electronic message displays signs that are animated by means of flashing, scintillating, blinking, traveling lights, displaying video, or any other means not providing constant illumination. Electronic message displays may be allowed provided they comply with the standards in Section 27-1405.C.
- (b) Signs that contain or are an imitation of an official traffic or emergency sign or signal or which, by reason of their size, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.
- (c) Signs with a lighting or control mechanism that causes radio, radar, cellular, wireless, or other electronic signal interference.
- (d) Wind-driven signs; additionally, no sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement.

**2. External Movement and Light Projecting Signs**

- (a) Signs that operate or employ visible moving parts or any portion of which moves, or give the illusion of motion;
- (b) Signs that emit audible sound, odor or visible matter; or
- (c) Signs that are light projecting or operate or employ any motion picture projection or video projection in conjunction with any advertisements.

**E. PROHIBITED LOCATIONS**

Signs and sign structures, including exempt signs, are prohibited in the following locations:

**1. Improper Location**

- (a) In the right-of-way or on other public property without approval of the County.

- (b) Placed on private property without the consent of the owner or authorized agent of the owner of such property.
- (c) Within a clear vision triangle.
- (d) Attached to utility poles, other utility or public infrastructure structures or equipment, or wireless communication facilities.

**2. Creation of Hazardous Condition**

- (a) Signs that create conflict with traffic control signs, signals, or various private signs resulting in vehicular or pedestrian safety hazards, including any sign placed at any location where it may, by reason of its size, shape, design, location, content, coloring, or manner of illumination, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, by obscuring or otherwise physically interfering with any official traffic control device, or that may be confused with an official traffic control device.
- (b) Signs that creates a danger to the public during periods of inclement weather or high winds due to their location or the manner in which they are placed.
- (c) Signs that create a hazard due to collapse, fire, collision, decay, abandonment, or other safety considerations.
- (d) Signs that obstruct firefighting, police, or emergency activities.
- (e) Signs that are improperly mounted or installed, such as signs attached to a standpipe, gutter drain, unbraced parapet wall, or fire escape, unless the safety of such sign and such mounting have been verified in writing by a structural engineer licensed to practice in the state.

**3. Parking of Advertising Vehicles:**

No person shall park any vehicle or trailer on a public right-of-way or public property or on private property so that it is visible from the public right-of-way and which has attached thereto or located thereon any sign or advertising device for the sole purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises. This section is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettered on a motor vehicle, or company vehicle signs.

**4. Fence or Wall Signs**

Non-exempt signs that are painted on or attached to any fence or any wall which is not structurally a part of a building.

**F. PROHIBITED CONTENT**

No sign shall be approved or disapproved based on the content or message it displays, except that the following content, without reference to the viewpoint of the speaker, shall not be displayed on signs:

- 1. Text or graphics that is harmful to minors as defined by state or federal law;
- 2. Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats, as such words and phrases are defined by controlling law;
- 3. Text or graphics that present a danger or risk due to their potential confusion with traffic control signs;



4. Signs that provide false information related to public safety (e.g., signs that use the words "stop" or "caution" or comparable words, phrases, symbols, or characters) that are presented in a manner as to confuse or imply a safety hazard that doesn't exist; or
5. Text or graphics that provide false or misleading information.

## SECTION 27-1403 NON-CONFORMING SIGNS

### A. NONCONFORMING SIGNS

Where a lawful sign exists at the effective date of this article, or amendment of this article, that would be illegal under the terms of this article, the use of such sign may be continued so long as it remains otherwise lawful, subject to the provisions of this section.

### B. CLASSIFICATION OF NONCONFORMITIES

There are two types of legal, nonconforming signs: major and minor. Signs with multiple nonconforming elements are classified in the category of the most significant nonconformity.

#### 1. Major Nonconforming Signs

Major nonconforming signs are those signs for which the nonconformity generates a nuisance per se, violates County sign policy, or is incompatible with adjacent signs and/or the adopted guiding principles such that public policy favors their elimination from the zone if they are discontinued, abandoned, or destroyed. Major nonconforming signs include:

- (a) Dangerous signs;
- (b) Signs that exceed the maximum height or size permitted in the zone district by more than 20%;
- (c) Nonconforming setback that encroaches on or over a public right-of-way, clear vision area, or public access easement;
- (d) Signs with nonconforming illumination;
- (e) Nonconforming sign types; and
- (f) Signs approved with a variance that permits any issue included in this major nonconformity list,

#### 2. Minor Nonconforming Signs

Minor nonconforming signs are any nonconforming signs that are not classified as major nonconforming signs. Minor nonconforming signs include but are not limited to:

- (a) Signs that exceed the maximum height or size permitted in the zone district by 20% or less;
- (b) Nonconforming setback that does not encroach on or over a right-of-way, and
- (c) Nonconforming separation.

### C. MAJOR NONCONFORMITIES

#### 1. Alterations

- (a) A major nonconforming sign or sign structure may not be altered in any way that increases any nonconformity. A proposed change to any nonconforming aspect of a major nonconforming sign shall require the entire sign to be brought into conformance with this article.



- (b) General repairs, maintenance, and change to advertising copy that does not include replacing a static sign with an EMD are not considered alterations.

**2. Replacement**

- (a) A major nonconforming sign that is voluntarily replaced shall be replaced with a conforming sign.
- (b) A major nonconforming sign that loses its nonconforming status per Section 27-1403.F shall be replaced with a conforming sign.

**D. MINOR NONCONFORMITIES**

**1. Alterations**

- (a) A minor nonconforming sign may be altered in a manner that conforms to this Zoning Code while still maintaining the nonconforming elements. For example, a sign that is two feet over the height limit for the zone district may be altered provided the height is not increased.
- (b) General repairs, maintenance, and change to advertising copy that does not include replacing a static sign with an EMD are not considered alterations.

**2. Replacement**

- (a) A minor nonconforming sign that is voluntarily replaced shall be replaced with a conforming sign.
- (b) A minor nonconforming sign that loses its nonconforming status per Section 27-1403.F shall be replaced with a conforming sign.

**E. SIGN REMOVAL FOR PUBLIC PURPOSES**

Any nonconforming sign temporarily removed by a public utility company, the County, or any governmental agency to accommodate repair, maintenance, or expansion operations may be replaced, provided that there is no change in size, height, or location of the sign. If any sign is moved as a direct result of a governmental or utility project, it may be relocated to a position determined by the public works director to be appropriate in relation to the project, and such a sign shall not be considered nonconforming for the reason of applicable separation standards. No permit shall be required for such replacement.

**F. LOSS OF NONCONFORMING STATUS**

A nonconforming sign shall lose its nonconforming designation and be required to come into compliance with this article if any of the following apply:

1. Any portion of the primary sign structure is replaced.
2. The primary structure on the site is replaced, renovated in a manner that expands the building footprint by more than 50%, or when the sign is required to be moved to accommodate building replacement or expansion in compliance with the zone district regulations.
3. A major nonconforming sign is removed, relocated, or replaced for any reason except towards compliance with this article.
4. If more than 50 percent of a nonconforming sign is damaged by any means, as measured by total replacement cost of both the sign and structure prior to such destruction, and the sign type is no longer permitted in the zone district, it shall be considered destroyed and shall not be brought back into service or use except in conformity with the provisions of this article.
5. The sign is voluntarily replaced in compliance with this article.

6. The sign is abandoned pursuant to Section 27-1410.B.

#### **G. MAINTENANCE AND REPAIR**

1. A nonconforming sign is subject to all requirements of this article regarding safety, maintenance, and repair.
2. Temporary removal of any portion of a sign for repairs or general maintenance shall not be considered to be in violation of this section, provided that no alterations are made to the sign or sign structure. Should such sign or sign structure be moved permanently for any reason and over any distance whatsoever, it shall thereafter conform to all regulations for the district in which it is located after it has been moved or relocated.
3. Maintenance shall not include the conversion of a nonconforming sign to an electronic message display sign. Any such conversions may only be made to a conforming sign and shall be subject to the permitting and fee requirements set forth in this article.

#### **H. RECORDS**

In addition to initial and construction inspections, signs may be inspected periodically by the Planning and Community Services Department to ensure continued compliance with this article.

**SECTION 27-1404 MEASUREMENT AND CALCULATION****A. APPLICABILITY**

This section applies to all sign types and classifications, including permanent signs, temporary signs, and off-premises signs.

**B. SIGN AREA****1. Maximum**

The permitted maximum area for all individual signs is determined by the sign type and the zoning district in which the sign is located.

**2. Building and Street Frontage**

(a) Building frontage is the wall of the principal building that faces the street abutting the property.

(1) If the principal building is located on a corner lot, the frontage shall be the wall of the principal building which faces the street with the highest average daily traffic count.

(2) Accessory structures shall not be included in the calculation of maximum signage. Wall signs may be affixed to accessory structures; where this is done the amount of signage used on the accessory structure shall be deducted from the total amount of wall signage permitted on the property.

(3) The surface area of a wall shall be determined by measuring the building height and multiplying it by the length of the wall, without deduction for doors and windows. "False fronts" and mansard roofs shall not be included when calculating the total area of a wall.

(b) Street frontage is the linear footage of a lot adjacent to a street or right-of-way. Street frontage calculation includes driveways.

(c) If the principal building is located on a corner lot, both frontages on a public street or right-of-way shall be allowed to apply principal signage standards. When a site has multiple frontages with permitted signage, the permitted signage may only be used on the frontage for which it has been calculated; permitted sign area may not be transferred from one frontage to another unless specifically stated in this article.

**3. Method of Measuring Sign Area****(a) Freestanding Signs**

(1) The sign area of a freestanding sign shall be measured from the outside edge of the sign face.

a. The sign area of a freestanding sign consisting of more than one single-sided sign shall be computed by adding together the total area(s) of all signs.

b. Area calculation does not include decorative rocks or landscaping adjacent to a monument sign.

(2) The sign area for multiple-sided signs shall be calculated as follows:

a. The total sign area for a two-sided sign shall be calculated using one face, but the second face may not exceed the area of the first face.

- b. The total sign area for a three-sided sign shall be calculated using one face, but the second and third face total area may not exceed the area of the first face.

(b) Three-Dimensional Signs

The sign area of three-dimensional free-form or sculptural (non-planar) signs is calculated as 50 percent of the sum of the area of the four vertical sides of the smallest cube that will encompass the sign.



*Identification of the vertical sides of a three-dimensional sign*

(c) Wall Signs

- (1) Wall Sign with Border: The sign area is entire area within any type of perimeter or border which may enclose the outer limits of the sign face.

- (2) Wall Sign without Border: The area of the sign that does not have a perimeter or border shall be computed by enclosing the entire area with parallelograms, triangles, or circles of the smallest size sufficient to cover the entire area of the sign and computing the area of these parallelograms, triangles or circles. The area computed shall be the maximum portion or portions which may be viewed from any one direction.

(d) Window Signs

Sign area percentage is measured for each architecturally distinct window by dividing the sign area by the window area.

## C. HEIGHT AND CLEARANCE

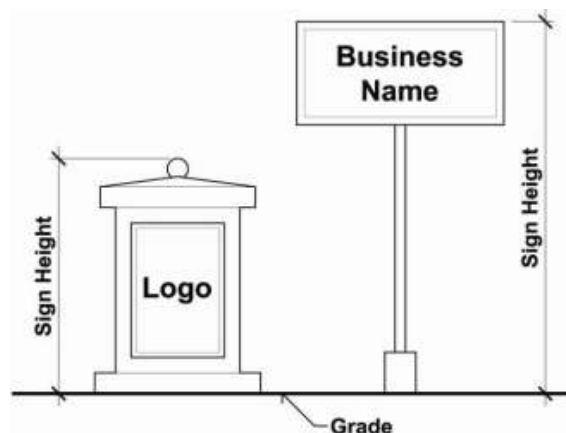
The permitted maximum height for all signs is determined by the sign type and the zoning district in which the sign is located. Sign height and clearance is measured as follows:

### 1. Freestanding Sign Height

- (a) The vertical distance measured from the highest point of the sign to the crown of the adjacent street, not including the interstate highway.
- (b) Height shall include the sign face, base, cabinet, and ornamental cap.
- (c) When the existing finished grade at the point of measurement is lower than the average elevation of the adjacent street finished grade parallel to the location where the sign will be installed, that portion of the sign below the street shall not be included in determining the sign's overall height.

### 2. Sign Clearance

- (a) Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade directly underneath the sign at the lowest



point of the sign structure, including any framework or other structural elements.

- (b) Signs that project over a roof shall maintain a four foot clearance over the average roof height.

#### **D. SEPARATION**

1. On-premises sign separation shall be measured along the property lines from the center of the sign.
2. Off-premises sign separation shall be measured in linear feet.

#### **E. SETBACK**

1. Required setbacks are measured from the property line inward.
2. Clear vision areas, defined in Section 27-1802.H, may be required in addition to specified setbacks.

## SECTION 27-1405 GENERAL REGULATIONS FOR PERMANENT, ON-PREMISES SIGNS

The purpose of this section is to provide generally applicable sign regulations by sign type. The section is organized by sign category – freestanding, attached, and electronic message displays (EMDs). The amount of signage permitted by zone district is identified in Section 27-1406.

### A. FREESTANDING SIGNS

#### 1. Number of Signs Permitted and Required Separation for Multiple Signs

- (a) Where a developed property abuts more than the total lineal feet of street frontage applicable to a specific district, one additional free-standing may be erected for each additional 300 feet of street frontage as described in Table 27-1400.1.
- (b) For properties where more than one freestanding sign is permitted, the distance between freestanding signs on that parcel shall meet the distance specified in Table 27-1400.1.
- (c) Where a developed parcel has frontage on more than one public right-of-way or street, excluding alleys, driveways, and service ways the provisions of this subsection shall apply to each street frontage.

**Table 27-1400.1: Permitted Number of Permanent Freestanding Signs**

| Number of Permanent Freestanding Signs | Street Frontage Length |                 |
|----------------------------------------|------------------------|-----------------|
|                                        | Frontage (linear feet) | Separation (ft) |
| 1                                      | 0-600                  | 150             |
| 2                                      | 601-900                | 150             |
| 3 (max)                                | 901-1200               | 150             |

#### 2. Access Point Signs

- (a) Access point signage shall be located at public access points where a driveway or other public entryway intersects with a public street. Access point signs are for vehicular access, not pedestrian access.
- (b) Access point signs that are visible from the public right-of-way shall be permanently anchored or fastened.
- (c) Each vehicular access point may have one access point sign.
- (d) Access point signs are exempt from the total freestanding sign calculation in Table 27-1400.1 and are not included in freestanding sign separation measurements.



*Figure 1: Sample Access Point Sign*

#### 3. Monument Signs

Monument signs shall have zero clearance above the existing finish grade level and shall be supported in or on the ground.

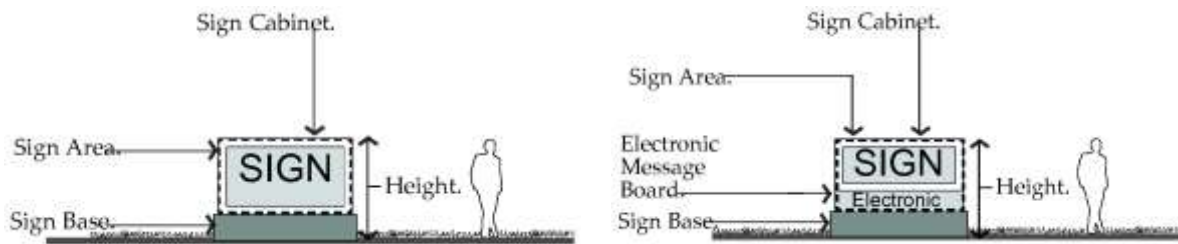


Figure 2: Monument Sign Elements



Figure 3: Monument Sign Examples

#### 4. Pole Signs

- (a) If a free-standing sign projects over a private vehicular driveway or parking lot aisle, the minimum clearance of 14 feet shall be maintained between the bottom of the sign edge and the established grade of the site.
- (b) A clear, unobstructed area, a minimum of eight feet in height is required above existing finish grade level when a pole sign is located over a pedestrian walkway or within a clear sight triangle.

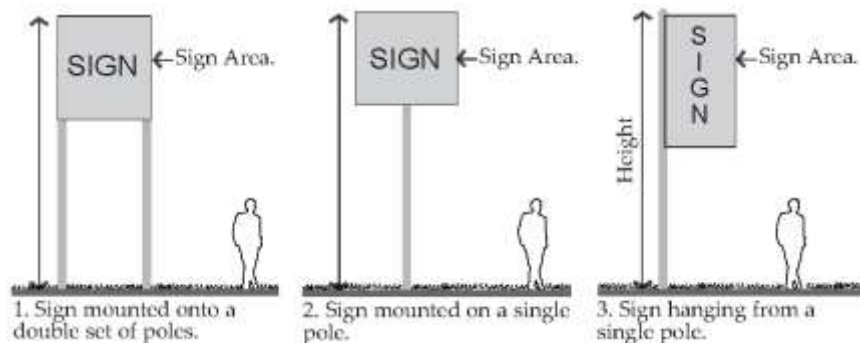


Figure 3: Pole Sign Configurations





Figure 4: Pole Sign Examples

### 5. Pedestrian-Scale Signs

(a) A pedestrian-scale pole-mounted sign is freestanding and may be mounted on one or two poles. Three configurations are permitted:

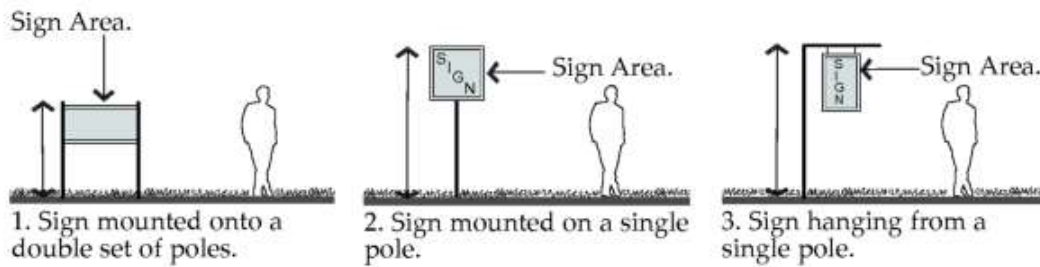


Figure 5: Pedestrian-Scale Sign Configurations

(b) Hanging signs may not overhang a lot line or right-of-way.

### 6. Structural Canopy

Structural canopy signs shall be mounted on the canopy and shall not project more than 24 inches above or below the canopy structure. Signs that project below the canopy shall maintain a minimum clearance of 14 feet between the bottom of the sign edge and the established grade of the site.





Figure 6: Structural Canopy Sign Examples

**7. Subdivision, Neighborhood, and Ranch Entrance Signs**

- (a) Two entrance signs are permitted per subdivision or neighborhood entrances.
- (b) A sign, masonry wall, landscaping and other similar materials or features may be combined to form a display.
- (c) Dimensions:
  - (1) Sign area, max: 32 square feet
  - (2) Height, max.: Eight feet or the height of the wall on which the sign is located, whichever is lower.
  - (3) Setback: a minimum of five feet behind all property lines.
- (d) Ranches located in an Agriculture (A) district are permitted one ranch entrance sign at each public entrance, not to exceed 48 square feet in sign area or 32 feet in height.



Figure 7: Subdivision and Neighborhood Sign Examples

## B. ATTACHED SIGNS

### 1. Awning Signs

- (a) Signage placed upon an awning will count as one sign for that awning or canopy regardless of the number of sides of the awning or canopy have signage.
- (b) Maximum Projection: six feet from the building and the awning and sign shall not project closer than two feet from back of curb. An encroachment permit is required for any awning sign that encroaches into the public right-of-way.
- (c) Minimum Clearance: eight feet.
- (d) The awning sign shall not interfere with the operation any window, door, ventilation system or the roof design.

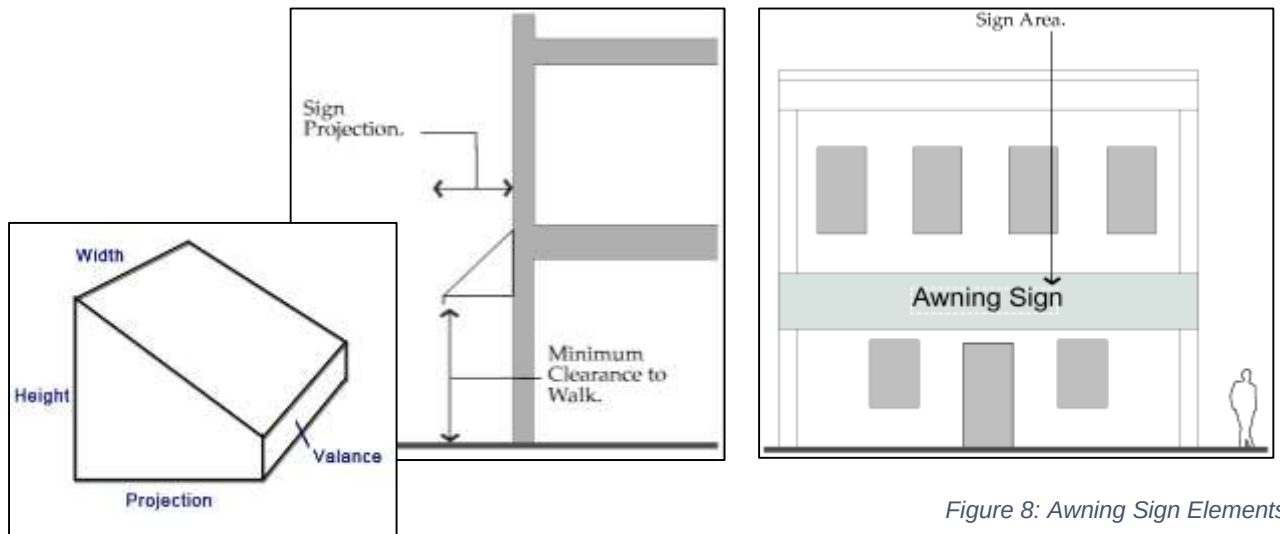


Figure 8: Awning Sign Elements



Figure 9: Awning Sign Examples

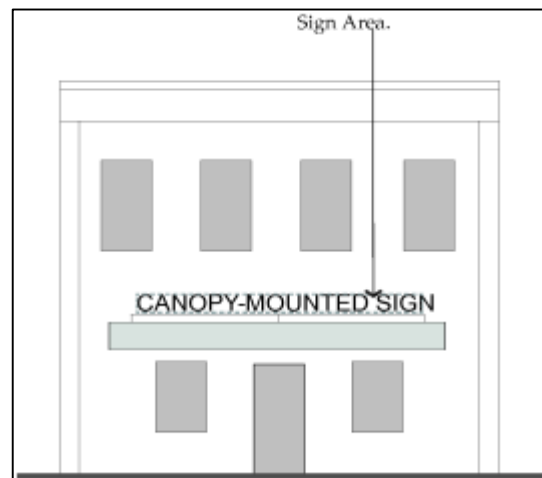
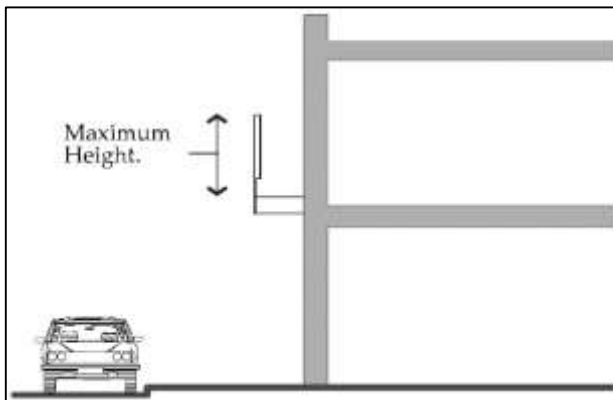
## 2. Canopy Signs

- (a) Minimum Clearance: eight feet. Where under-canopy signs are permitted there shall be eight feet of clearance beneath the under-canopy sign.
- (b) Maximum Projection: Canopy signs may project up to two feet to a vertical line from the curb face over the right-of-way. An encroachment permit is required for any canopy sign that encroaches into the public right-of-way.
- (c) Signage placed on a canopy will count as one sign for that canopy regardless of the number of sides of the canopy have signage.
- (d) The canopy sign shall not interfere with the operation of any window, door, ventilation system, or the roof design.

Figure 10: Canopy Sign Examples



Figure 11: Canopy Sign Elements



### 3. Marquee Sign

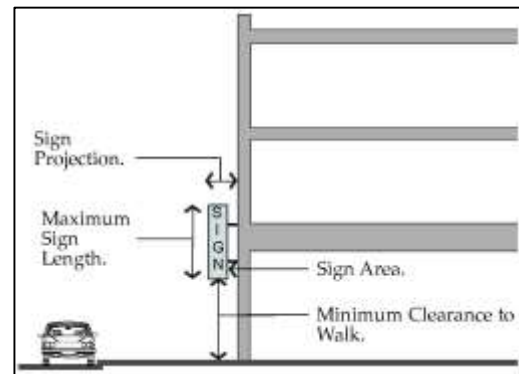
- (a) Minimum Clearance: Eight feet
- (b) Maximum Projection: six feet from the building; the sign shall not project closer than two feet from back of curb. An encroachment permit is required for any projecting sign that encroaches into the public right-of-way.
- (c) Marquee signs may be used only on theaters.
- (d) The roofs of all marquees exceeding 40 square feet shall be properly guttered and connected with downspouts to storm sewers so that water will not drip or flow into sidewalks or streets.
- (e) All signage on the marquee shall be affixed flat to the vertical face of the marquee.
- (f) Either manual changeable copy or EMDs may be incorporated in the overall signage. EMD and manual changeable copy sign areas are limited to the face of the marquee, without extension above or below the marquee. The EMD message shall be limited to one copy change every 24 hours.



Figure 12: Marquee Sign Examples

**4. Projecting Sign**

- (a) Minimum Clearance: Eight feet
- (b) Maximum Projection: Six feet from the building or two feet from the back of curb, whichever is less. Permission from County Public Works is required for any projecting sign that encroaches into or over the public right-of-way.
- (c) Maximum Sign Dimensions: Six by eight feet.
- (d) Supports shall be covered in a neat and orderly fashion. Guy wire support is prohibited.



### 5. Roof Sign

- (a) Maximum Height: Roof signs shall not extend more than four feet above the average height of the roof.
- (b) Maximum Projection: Roof signs shall not project horizontally, overhang, or extend beyond any exterior wall or parapet line of any roof.
- (c) The supports, anchors, or braces for the roof sign shall be enclosed so that they are not visible from the street or other public or private property.
- (d) Roof signs shall be designed to look like part of the building or roof structure, with most of the sign structure incorporated into the sign design, rather than suspended from or standing on the building that displays significant sign structure. Roof signs shall typically be situated parallel to the adjacent street.
- (e) Neon glass is permitted provided the neon is not visible from the rear of the sign.



Figure 13: Roof Sign Examples

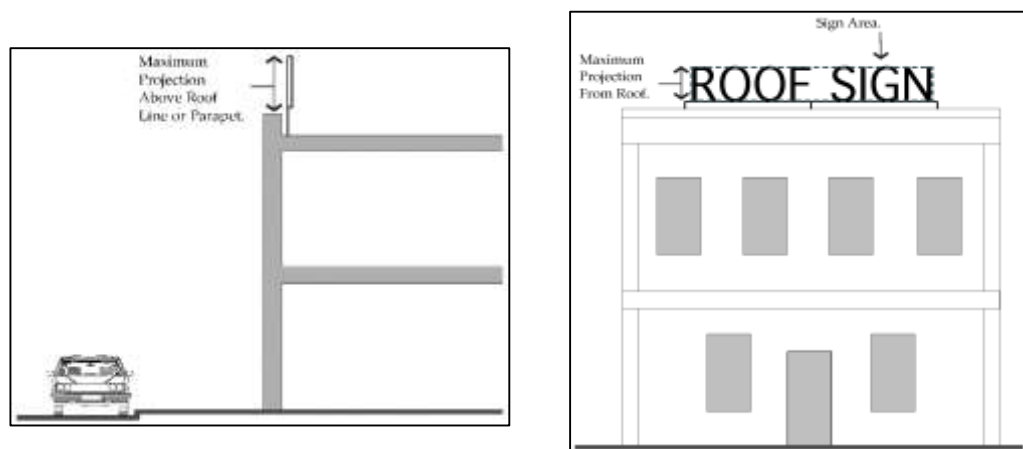


Figure 14: Roof Sign Elements



**6. Wall Sign****(a) Maximum Projection:**

- (1) Wall signs that do not extend more than 12 inches from the face of the building may be installed at any height on the structure.
- (2) Wall signs that project more than 12 inches from the face of the building shall be installed with eight feet of clearance below the sign.
- (3) Signs that project more than 24 inches or that are not installed parallel to the wall plane shall be considered projecting signs.

**(b) Maximum Height:**

- (1) Wall sign(s) shall not extend above the roofline of the building to which it is attached.
- (2) An EMD wall sign shall be placed at least two feet from the top of the wall on which it is installed. Where the size of the structure on which the sign is placed permits, the maximum height of a wall sign with an EMD shall be 40 feet from the building wall grade.



Figure 15: Wall Sign Examples

## 7. Window Sign

- (a) The area of window signs shall be counted as part of the overall permitted sign area as follows:
  - (1) Sign face coverage of up to 25 percent of the area of an individual window is exempt from calculation in the overall sign area maximum.
  - (1) The total amount of any sign face coverage that exceeds 25 percent of the area of an individual window shall be included in the wall area signage calculation. For example, if a business installs a window sign that covers 35 percent of the window, 10% of the sign area is included in the wall sign area calculation.
- (b) Location: Ground or upper story windows.
- (c) Installation: Signs may be affixed directly to the inside or outside window or hung/mounted inside the window from the top, side, or bottom of the window frame or similar architectural element.



Figure 16: Window Sign Examples

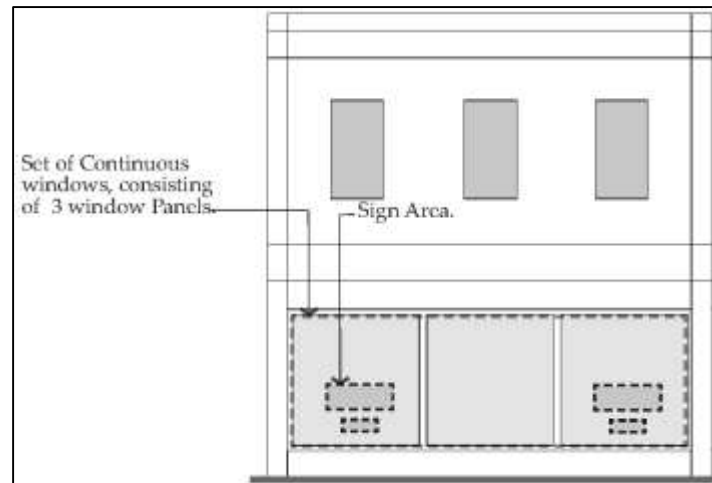


Figure 17: Window Sign Elements



**C. ELECTRONIC MESSAGE DISPLAY (EMD) SIGNS****1. EMD Signs Prohibited**

EMD signs are prohibited in the following districts:

- (a) Agriculture
- (b) All residential base zone districts (RR1, RR3, N4, and RRMH) and residential zones in a PD or PND.
- (c) Public 1

**2. Display Technology**

The technology currently being deployed for EMDs is LED (light emitting diode), but there may be alternate, preferred, and superior technology available in the future. Any other technology that operates pursuant to the display brightness limits above shall not require an ordinance change for approval.

**3. Incorporation in Wall or Freestanding Sign**

- (a) An EMD may only be used in conjunction with an adjacent wall sign or as part of a freestanding sign and shall not be displayed on its own.
  - (1) The EMD shall not be larger than 40 percent of the total square footage of the permanent graphic portion of the sign when compared as separate components.
  - (2) For purposes of determining the allowable total sign area, the permanent graphic portion of the sign and the EMD shall be included in the same perimeter and measured as a single sign, inclusive of any physical separation between the two components.
- (b) Only one EMD sign, either wall or freestanding is permitted per developed parcel. EMD sign(s) shall be counted in the total number of signs allowed on the parcel.

**4. Generally Applicable Display Standards**

- (a) All EMD signs shall comply with the following display standards:
  - (1) EMDs must be equipped with an automatic image dimming capability (ambient light monitors). This feature must be enabled at all times, allowing the display to automatically adjust brightness based on ambient light conditions. The sign must be operated at a brightness level no greater than the manufacturer's recommended levels
  - (2) The sign shall not include audio, pyrotechnic, bluecasting (bluetooth advertising), or other similar components.

**5. Static Display EMD**

Where a static display EMD is permitted by this article, the following standards shall apply:

- (a) A static display EMD may display a series of static messages and may not flash, scintillate, blink, show motion borders or traveling lights, employ any other aspect of animation, or display video.
- (b) Messages on static display EMDs shall not include flashing, the varying of light intensity, or scrolling.
- (c) Each static message on the sign shall be displayed for a minimum of six seconds in duration.

- (d) Message change shall be completed instantaneously.
- (e) There shall be a direct change from one message to the next. All transition effects, such as motion, animation, fading, scrolling, or dissolving are prohibited.

**6. Animated Display EMD**

Where an animated display EMD is permitted by this article, the following standards shall apply:

- (a) The sign shall be on-premises;
- (b) A freestanding animated display EMD sign shall be separated by at least 35 linear feet in any direction from any other freestanding animated display EMD;
- (c) The sign shall be located at least 100 feet from any agriculture or residential zone (A, RR1, RR3, N4, RRMH or any residential zone in a PD or PND); and
- (d) Video display is prohibited.

**7. Sign Permit Conditions**

The following conditions apply to all EMD sign permits. Failure to comply shall result in the sign ceasing operation until compliance occurs.

- (a) That the sign shall at all times be operated in accordance with County codes and that the owner or operator shall provide proof of such conformance within 24 hours of a request by the County;
- (b) That a County inspector may access the property upon 24 hours' notice to the owner, operator or permittee so that the County may verify that the EMD has the automatic image dimming capability engaged. In the event of a citizen complaint regarding the EMD brightness, the owner, operator or permittee may be required by the County inspector to manually reduce the brightness to a lower setting;
- (c) That whether the sign is programmed from the site or from a remote location, the computer interface that programs the sign and the sign's operation manual shall be available to County staff upon 24 hours' notice to the owner, operator or permittee.
- (d) Sign permit applications to install an EMD must include a certification from the owner or operator that the sign shall at all times be operated in compliance with the conditions set out in County code. The owner, operator or permittee shall immediately provide proof of such conformance upon request of the County.



Figure 18: EMD Sign Examples

**SECTION 27-1406 GENERALLY APPLICABLE SITE AND DESIGN STANDARDS****A. ILLUMINATION FOR NON-ELECTRONIC MESSAGE DISPLAYS****1. Intent**

Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare which is hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.

**2. External Illumination**

Externally illuminated signs shall have lighting confined to the sign and shall be positioned and shielded to minimize impacts to the surrounding area(s).

**3. Internal Illumination**

(a) Internally illuminated signs, where permitted, including neon lighting, must be static in intensity and color.

(b) The light source for internally illuminated signs must be entirely enclosed within the sign.

**4. Flashing or Rotating Lights Restricted**

Flashing or rotating lights are prohibited.

**B. LANDSCAPING**

The area surrounding a freestanding sign shall comply with the applicable requirements of Section 27-1200, Landscaping.

**SECTION 27-1407 SIGN REGULATIONS BY ZONE DISTRICT****A. AGRICULTURAL AND RURAL RESIDENTIAL****1. Applicability**

The standards in this section shall apply to the following districts: A, RR1, and RR3.

**2. Summary Table**

Table 27-1400.2 identifies the types of signs permitted in the agricultural and rural residential districts, subject to the regulations identified in the table and this article.

**Table 27-1400.2: Permanent Signs in Agricultural and Rural Residential Districts**

| Sign Type                                       | Number                | Height (max., ft.) | Sign Area per Sign (max., sf.) | Setback (min., ft.) | Illumin.             | Additional Standards        |
|-------------------------------------------------|-----------------------|--------------------|--------------------------------|---------------------|----------------------|-----------------------------|
| <b>Attached Signs</b>                           |                       |                    |                                |                     |                      |                             |
| Wall: Public, Civic, and Institutional Uses     | 1 per parcel          | Same as wall [1]   | 32                             | n/a                 | Internal or external | 27-1405.B Wall Signs        |
| <b>Freestanding Signs</b>                       |                       |                    |                                |                     |                      |                             |
| Freestanding: Ranch Entrance                    | 1 per public entrance | 32                 | 48                             | 15 [2]              | Internal or external | 27-1405.A Subdivision Signs |
| Monument: Neighborhood or Subdivision           | 1 per entrance        | 6                  | 48                             | 15 [2]              | Internal or external | 27-1405.A Monument Signs    |
| Monument: Public, Civic, and Institutional      | 1 per parcel          | 8                  | 48                             | 15 [2]              | Internal or external | 27.1405.A, Monument Signs   |
| <b>Notes:</b>                                   |                       |                    |                                |                     |                      |                             |
| [1] May not project above wall on which located |                       |                    |                                |                     |                      |                             |
| [2] From all property lines                     |                       |                    |                                |                     |                      |                             |

**3. District Specific Standards**

(a) Where signs are linked to a use category, a description of the category can be found in Section 27-1000, Use Standards.

(b) EMD signs are not permitted in agricultural and rural residential districts.

**B. NEIGHBORHOOD RESIDENTIAL****1. Applicability**

The standards in this section shall apply to the following districts: N4, RRMH and any residential zone in a PD or PND.

**2. Summary Table**

Table 27-1400.3 identifies the types of signs permitted in the neighborhood districts, subject to the regulations identified in the table and this article.

**Table 27-1400.3: Permanent Signs in Neighborhood Residential Districts**

| Sign Type                                                                       | Number             | Height (max., ft.) | Sign Area per Sign (max., sf.) | Setback (min., ft.) | Illumin.             | Additional Standards      |
|---------------------------------------------------------------------------------|--------------------|--------------------|--------------------------------|---------------------|----------------------|---------------------------|
| <b>Attached Signs</b>                                                           |                    |                    |                                |                     |                      |                           |
| Wall: Multi-unit Development                                                    | 1; see 27-1407.B.3 | Same as wall [1]   | 12                             | n/a                 | Internal or external | 27-1405.B Wall Signs      |
| Wall: Public, Civic, and Institutional Uses                                     | 1                  | Same as wall [1]   | 32                             | n/a                 | Internal or external | 27-1405.B Wall Signs      |
| <b>Freestanding Signs</b>                                                       |                    |                    |                                |                     |                      |                           |
| Monument: Neighborhood or Subdivision                                           | 2 per entrance     | 8                  | 32                             | 5 [2]               | Internal or external | 27-1405.A Monument Signs  |
| Monument: Public, Civic, and Institutional                                      | 1 per parcel       | 8                  | 48                             | 5 [2]               | Internal or external | 27.1405.A, Monument Signs |
| <b>Notes:</b>                                                                   |                    |                    |                                |                     |                      |                           |
| [1] May not project above wall on which located                                 |                    |                    |                                |                     |                      |                           |
| [2] From all property lines; must comply with clear vision areas per 27-1802.H. |                    |                    |                                |                     |                      |                           |

**3. District Specific Standards**

- (a) Where signs are linked to a use category, a description of the category can be found in Section 27-1000, Use Standards.
- (b) EMD signs are not permitted in residential districts.
- (c) Multi-unit wall signage is permitted as follows:
  - (1) NX1: the sign shall be located on the primary building on a wall facing the main entrance to the development.
  - (2) NX2,3, and RMH, all with 10 or more units: wall sign with the same restrictions as NX1 plus one neighborhood monument sign.

**C. NEIGHBORHOOD OFFICE AND NEIGHBORHOOD MIXED-USE****1. Applicability**

The standards in this section shall apply to the following districts: NO and NMU.

**2. Maximum Total Permitted Sign Area**

(a) Attached signs: 20% of total wall area of a public street-facing wall, to a max of 100 square feet.

(b) Freestanding signs: 60 square feet unless otherwise provided in Table 27-1400.5. Table 27-1400.1, Permitted Number of Permanent Freestanding Signs applies.

**3. Summary Tables**

Tables 27-1400.4 and 27-1400.5 identify the types of signs permitted in the NO and NMU districts, subject to the regulations identified in the table and this article.

**Table 27-1400.4: Attached Signs NO and NMU**

| Sign Type                                                                                                                                                                                          | Number                           | Height (max., ft.)                         | Sign Area per Sign (max., sf.) | Illumin.             | Additional Standards        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------|--------------------------------|----------------------|-----------------------------|
| Awning                                                                                                                                                                                             | 1 per awning                     | n/a                                        | n/a                            | Internal or external | 27-1405.B, Awning Signs     |
| Canopy                                                                                                                                                                                             | 1 per canopy                     | n/a                                        | n/a                            | Internal or external | 27-1405.B, Canopy Signs     |
| Projecting                                                                                                                                                                                         | 1 per street frontage            | Same as wall [1]                           | 32                             | Internal or external | 27-1405.B, Projecting Signs |
| Wall                                                                                                                                                                                               | 1 per tenant per street frontage | Same as wall [1]                           | 32 [2]                         | Internal or external | 27-1405.B, Wall Signs       |
| Window                                                                                                                                                                                             | n/a                              | Limited to architect. distinct window area | 27-1405.B, Window Signs        | No                   | 27-1405.B, Window Signs     |
| <b>Notes:</b>                                                                                                                                                                                      |                                  |                                            |                                |                      |                             |
| [1] May not project above wall on which located                                                                                                                                                    |                                  |                                            |                                |                      |                             |
| [2] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met. |                                  |                                            |                                |                      |                             |

**Table 27-1400.5: Freestanding Signs NO and NMU**

| Sign Type                 | Number                | Height (max., ft.) | Sign Area per Sign (max., sf.)                 | Setback (min., ft.) | Illumin.             | Additional Standards          |
|---------------------------|-----------------------|--------------------|------------------------------------------------|---------------------|----------------------|-------------------------------|
| Access Point              | 1 per vehicle access  | 3                  | 2                                              | 0 [1]               | Internal or external | 27-1405.A, Access Point Signs |
| Monument                  | 1 per street frontage | 8                  | 32                                             | 5 [1]               | Internal or external | 27-1405.A, Monument Signs     |
| Monument, Multitenant [2] | 1 per street frontage | 8                  | Same as monument plus 10 sf per tenant up to 6 | 5 [1]               | Internal or external | 27-1405.A, Monument Signs     |

**Table 27-1400.5: Freestanding Signs NO and NMU**

| Sign Type                                                                                                                                                                                          | Number                | Height (max., ft.)               | Sign Area per Sign (max., sf.) | Setback (min., ft.)             | Illumin.                         | Additional Standards               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------------------|--------------------------------|---------------------------------|----------------------------------|------------------------------------|
|                                                                                                                                                                                                    |                       |                                  | tenants (base + 60 sf max)     |                                 |                                  |                                    |
| <b>Pedestrian-Scale Freestanding</b>                                                                                                                                                               | 1 per street frontage | Single pole: 8<br>Double pole: 5 | 8                              | 2 [1]                           | Internal or external             | 27-1405.A, Pedestrian-Scale Signs  |
| <b>Structural Canopy</b>                                                                                                                                                                           | 1 per street frontage | 2 feet above canopy              | n/a                            | Canopy: zone district standards | Internal or external; static EMD | 27-1405.A, Structural Canopy Signs |
| <b>Notes:</b>                                                                                                                                                                                      |                       |                                  |                                |                                 |                                  |                                    |
| [1] From all property lines; must comply with clear vision areas per 27-1802.H                                                                                                                     |                       |                                  |                                |                                 |                                  |                                    |
| [2] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met. |                       |                                  |                                |                                 |                                  |                                    |

**4. District Specific Standards**

- (a) Where signs are linked to a use category, a description of the category can be found in Section 27-1000, Use Standards.
- (b) Residential uses and structures within an NO or NMU district are permitted the same signage as neighborhood residential districts as provided in Table 27-1400.3.
- (c) EMD signs are not permitted in NO or NMU districts.
- (d) Tenant signage in multitenant structures shall be allocated to each tenant unit based on the front wall area of the individual unit. Tenants with side, rear, or alley entrances are permitted wall signage on the wall with their primary public entrance only.



**D. CORRIDOR MIXED-USE****1. Applicability**

The standards in this section shall apply to the following districts: CMU1 and CMU2.

**2. Maximum Total Permitted Sign Area**

(a) Attached signs: Attached signs: 20% of total wall area to a max of 250 square feet.

(b) Freestanding signs:

(1) Table 27-1400.1, Permitted Number of Permanent Freestanding Signs applies.

(2) Table 27-1400.6, Maximum sign area for freestanding signs is as follows:

**Table 27-1400.6: Freestanding Sign Maximum Area in CMU1 and CMU2**

| Zone District and Number of Businesses                                                                                                                                                                    | Street Frontage 0-300 linear feet                                | Street Frontage Greater than 300 linear feet                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|------------------------------------------------------------------|
| CMU1 One Tenant                                                                                                                                                                                           | 50 sf                                                            | 50 sf                                                            |
| CMU1 Multiple Tenants [1]                                                                                                                                                                                 | + 10 sf sign area per additional tenant up to 6 tenants (110 sf) | + 10 sf sign area per additional tenant up to 6 tenants (110 sf) |
| CMU2 One Tenant                                                                                                                                                                                           | 80 sf                                                            | 140 sf                                                           |
| CMU2 Multiple Tenants [1]                                                                                                                                                                                 | + 20 sf sign area per additional tenant up to 6 tenants (200sf)  | + 10 sf sign area per tenant up to 10 tenants (240 sf)           |
| CMU2 Shopping Center [1]                                                                                                                                                                                  | 375 sf                                                           | 375 sf                                                           |
| Notes: [1] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met. |                                                                  |                                                                  |

**3. Summary Tables**

Tables 27-1400.7 and 27-1400.8 identify the types of signs permitted in these districts, subject to the regulations identified in the table and this article.

**Table 27-1400.7: Attached Signs in CMU1 and CMU2**

| Sign Type                                                                                                                                                                                          | Number                           | Height (max., ft.)              | Sign Area per Sign (max., sf.) | Illumin.             | EMD                          | Additional Standards       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------|--------------------------------|----------------------|------------------------------|----------------------------|
| Awning                                                                                                                                                                                             | 1 per awning                     | n/a                             | n/a                            | Internal or external | n/a                          | 27-1405.B, Awning Sign     |
| Canopy                                                                                                                                                                                             | 1 per canopy                     | n/a                             | n/a                            | Internal or external | n/a                          | 27-1405.B, Canopy Sign     |
| Projecting                                                                                                                                                                                         | 1 per tenant                     | Same as wall                    | 48                             | Internal or external | n/a                          | 27-1405.B, Projecting Sign |
| Wall                                                                                                                                                                                               | 1 per tenant per street frontage | Same as wall                    | D.2.(a), above [1]             | Internal or external | Static; Max 40% of sign area | 27-1405.B, Wall Sign       |
| Window                                                                                                                                                                                             | n/a                              | architect. distinct window area | 27-1405.B, Window Signs        | No                   | n/a                          | 27-1405.B, Window Signs    |
| Notes                                                                                                                                                                                              |                                  |                                 |                                |                      |                              |                            |
| [1] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met. |                                  |                                 |                                |                      |                              |                            |

**Table 27-1400.8: Freestanding Signs in CMU1 and CMU2**

| Sign Type                                                                                                                                                                            | Number                | Height (max., ft.)             | Sign Area per Sign (max., sf) | Setback (min., ft.)             | Illumin.             | EMD                          | Additional Standards                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|--------------------------------|-------------------------------|---------------------------------|----------------------|------------------------------|----------------------------------------|
| Access Point                                                                                                                                                                         | 1 per vehicle access  | 3                              | 6                             | 0 [2]                           | Internal or external | n/a                          | 27-1405.A, Access Point Sign           |
| 1) Monument,<br>2) Multitenant Monument, or<br>3) Shopping Center                                                                                                                    | Table 27-1400.1       | 8                              | Table 27-1400.5               | 5 [2]                           | Internal or external | Static: Max 40% of sign face | 27-1405.A Monument Sign                |
| Pedestrian-Scale Freestanding                                                                                                                                                        | Table 27-1400.1       | Single Pole: 8; Double Pole: 5 | 8                             | 2 [2]                           | Internal or external | Static: Max 40% of sign face | 27-1405.A, Pedestrian-Scale Freestand. |
| Pole                                                                                                                                                                                 | 1 per parcel          | 25 [1]                         | Table 27-1400.5               | 5 [2]                           | Internal or external | Static: Max 40% of sign face | 27-1405.A, Pole Sign                   |
| Structural Canopy                                                                                                                                                                    | 1 per street frontage | 2 feet above canopy            | n/a                           | Canopy: Zone district standards | Internal             | Static; Max 40% of sign face | 27-1405.A, Structural Canopy Sign      |
| <b>Notes:</b>                                                                                                                                                                        |                       |                                |                               |                                 |                      |                              |                                        |
| [1] The maximum height of pole signs located in the CMU2 and EBURD RSVMS districts within 660 feet of and oriented to the interstate or interstate frontage right-of-way is 40 feet. |                       |                                |                               |                                 |                      |                              |                                        |
| [2] From all property lines; must comply with clear vision areas per 27-1802.H.                                                                                                      |                       |                                |                               |                                 |                      |                              |                                        |

**4. District Specific Standards**

- (a) Where signs are linked to a use category, a description of the category can be found in Section 27-1000, Use Standards.
- (b) Tenant signage in multitenant structures shall be allocated to each tenant unit based on the front wall area of the individual unit. Tenants with side, rear, or alley entrances are permitted wall signage on the wall with their primary public entrance.

**E. COMMERCIAL AND INDUSTRIAL****1. Applicability**

The standards in this section shall apply to the following districts: C3, CX, I1, and I2

**2. Maximum Total Signage**

- (a) Attached signs: 2 square feet per lineal foot of building frontage to a max of 250 square feet.
- (b) Freestanding signs: 1 square foot per lineal foot of street frontage to a max of 250 square feet unless otherwise provided in Table 27-1400.10. Table 27-1400.1, Permitted Number of Permanent Freestanding Signs applies.

**3. Summary Table**

Tables 27-1400.9 and 27-1400.10 identify the types of signs permitted in these districts, subject to the regulations identified in the table and this article.

**Table 27-1400.9: Attached Signs Commercial and Industrial**

| Sign Type                                                                                                                                                                                          | Number                           | Height (max., ft.)                         | Sign Area Max per Sign (sf) | Illumin.             | EMD                          | Additional Standards       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------|-----------------------------|----------------------|------------------------------|----------------------------|
| Awning                                                                                                                                                                                             | 1 per awning                     | n/a                                        | n/a                         | Internal or external | n/a                          | 27-1405.B, Awning Sign     |
| Canopy                                                                                                                                                                                             | 1 per canopy                     | n/a                                        | n/a                         | Internal or external | n/a                          | 27-1405.B, Canopy Sign     |
| Projecting                                                                                                                                                                                         | 1 per tenant                     | Same as wall                               | 48                          | Internal or external | n/a                          | 27-1405.B, Projecting Sign |
| Roof [1]                                                                                                                                                                                           | 1 per premises                   | 4 ft above roofline                        | 250                         | Internal or external | n/a                          | 27-1405.B, Roof Sign       |
| Wall                                                                                                                                                                                               | 1 per tenant per street frontage | Same as wall                               | E.2(a) above, [2]           | Internal or external | Static; Max 40% of sign face | 27-1405.B, Wall Sign       |
| Window                                                                                                                                                                                             | n/a                              | Limited to architect. distinct window area | 27-1405.B, Window Signs     | No                   | n/a                          | 27-1405.B, Window Signs    |
| <b>Notes:</b>                                                                                                                                                                                      |                                  |                                            |                             |                      |                              |                            |
| [1] Permitted in lieu of a wall sign.                                                                                                                                                              |                                  |                                            |                             |                      |                              |                            |
| [2] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met. |                                  |                                            |                             |                      |                              |                            |

**Table 27-1400.10: Freestanding Signs Commercial and Industrial**

| Sign Type                                                                                                                                                                                          | Number                                  | Height (max., ft.)  | Sign Area per Sign (max., sf)                      | Setback (min., ft.) | Illumin.             | EMD                          | Additional Standards              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|---------------------|----------------------------------------------------|---------------------|----------------------|------------------------------|-----------------------------------|
| Access Point                                                                                                                                                                                       | 1 per vehicle access                    | 3                   | 6                                                  | 0 [1]               | Internal or external | n/a                          | 27-1405.A, Access Point Sign      |
| Monument                                                                                                                                                                                           | 1 per street frontage; Table 27-1400.1  | 8                   | 100 per side                                       | 5 [1]               | Internal or external | Static; Max 40% of sign face | 27-1405.A Monument Sign           |
| Multitenant Monument [2]                                                                                                                                                                           | 1 per street frontage; Table 27-1400.1  | 8                   | 100 plus 10 sf per tenant up to 6 tenants; 160 max | 5 [1]               | Internal or external | Static; Max 40% of sign face | 27-1405.A Monument Sign           |
| Shopping Center Monument                                                                                                                                                                           | 1 per street frontage                   | 8                   | 375                                                | 5 [1]               | Internal or external | Static; Max 40% of sign face | 27-1405.A, Monument Sign          |
| Pole                                                                                                                                                                                               | 1 per street frontage; Table 27-1400.1. | 25 [3]              | 100 per side                                       | 5 [1]               | Internal or external | Static; Max 40% of sign face | 27-1405.A, Pole Sign              |
| Structural Canopy                                                                                                                                                                                  | 1 per street frontage                   | 2 feet above canopy | n/a                                                | 5 [1]               | Internal             | Static; Max 40% of sign face | 27-1405.A, Structural Canopy Sign |
| <b>Notes:</b>                                                                                                                                                                                      |                                         |                     |                                                    |                     |                      |                              |                                   |
| [1] From all property lines; must comply with clear vision areas per 27-1802.H.                                                                                                                    |                                         |                     |                                                    |                     |                      |                              |                                   |
| [2] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met. |                                         |                     |                                                    |                     |                      |                              |                                   |
| [3] The maximum height of pole signs within 660 feet of and oriented to the interstate or interstate frontage right-of-way is 40 feet.                                                             |                                         |                     |                                                    |                     |                      |                              |                                   |

**F. PUBLIC DISTRICTS****1. Public 1: Park and Open Space**

- (a) Freestanding signage is permitted per street frontage as identified in Table 27-1400.11.
- (b) Internal park signage is exempt per Section 27-1403.C.

**Table 27-1400.11: Maximum Sign Area P1**

| Street Type        | Maximum Total Sign Area (sf) |
|--------------------|------------------------------|
| Local              | 32                           |
| Collector          | 64                           |
| Minor Arterial     | 64                           |
| Principal Arterial | 100                          |

**2. Public 2: Public and Institutional****(a) Maximum Total Permitted Sign Area**

- (1) Attached signs: 20% of total wall area of a public street-facing wall, to a max of 100 square feet.
- (2) Freestanding signs: 60 square feet unless otherwise provided in Table 27-1400.13. Table 27-1400.1, Permitted Number of Permanent Freestanding Signs applies.

**3. Summary Tables**

Tables 27-1400.12 and 27-1400.13 identify the types of signs permitted in the P2 districts, subject to the regulations identified in the table and this article.

**Table 27-1400.12: Attached Signs in P2**

| Sign Type  | Number                           | Height (max., ft.)                         | Sign Area per Sign (max., sf.) | Illumin.             | Additional Standards        |
|------------|----------------------------------|--------------------------------------------|--------------------------------|----------------------|-----------------------------|
| Awning     | 1 per awning                     | n/a                                        | n/a                            | Internal or external | 27-1405.B, Awning Signs     |
| Canopy     | 1 per canopy                     | n/a                                        | n/a                            | Internal or external | 27-1405.B, Canopy Signs     |
| Projecting | 1 per street frontage            | Same as wall [1]                           | 32                             | Internal or external | 27-1405.B, Projecting Signs |
| Wall       | 1 per tenant per street frontage | Same as wall [1]                           | 32 [2]                         | Internal or external | 27-1405.B, Wall Signs       |
| Window     | n/a                              | Limited to architect. distinct window area | 27-1405.B, Window Signs        | No                   | 27-1405.B, Window Signs     |

**Notes:**

[1] May not project above wall on which located

[2] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met.

**Table 27-1400.13: Freestanding Signs in P2**

| Sign Type                                                                                                                                                                                          | Number                | Height (max., ft.)               | Sign Area per Sign (max., sf.)                                            | Setback (min., ft.) | Illumin.             | Additional Standards              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------------------|---------------------------------------------------------------------------|---------------------|----------------------|-----------------------------------|
| Access Point                                                                                                                                                                                       | 1 per vehicle access  | 3                                | 2                                                                         | 0 [1]               | Internal or external | 27-1405.A, Access Point Signs     |
| Monument                                                                                                                                                                                           | 1 per street frontage | 8                                | 32                                                                        | 5 [1]               | Internal or external | 27-1405.A, Monument Signs         |
| Monument, Multitenant [2]                                                                                                                                                                          | 1 per street frontage | 8                                | Same as monument plus 10 sf per tenant up to 6 tenants (base + 60 sf max) | 5 [1]               | Internal or external | 27-1405.A, Monument Signs         |
| Pedestrian-Scale Freestanding                                                                                                                                                                      | 1 per street frontage | Single pole: 8<br>Double pole: 5 | 8                                                                         | 2 [1]               | Internal or external | 27-1405.A, Pedestrian-Scale Signs |
| <b>Notes:</b>                                                                                                                                                                                      |                       |                                  |                                                                           |                     |                      |                                   |
| [1] From all property lines; must comply with clear vision areas per 27-1802.H.                                                                                                                    |                       |                                  |                                                                           |                     |                      |                                   |
| [2] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met. |                       |                                  |                                                                           |                     |                      |                                   |

## (b) District Specific Standards

- (1) Where signs are linked to a use category, a description of the category can be found in Section 27-1000, Use Standards.
- (2) Residential uses and structures within a P2 district are permitted the same signage as neighborhood residential districts as provided in Table 27-1400.2.
- (3) EMD signs are not permitted in P2 districts.
- (4) Tenant signage in multitenant structures shall be allocated to each tenant unit based on the front wall area of the individual unit. Tenants with side, rear, or alley entrances are permitted wall signage on the wall with their primary public entrance only.

**3. P3: Medical Campus Signs**

## (a) Applicability

- (1) The standards in this section shall apply to the P3 Medical Campus district.
- (2) The permitted signage in the P3 Medical Campus is applicable to two categories of structures and uses, both of which are defined in Section 27-1800:
  - a. Medical Structures: any primary structure on the campus that is used for the provision of medical services or support of medical staff and administration.
  - b. Non-Medical Structures: Permitted support campus structures such as, but not limited to, restaurants or hotels.

## (b) District Specific Terms

- (1) Internal signage is defined as signage that is not visible from outside of the campus or from the main circulation routes of the campus.
- (2) Street frontage is defined as building frontage on an exterior street. Signs facing other internal streets are considered internal signage.

## (c) Prohibited Signs and Lighting

The following signs and lighting are prohibited in the P3 Medical Campus district:

- (1) Animated display EMD
- (2) Inflatable signs
- (3) Flashing illumination and flashing neon
- (4) Strobe lights
- (5) Searchlights
- (6) Temporary signs
- (7) Window signs

## (d) Medical Structures Signage

Maximum signage is calculated by sign category as provided below.

**Table 27-1400.14: Medical Structure Signs in P3**

| Attached                                                                                                                                                                                                                                                                                                                                                                       |        |                    |                                             |                                                        |                                   |                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------------------|---------------------------------------------|--------------------------------------------------------|-----------------------------------|----------------------|
| Sign Type                                                                                                                                                                                                                                                                                                                                                                      | Number | Height (max., ft.) | Sign Area per Sign (max., sf)               |                                                        | Illumination                      | Additional Standards |
| Attached, all                                                                                                                                                                                                                                                                                                                                                                  | n/a    | Height of wall     | Smaller of 25% of wall area or 250 feet [1] |                                                        | Internal, external, or static EMD | 27-1405              |
| Freestanding                                                                                                                                                                                                                                                                                                                                                                   |        |                    |                                             |                                                        |                                   |                      |
| Sign Type                                                                                                                                                                                                                                                                                                                                                                      | Number | Height (max., ft.) | Sign Area per Sign (max., sf)               | Setback (min, ft)                                      | Illumin.                          | Additional Standards |
| Freestanding, all                                                                                                                                                                                                                                                                                                                                                              | n/a    | 20                 | 175                                         | 5 [2]; 100 ft separation from other freestanding signs | Internal, external, or static EMD | 27-1405              |
| Notes:                                                                                                                                                                                                                                                                                                                                                                         |        |                    |                                             |                                                        |                                   |                      |
| [1] On a structure within 150 feet of and not separated by a public street from an N zone, wall signs may not, individually or collectively, cover more than 25 percent of the surface area of any wall. The surface area of a wall shall be determined by measuring the building height and multiplying it by the length of the wall, without deduction for doors and windows |        |                    |                                             |                                                        |                                   |                      |
| [2] From all property lines; must comply with clear vision areas per 27-1802.H.                                                                                                                                                                                                                                                                                                |        |                    |                                             |                                                        |                                   |                      |

## (e) Non-Medical Structure Signage

- (1) Maximum signage is calculated by sign type, as provided below.

- (2) Tables 27-1400.15 and 27-1400.16 identify the types of signs permitted for non-medical structures in the P3 district, subject to the regulations identified in the table and this article.

**Table 27-1400.15: Non-Medical Structure Attached Signs in P3**

| Sign Type  | Number                | Height (max., ft.) | Sign Area per Sign (max., sf)            | Illumination                      | Additional Standards       |
|------------|-----------------------|--------------------|------------------------------------------|-----------------------------------|----------------------------|
| Awning     | 1 per awning          | Flat on awning     | Size of awning                           | Internal or external              | 27-1405.B, Awning Sign     |
| Canopy     | 1 per canopy          | 24" above canopy   | 27-1405.B, Canopy Sign                   | Internal or external              | 27-1405.B, Canopy Sign     |
| Projecting | 1 per street frontage | Height of wall     | 27-1405.B, Projecting Sign               | Internal, external, or static EMD | 27-1405.B, Projecting Sign |
| Wall       | 1 per street frontage | Height of wall     | 25% of wall or 100 sf, whichever is less | Internal, external, or static EMD | 27-1405.B, Wall Sign       |

**Table 27-1400.16: Non-Medical Structure Freestanding Signs in P3**

| Sign Type         | Number                | Height (max., ft.) | Sign Area per Sign (max., sf)             | Setbacks (min., ft.) | Illumin.                          | Additional Standards              |
|-------------------|-----------------------|--------------------|-------------------------------------------|----------------------|-----------------------------------|-----------------------------------|
| Access Point      | 2 per vehicle access  | 3                  | 8                                         | n/a [2]              | Internal or external              | 27-1405.A, Access Point Sign      |
| Monument          | 1 per street frontage | 8                  | 32                                        | 5 [2]                | Internal, external, or static EMD | 27-1405.A Monument Sign           |
| Structural Canopy | 1 per street frontage | Same as canopy     | 20% of canopy facia on side where mounted | 5 [2]                | Internal or static EMD            | 27-1405.A, Structural Canopy Sign |

**Notes:**

[1] From all property lines; must comply with clear vision areas per 27-1802.H.

#### 4. P3 Educational and Civic Campus Signs

##### (a) Applicability

- (1) The standards in this section shall apply to the P3 Educational Campus and P3 Civic Campus district.
- (2) The permitted signage in the P3 Educational or Civic Campus is applicable to two categories of structures and uses:
  - a. Educational or Civic Structures: any primary structure on the campus that is used for the provision of core campus services or support of staff and administration.



- b. Support Structures: Permitted support campus structures that may include but are not limited to uses such as restaurants or hotels.

(b) District Specific Terms

- (1) Internal signage is defined as signage that is not visible from outside of the campus or from the main circulation routes of the campus.
- (2) Street frontage is defined as building frontage on an exterior street. Signs facing other internal streets are considered internal signage.

(c) Educational and Civic Structure Signage

Maximum signage is calculated by sign category as provided below.

**Table 27-1400.17: Educational Structure Signs in P3**

| Attached                                                                                                                                                                                                                                                                                                                                                                       |        |                    |                                             |                                                        |                                   |                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------------------|---------------------------------------------|--------------------------------------------------------|-----------------------------------|----------------------|
| Sign Type                                                                                                                                                                                                                                                                                                                                                                      | Number | Height (max., ft.) | Sign Area per Sign (max., sf)               |                                                        | Illumination                      | Additional Standards |
| Attached, all                                                                                                                                                                                                                                                                                                                                                                  | n/a    | Height of wall     | Smaller of 25% of wall area or 175 feet [1] |                                                        | Internal, external, or static EMD | 27-1405              |
| Freestanding                                                                                                                                                                                                                                                                                                                                                                   |        |                    |                                             |                                                        |                                   |                      |
| Sign Type                                                                                                                                                                                                                                                                                                                                                                      | Number | Height (max., ft.) | Sign Area per Sign (max., sf)               | Setback (min, ft)                                      | Illumin.                          | Additional Standards |
| Freestanding, all                                                                                                                                                                                                                                                                                                                                                              | n/a    | 20                 | 175                                         | 5 [2]; 100 ft separation from other freestanding signs | Internal, external, or static EMD | 27-1405              |
| Notes:                                                                                                                                                                                                                                                                                                                                                                         |        |                    |                                             |                                                        |                                   |                      |
| [1] On a structure within 150 feet of and not separated by a public street from an N zone, wall signs may not, individually or collectively, cover more than 25 percent of the surface area of any wall. The surface area of a wall shall be determined by measuring the building height and multiplying it by the length of the wall, without deduction for doors and windows |        |                    |                                             |                                                        |                                   |                      |
| [2] From all property lines; must comply with clear vision areas per 27-1802.H.                                                                                                                                                                                                                                                                                                |        |                    |                                             |                                                        |                                   |                      |

(d) Support Structure Signage

- (1) Maximum signage is calculated by sign type, as provided below.
- (2) Tables 27-1400.18 and 27-1400.19 identify the types of signs permitted for non-educational structures in the P3 district, subject to the regulations identified in the table and this article.

**Table 27-1400.18: Support Structure Attached Signs in P3**

| Sign Type | Number       | Height (max., ft.) | Sign Area per Sign (max., sf) | Illumination         | Additional Standards   |
|-----------|--------------|--------------------|-------------------------------|----------------------|------------------------|
| Awning    | 1 per awning | Flat on awning     | Size of awning                | Internal or external | 27-1405.B, Awning Sign |
| Canopy    | 1 per canopy | 24" above canopy   | 27-1405.B, Canopy Sign        | Internal or external | 27-1405.B, Canopy Sign |

**Table 27-1400.18: Support Structure Attached Signs in P3**

| Sign Type  | Number                | Height (max., ft.) | Sign Area per Sign (max., sf)            | Illumination                      | Additional Standards       |
|------------|-----------------------|--------------------|------------------------------------------|-----------------------------------|----------------------------|
| Projecting | 1 per street frontage | Height of wall     | 27-1405.B, Projecting Sign               | Internal, external, or static EMD | 27-1405.B, Projecting Sign |
| Wall       | 1 per street frontage | Height of wall     | 25% of wall or 100 sf, whichever is less | Internal, external, or static EMD | 27-1405.B, Wall Sign       |

**Table 27-1400.19: Support Structure Freestanding Signs in P3**

| Sign Type         | Number                | Height (max., ft.) | Sign Area per Sign (max., sf)              | Setbacks (min., ft.) | Illumin.                          | Additional Standards              |
|-------------------|-----------------------|--------------------|--------------------------------------------|----------------------|-----------------------------------|-----------------------------------|
| Access Point      | 2 per vehicle access  | 3                  | 8                                          | n/a [2]              | Internal or external              | 27-1405.A, Access Point Sign      |
| Monument          | 1 per street frontage | 8                  | 32                                         | 5 [2]                | Internal, external, or static EMD | 27-1405.A Monument Sign           |
| Structural Canopy | 1 per street frontage | Same as canopy     | 20% of canopy fascia on side where mounted | 5 [2]                | Internal or static EMD            | 27-1405.A, Structural Canopy Sign |

**Notes:**

[1] From all property lines; must comply with clear vision areas per 27-1802.H.

**SECTION 27-1408 TEMPORARY SIGNS****A. PURPOSES**

The purposes of these temporary sign regulations are as follows:

1. Enhance opportunities for visual communication, including promoting the legibility of such communications;
2. Create a more attractive economic and business climate within the County;
3. Enhance and protect the physical appearance of all areas of the County;
4. Identify permissible signage for temporary uses and temporary events, and
5. Reduce the distractions, obstructions, and hazards to pedestrian and automobile traffic caused by the excessive number, size, or height, inappropriate means of illumination or movement, indiscriminate placement, overconcentration, or unsafe construction of signs.

**B. ALLOWED ON PRIVATE PROPERTY RESTRICTIONS**

Temporary event signs, including, but not limited to, those specified within this article, may be allowed off-premises on private property provided they meet the following requirements:

1. The sign conforms to all requirements of this article;
2. The sign does not interfere with automobile traffic or pedestrians;
3. The sign is not placed in the public right-of-way or on public property;
4. When a sign placed on private property, is done with the express permission of the property owner; and
5. The sign is not a public danger or nuisance during high winds or inclement weather.

**C. PERMIT AND DISPLAY**

1. A temporary sign permit is required unless otherwise specified in this article.
2. Temporary signs shall comply with the following unless otherwise specified in this article:
  - (a) Maximum display time: 30 days;
  - (b) Maximum number of temporary signs: shall not exceed one 32 sf sign per property frontage unless otherwise permitted in this article.

**D. GENERALLY APPLICABLE TEMPORARY SIGN STANDARDS****1. Temporary Sign Types**

The following temporary sign types are applicable to this section:

Table 27-1400.20: Temporary Sign Types

| Sign           | Max. Size                 | Max. Height |
|----------------|---------------------------|-------------|
| Banner         | 32 sf                     | n/a         |
| Inflatable     | 4,500 cubic feet (volume) | 30 ft       |
| Sandwich Board | 8 sf per side             | 4 ft        |
| Yard, Large    | 32 sf                     | 8 ft        |
| Yard, Small    | 16 sf                     | 6 ft        |

**2. Location**

- (a) Temporary signs are subject to the prohibited sign locations identified in Section 27-1401.E.
- (b) No temporary sign shall cause unsafe ingress or egress or otherwise create traffic visibility problems.

**3. Size and Placement Limitations**

The following placement limitations are generally applicable to temporary signs unless otherwise specified in this article.

- (a) Signs may be printed on both sides or two single-sided banners may be placed back-to-back. V-type configurations are not permitted.
- (b) Measuring one side of the display shall determine the square footage for purposes of computation.

**E. ADDITIONAL TEMPORARY SIGNS PERMITTED BY TYPE****1. Banner Sign**

- (a) One banner sign is permitted for one 30-day period in commercial and industrial districts.
- (b) Banner signs are limited to use on private property unless otherwise provided in a zone district.
- (c) Banner signs must be securely attached to a structure, the wall of a building, or canopy.

**2. Inflatable Signs**

- (a) One inflatable sign is permitted for one 30-day period in the commercial and industrial districts.
- (b) Inflatable signs are permitted on rooftops provided the sign and structure are securely anchored to the rooftop.

**F. ADDITIONAL TEMPORARY SIGNS PERMITTED BY ACTIVITY****1. Active Real Estate Listing**

Additional temporary signage is permitted for the duration of the active real estate listing as follows:

- (a) Agricultural and residential use or property: one small yard sign per street frontage. A 32 square foot sign is allowed on agricultural property of 20 acres or more, with or without a dwelling on site.
- (b) Commercial and industrial use or property: one large yard sign or banner attached to a permanent structure per street frontage.
- (c) Open house event: signage permitted per Table 27-1400.21.
- (d) A temporary sign permit is not required.

**2. Active Building Permit / Active Construction**

- (a) Single structure development shall be permitted one large yard sign per construction project. The sign shall be confined to the site of construction and shall be removed five days after issuance of an occupancy certificate or completion of construction and prior to occupancy.

- (b) Subdivision development projects shall be permitted two large yard signs per subdivision development project. The sign shall be removed six months after construction on the last lot is commenced.
  - (c) Contractor, architect, surveyor, or engineer signs. Subcontractors on an active construction project may place a maximum of one small yard sign on one street frontage for the same period of time as the single structure or subdivision development sign. Subcontractor signs may be moved from lot to lot as construction progresses.
  - (d) Temporary sign permits are not required.
- 3. New or Relocating Business**
- New businesses or existing businesses which are relocating may have one additional temporary sign that complies with the standards of Table 27-1400.20. The temporary sign shall be limited in use to one time for no longer than 60 days. A Temporary Sign permit is required.
- 4. Real Estate Sign – Prospective Development Listing**
- Additional temporary signage is permitted for a subdivision, multi-unit residential development, or non-residential structure following the issuance of a building permit as follows:
- (a) Residential development: One large yard sign per public entrance.
  - (b) Agricultural and non-residential development: One large yard sign per public entrance or one banner placed on the structure per street frontage.
  - (c) The sign shall remain only as long as property remains unsold or unleased for the first time with the tract, but not to exceed one year. The planning division may extend the one-year time period upon written request by the owners/developers of the project.
  - (d) A Temporary sign permit is required.

## **G. TEMPORARY SIGNAGE PERMITTED BY TEMPORARY USE GROUP PERMIT**

### **1. Temporary Use Signage Permitted**

- (a) Temporary uses allowed by temporary use permit may have up to 100 square feet of temporary sign area allocated across signage that complies with Table 27-1400.20 for the district in which the temporary use is located.
- (b) Group 3 Temporary Uses will require a Temporary sign permit. Group 1 and Group 2 Temporary Uses will not require sign permits for temporary signage.
- (c) The temporary signage shall meet the following standards:
  - (1) Signs advertising the temporary use or activity are allowed only at the same location as the temporary use.
  - (2) Signage may only be displayed while the temporary use is on the property.
  - (3) Clear vision area standards are applicable per Section 27-1802.H.
  - (4) Paper or cardboard signs are prohibited.
  - (5) All signage and temporary structures must be removed at the time the temporary use has ceased on the property.

## **H. TEMPORARY SIGNAGE PERMITTED BY EVENT**

**1. Standards for Temporary Event Signage**

- (a) Temporary signs may be allowed as part of a special event whether or not a temporary use permit for the event is required.
- (b) Temporary signs for special events may be off-premises with the permission of the property owner, and may be allowed on a parcel in addition to the maximum amount of temporary signage permitted on that parcel.
- (c) Temporary signs for special events do not require permits.

**2. Signage Permitted**

Temporary signs permitted as part of a temporary use permit are restricted to the types, sizes, and heights identified in Table 27-1400.21 unless otherwise specified in this subsection.

**Table 27-1400.21: Temporary Signage by Event**

| Event                      | Type of Sign | Number Permitted | Duration                                                 |
|----------------------------|--------------|------------------|----------------------------------------------------------|
| Estate/Garage/Rummage Sale | Yard, small  | 4                | 24 hours before and after event, no permit required      |
| Open House/Auction         | Yard, small  | 4                | 24 hours before and after event                          |
| Public Event               | Yard, large  | 10               | Placed no more than 7 days before; removed w/in 48 hours |
|                            | Banner       | 5                |                                                          |

**SECTION 27-1409 BILLBOARD SIGNS****A. APPLICABILITY WITHIN THE INTERSTATE CORRIDOR**

Billboards shall be permitted in the Interstate Corridor (660 feet either side of the right-of-way of the Interstate Highway) on properties zoned C3, CX, I1, or I2 as follows:

1. Billboards located within the Interstate Corridor shall have a maximum size of 600 square feet in size and shall be no more than 40 feet in height.
2. Billboards shall be separated by a minimum distance of 500 feet.
3. Lighting shall be designed to minimize glare and interference with any adjacent residential uses or traffic.

**B. APPLICABILITY OUTSIDE THE INTERSTATE CORRIDOR**

1. Billboards not located in the interstate corridor are allowed as indicated below.

**Table 27-1400.22: Billboard Height, Maximum**

| Zone District               | Max. Height (ft) | Max. Size (sq. ft.) | Min. Separation (ft) |
|-----------------------------|------------------|---------------------|----------------------|
| Commercial 3 (C3)           | 30               | 288                 | 750                  |
| Heavy Commercial (CX)       | 30               | 300                 | 700                  |
| Industrial 1 and 2 (I1, I2) | 40               | 378                 | 500                  |

2. In all districts, lighting shall be designed to minimize glare and interference with any adjacent residential uses or traffic.

**SECTION 27-1410 MAINTENANCE AND ABANDONMENT****A. MAINTENANCE****1. Good Condition**

Every sign in the County, including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in good condition at all times.

- (a) All signs, including those exempted, shall be kept neatly painted, including all metal parts and supports by which these conditions are deteriorating.
- (b) The sign administrator may inspect and have the authority to order the painting, repair, alteration, or removal of signs which become dilapidated or are abandoned, or which constitute physical hazard to the public safety.

**2. Continuous Maintenance Required**

- (a) Any sign that has been approved or that has been issued a permit shall be maintained by the owner or person in possession of the property on which the sign is located. Maintenance shall be such that the signage continues to conform to the conditions imposed by the sign permit.
- (b) Any damaged sign base shall be repaired within 60 days.
- (c) No person shall maintain or permit to be maintained on any premises owned or controlled by such person any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises.
- (d) Any signage which has been damaged to such extent that it may pose a hazard to passersby shall be repaired or removed immediately. If the sign is repaired, it shall be done in compliance with this article.

**B. ABANDONMENT****1. Abandoned Signs**

- (a) Except as otherwise provided in this article, the County may determine that a sign or sign structure has been abandoned where either:
  - (1) The sign or sign structure is no longer used by the property or sign owner, in which case discontinuance of sign use may be shown by expiration or revocation of a business license for the business located on the property, or cessation of use of the property where the sign or sign structure is located for the use or purpose associated with the sign; or
  - (2) The sign or sign structure has been damaged, and repairs and restoration have not been started within 45 days of the date the sign was damaged, or, once started, are not diligently pursued to completion.
- (b) A nonconforming sign that meets the requirements of this section may be considered abandoned and will be subject to enforcement and removal.
- (c) Temporary signs shall be considered abandoned if the associated permit has expired or if the sign fails to meet the maintenance requirements of this article.



**2. Sign Face Change**

- (a) Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business or where a building or tenant space is for lease shall not be deemed abandoned unless the property remains vacant for a period of six months or more.
- (b) The sign face(s) of all signs associated with the structure or tenant space shall be removed and shall be replaced with a blank face.

**3. Sign Removal**

- (a) An abandoned sign or sign structure is prohibited and shall be removed by the owner of the sign or owner of the premises within 45 days of a determination of abandonment.
- (b) When an on-premises sign or sign structure becomes abandoned due to demolition or destruction of the structure in which the business was located, the sign and structure shall be removed at the same time as the demolition of the structure, or within 45 days of a determination of abandonment by the sign administrator.
- (c) Where a successor to a business agrees in writing, prior to the demolition of the structure or as part of a determination of abandonment, to bring any sign into compliance with this article and to maintain the sign as provided in this article, the removal requirement shall not apply. The sign and sign structure shall be brought into full compliance prior to the issuance of a certificate of occupancy for use of any part of the associated structure or business.

**SECTION 27-1411 VIOLATIONS AND SIGN REMOVAL****A. VIOLATIONS****1. Unlawful Signs**

No person shall erect on any premises owned or controlled by such person any sign which does not comply with the provisions of this article.

**2. Signs Declared Unlawful**

- (a) The sign administrator may declare any sign unlawful if it endangers public safety by reasons of inadequate maintenance, dilapidation or abandonment. Any such declaration shall state the reasons of the sign administrator for stating that the sign constitutes a safety hazard to the general public.
- (b) Any sign owned, kept, displayed or maintained by any person with the County, the ownership keeping a display which is unlawful pursuant to the provisions of this article, is hereby declared to be in violation of this article. The sign administrator may declare any such sign to be unlawful, and such declaration shall state in writing the reason or reasons why such sign and the keeping, owning, maintenance, construction and display or operation thereof, is unlawful under the terms of this article.

**SECTION 27-1412 ADMINISTRATION AND INSPECTION****A. SIGN PERMIT****1. Permits Required**

- (a) Except as otherwise provided in this article, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the County or cause the same to be done, without first obtaining an approved sign permit for each sign from the sign administrator as required by this article.
- (b) A sign permit shall be required for each group of signs on a single supporting structure installed simultaneously. Thereafter, each additional sign erected on the structure must have a separate sign permit.
- (c) These directives shall not be construed to require any permit for a change of copy on any sign, nor for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way.

**2. Permit Expiration**

- (a) Every sign permit issued by the sign administrator shall become null and void if work is not commenced within 120 days from the date of such permit.
- (b) If work authorized by such permit is suspended or abandoned for 60 days any time after the work is commenced, a new permit shall be first obtained to do so, provided that no changes have been made in the original plans. Such permit may not be unreasonably withheld, providing that proper application and payment of permit fees is complied with and a proper application is fully and correctly completed.

**3. Permission to Install**

No person shall erect, construct or maintain any sign upon any property or building without the consent of the owner or person entitled to possession of the property or building if any, or their authorized representatives.

**B. APPLICATION PROCESS****1. Application for Permit**

Application for a permit shall be made to the sign administrator through a process provided by the sign administrator and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the County including:

- (a) Name and address of owner of the sign;
- (b) Name and address of owner or the person in possession of the premises where the sign is located or to be located;
- (c) Clear and legible drawings or photo with description definitively showing the location of the sign which is the subject of the permit and all other existing signs whose construction requires permits, when such signs are on the same premises;

**2. Issuance; Denial**

- (a) The sign administrator may issue a permit for the erection, alteration, or relocation of a sign within the County when an application therefor has been properly made and the sign complied with all appropriate laws and regulations of the County.
- (b) The sign administrator may, in writing, suspend or revoke a permit under provisions of this section whenever the permit is issued on the basis of a misstatement of fact

or fraud. When a sign permit is denied by the sign administrator, he or she shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.

- (c) The sign administrator shall make a determination within 30 business days of receiving a complete application.

**3. Effect of Issuance**

No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.

**C. TEMPORARY SIGN PERMIT**

**1. Application for Permits**

Application for a temporary sign permit shall be made to the sign administrator by the owner or person entitled to possession of the property or business on which the temporary sign is to be located and shall be upon the form prescribed by the sign administrator. All information required by the sign administrator to assure compliance with all laws and regulations of the County shall accompany the application, including:

- (a) Name and address of the owner of the temporary sign;
- (b) Name and address of the owner or person in possession of the business or premises on which the temporary sign is to be located and the length of time that the business has existed at such location;
- (c) Clear and legible drawings or photo with description definitely showing the proposed location of the temporary sign which is the subject of the permit and of all other existing signs on the premises.

**2. Issuance—Denial**

- (a) The sign administrator may issue a temporary sign permit for the erection or display of a temporary sign within the County when the administrator has determined that the applicant has met all requirements of this section and all other applicable laws of the County.
- (b) The sign administrator shall establish area/height allowance and shall specify where the temporary sign is to be located, taking into consideration clear vision triangle and setback requirements.

**DEFINITIONS (move to Article 27-1800, Measurements and Definitions)****Abandon/Abandoned**

The cessation of a use or structure for a specified period of time as evidenced through discontinuance, non-operation, vacation of the structure or property, or lapse of business license. Casual, intermittent, temporary, or illegal use of land or buildings shall not be construed to establish or continue a nonconformity subject to abandonment. Neither the existence of fixtures or equipment, nor the continued payment of rent, mortgage, or utilities shall evidence a continuing use.

**Conforming**

A structure, use, or site feature that, when originally constructed, was in full compliance with all applicable zoning regulations.

**Nonconforming**

**Nonconforming Lot:** A lot that was lawful prior to the adoption, revision, or amendment of this Zoning Code, but that fails by reason of such adoption, revision, or amendment, to conform with the present lot requirements for the zone district in which the lot is located.

**Nonconforming Structure:** A structure or building that was lawful prior to the adoption, revision, or amendment of this Zoning Code, but which fails by reason of such adoption, revision, or amendment, to conform to the present requirements for a conforming or compliant structure in the zone district in which such structure or building is located. See Compliant Structure in Section 27-1506.

**Nonconforming Use:** A use or activity that was lawful prior to the adoption, revision, or amendment of this Zoning Code, but which by reason of such adoption, revision, or amendment, is no longer permitted in the zone district in which such use or activity is located.

**Nonconforming Site Characteristic** (was “use of land”): A site characteristic that was lawful prior to the adoption, revision, or amendment of this Zoning Code, but that fails by reason of such adoption, revision, or amendment, to conform with the present location or dimension requirements for the zone district in which the lot is located.

**Site Characteristic**

An aspect of a site that is regulated by this Zoning Code but is not a structure, use, or lot. Site features include site elements such as landscaping, parking, access location, and uses not located in a structure, such as wind or solar energy systems.

**SECTION 27-1501 PURPOSE****A. PURPOSE**

1. Changes to the zoning code can impact the status of legal, existing uses, lots, structures, and site features. It is the general policy of the City to allow uses, structures, and lots that came into existence legally to continue to exist and be put to productive use. As these uses and structures change, they should be brought into compliance with applicable regulations as expediently as is reasonably possible.
2. This article continues the City's established regulations regarding nonconformities and also establishes an intermediate legal status category for applicability following partial compliance with this Zoning Code.

**B. INTENT**

These regulations are intended to:

1. Recognize the interests of property owners in continuing to use their property;
2. Promote the reuse and rehabilitation of existing buildings; and
3. Place reasonable limits on the expansion of nonconformities that have the potential to adversely affect surrounding properties, neighborhoods, or the City as a whole.

**C. ILLEGAL STATUS AND CODE VIOLATIONS**

Nothing in this article shall be interpreted as authorization for or approval of a continuance of the use of a structure or premises in violation of the zoning regulations in effect at the time of the effective date of this Zoning Code.

**SECTION 27-1502 APPLICABILITY****A. GENERAL APPLICABILITY**

1. The provisions of this article shall apply to buildings, structures, lands, uses, and site features that become nonconforming as a result of adoption, revision, or amendment to this Zoning Code.
2. The effective date for these regulations is \_\_\_\_\_, \_\_\_\_, 2020 for any property that was located within the limits of the City of Billings on or before that date.
3. Any permit application or development approval that had been accepted by the City as a complete application as of \_\_\_\_\_, \_\_\_\_, 2020 shall be subject to the provisions of Section 27-107, Transitional Regulations.

**B. PRE-EXISTING NONCONFORMITY**

1. Any legal nonconformity existing as of the effective date of this Zoning Code will also be a legal nonconformity under this Zoning Code, as long as the situation that resulted in the nonconforming status under the previous zoning code continues to exist.
2. If a nonconformity under the previous zoning code becomes conforming because of the adoption of this Zoning Code, then the situation will no longer be a nonconformity.

**C. REPAIRS AND MAINTENANCE**

Any building or other structure containing a nonconforming use, or any nonconforming structure or portion thereof, declared unsafe by the Building Official may be strengthened or restored to a safe condition.

**D. NONCONFORMING SIGNS**

Nonconforming signs are addressed in Section 27-1400, Signs.

**SECTION 27-1503 NONCONFORMING STRUCTURES****A. CONTINUATION OF NONCONFORMING STATUS**

1. A nonconforming structure may continue to be used in conformance with the zone district where it is located so long as the structure remains lawfully occupied.
2. The structure may not be enlarged or altered in a way which increases its nonconformity unless an enlargement or structural alteration is required by law or by subsection C. above. Structural alterations may be permitted when necessary to adapt a nonconforming building to new technologies or equipment pertaining to uses housed in such building. Any enlargement greater than 10% of the GFA that is necessary to adapt to new technologies shall be authorized only by a variance, as described in Sections 27-16xx.

**B. ABANDONMENT AND TERMINATION**

1. When a nonconforming structure is abandoned for 12 months or more, the nonconforming status shall be considered terminated and the structure shall be brought into compliance with the current Zoning Code prior to any use.
2. Should the structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Code.
3. If the structure is brought into conformance or compliance with the zone district in which it is located, the structural nonconformity may not be resumed.
4. Should the structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of the zone district in which it is located after it is moved.

**SECTION 27-1504 NONCONFORMING USES****A. CONTINUATION OF USE**

1. Nonconforming uses may be continued so long as the use remains otherwise lawful.
2. Any nonconforming use may be extended throughout any parts of a building designed for such use that existed as of [adoption date], but no such use shall be extended to occupy any land outside such building.

**B. CONTINUATION OF STRUCTURE SPECIFIC TO USE**

No existing structure specific to a nonconforming use shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in conjunction with changing to a conforming use.

**C. DISCONTINUANCE****1. Compliance with Code**

- (a) When a nonconforming use is replaced with a conforming use, the nonconforming use is considered terminated and may not be resumed.
- (b) Any structure specific to the use, or structures and land in combination specific to the use, in or on which a nonconforming use is replaced by a permitted use shall be brought into compliance with the zone district in which the structure(s) is located and the nonconforming use may not be resumed.

**2. Abandonment**

- (a) When a nonconforming use is abandoned for six months or more it shall be considered terminated.
- (b) When a nonconforming use of a structure specific to a use, or structures and land in combination specific to a use, is abandoned for one year or more, the structure, or structures and premises in combination, shall be brought into conformance with the applicable zone district regulations and the nonconforming use may not be resumed.

**3. Demolition, Destruction, or Obsolescence**

- (a) Where nonconforming use status applies to a structure specific to a use or structure and land in combination specific to a use, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction. The operation of a noncompliant residential use located in an N1-4, NX1-3, or RMH district shall not be terminated regardless of the amount of damage or destruction suffered by the structure in which the use is operated.
- (b) Obsolete or Substandard Non-Residential Structure: The right to operate and maintain any nonconforming use shall terminate and shall cease to exist whenever the non-residential structure in which the use is operated and maintained becomes obsolete or substandard under any applicable state or City code and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds 50 percent of the replacement cost of such structure on the date that the building official determines such structure is obsolete or substandard; provided, however, that in determining the replacement cost of any structure, there shall not be included therein the cost of land or any factors other than the structure itself.

**SECTION 27-1505 NONCONFORMING SITE CHARACTERISTICS****A. GENERAL**

The following provisions apply to nonconforming site characteristics as identified in Section 27-1804:

- 1. The nonconforming site characteristic shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption.



2. The nonconforming site characteristic shall not be moved in whole or in part to any other portion of the lot or parcel occupied by the use at the effective date of adoption.

**B. MANUFACTURED HOME**

Within a period of one year or less from its removal from a lot of record, a manufactured home used for residential purposes which is a legal nonconforming use of land may be replaced by another manufactured home for residential purposes, so long as the new home is not more than 50% larger in GFA than the manufactured home that it replaced and can be placed on the lot in compliance with the applicable zone district standards.

**SECTION 27-1506 COMPLIANT SINGLE UNIT RESIDENTIAL LOTS**

- A. A single unit dwelling and customary accessory buildings may be erected on any vacant single lot of record as of the effective date of this Zoning Ordinance in an N1-4, NX1-3 or RMH district as follows:
  1. The lot must be in separate ownership and not of contiguous frontage with other lots in the same ownership.
  2. This provision shall apply even though such lot fails to meet the applicable requirements for lot width or area, as applicable, provided the setback dimensions, lot coverage, and other requirements not involving lot width or area of the lot shall conform to the regulations of the district in which such lot is located.
  3. Either Section 16xx, Administrative Relief, or Section 27-16xx, Variance may be used to make requests for adjustments to area and yard requirements
- B. If two or more vacant lots or combinations of lots and portions of lots with contiguous frontage in single ownership or record exist at the time of adoption, and if all or part of the lots do not meet the requirements for lot area as established by this ordinance, the land involved shall be considered to be an undivided parcel for the purpose of this ordinance, and no portion of the parcel shall be used or sold which does not meet lot area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot, with area below the requirements stated in this Zoning Code unless the lot is created for utility or dedication purposes and is at least 50% smaller than the minimum lot size permitted in the zone district.

**DEFINITIONS (move to Article 27-1800, Measurements and Definitions)****Abandon/Abandoned**

The cessation of a use or structure for a specified period of time as evidenced through discontinuance, non-operation, vacation of the structure or property, or lapse of business license. Casual, intermittent, temporary, or illegal use of land or buildings shall not be construed to establish or continue a nonconformity subject to abandonment. Neither the existence of fixtures or equipment, nor the continued payment of rent, mortgage, or utilities shall evidence a continuing use.

**Conforming**

A structure, use, or site feature that, when originally constructed, was in full compliance with all applicable zoning regulations.

**Nonconforming**

**Nonconforming Lot:** A lot that was lawful prior to the adoption, revision, or amendment of this Zoning Code, but that fails by reason of such adoption, revision, or amendment, to conform with the present lot requirements for the zone district in which the lot is located.

**Nonconforming Structure:** A structure or building that was lawful prior to the adoption, revision, or amendment of this Zoning Code, but which fails by reason of such adoption, revision, or amendment, to conform to the present requirements for a conforming or compliant structure in the zone district in which such structure or building is located. See Compliant Structure in Section 27-1506.

**Nonconforming Use:** A use or activity that was lawful prior to the adoption, revision, or amendment of this Zoning Code, but which by reason of such adoption, revision, or amendment, is no longer permitted in the zone district in which such use or activity is located.

**Nonconforming Site Characteristic** (was “use of land”): A site characteristic that was lawful prior to the adoption, revision, or amendment of this Zoning Code, but that fails by reason of such adoption, revision, or amendment, to conform with the present location or dimension requirements for the zone district in which the lot is located.

**Site Characteristic**

An aspect of a site that is regulated by this Zoning Code but is not a structure, use, or lot. Site features include site elements such as landscaping, parking, access location, and uses not located in a structure, such as wind or solar energy systems.

**SECTION 27-1501 PURPOSE****A. PURPOSE**

1. Changes to the zoning code can impact the status of legal, existing uses, lots, structures, and site features. It is the general policy of the County to allow uses, structures, and lots that came into existence legally to continue to exist and be put to productive use. As these uses and structures change, they should be brought into compliance with applicable regulations as expediently as is reasonably possible.
2. This article continues the County's established regulations regarding nonconformities and also establishes an intermediate legal status category for applicability following partial compliance with this Zoning Code.

**B. INTENT**

These regulations are intended to:

1. Recognize the interests of property owners in continuing to use their property;
2. Promote the reuse and rehabilitation of existing buildings; and
3. Place reasonable limits on the expansion of nonconformities that have the potential to adversely affect surrounding properties, neighborhoods, or the County as a whole.

**C. ILLEGAL STATUS AND CODE VIOLATIONS**

Nothing in this article shall be interpreted as authorization for or approval of a continuance of the use of a structure or premises in violation of the zoning regulations in effect at the time of the effective date of this Zoning Code.

**SECTION 27-1502 APPLICABILITY****A. GENERAL APPLICABILITY**

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2. The effective date for these regulations is \_\_\_\_\_, \_\_, 2020 for any property that was located within the limits of the Yellowstone County zoning jurisdiction on or before that date.
3. Any permit application or development approval that had been accepted by the County as a complete application as of \_\_\_\_\_, \_\_, 2020 shall be subject to the provisions of Section 27-107, Transitional Regulations.

**B. PRE-EXISTING NONCONFORMITY**

1. Any legal nonconformity existing as of the effective date of this Zoning Code will also be a legal nonconformity under this Zoning Code, as long as the situation that resulted in the nonconforming status under the previous zoning code continues to exist.
2. If a nonconformity under the previous zoning code becomes conforming because of the adoption of this Zoning Code, then the situation will no longer be a nonconformity.

**C. REPAIRS AND MAINTENANCE**

Any building or other structure containing a nonconforming use, or any nonconforming structure or portion thereof, declared unsafe by the County Commissioners may be strengthened or restored to a safe condition.

**D. NONCONFORMING SIGNS**

Nonconforming signs are addressed in Article 27-1400, Signs.

**SECTION 27-1503 NONCONFORMING STRUCTURES****A. CONTINUATION OF NONCONFORMING STATUS**

1. A nonconforming structure may continue to be used in conformance with the zone district where it is located so long as the structure remains lawfully occupied.
2. The structure may not be enlarged or altered in a way which increases its nonconformity unless an enlargement or structural alteration is required by law or by subsection C. above. Structural alterations may be permitted when necessary to adapt a nonconforming building to new technologies or equipment pertaining to uses housed in such building. Any enlargement greater than 10% of the GFA that is necessary to adapt to new technologies shall be authorized only by a variance, as described in Sections 27-16xx.

**B. ABANDONMENT AND TERMINATION**

1. When a nonconforming structure is abandoned for 12 months or more, the nonconforming status shall be considered terminated and the structure shall be brought into compliance with the current Zoning Code prior to any use.
2. Should the structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Code.
3. If the structure is brought into conformance or compliance with the zone district in which it is located, the structural nonconformity may not be resumed.
4. Should the structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of the zone district in which it is located after it is moved.

**SECTION 27-1504 NONCONFORMING USES****A. CONTINUATION OF USE**

1. Nonconforming uses may be continued so long as the use remains otherwise lawful.
2. Any nonconforming use may be extended throughout any parts of a building designed for such use that existed as of [adoption date], but no such use shall be extended to occupy any land outside such building.

**B. CONTINUATION OF STRUCTURE SPECIFIC TO USE**

No existing structure specific to a nonconforming use shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in conjunction with changing to a conforming use.

**C. DISCONTINUANCE****1. Compliance with Code**

- (a) When a nonconforming use is replaced with a conforming use, the nonconforming use is considered terminated and may not be resumed.
- (b) Any structure specific to the use, or structures and land in combination specific to the use, in or on which a nonconforming use is replaced by a permitted use shall be brought into compliance with the zone district in which the structure(s) is located and the nonconforming use may not be resumed.

**2. Abandonment**

- (a) When a nonconforming use is abandoned for six months or more it shall be considered terminated.
- (b) When a nonconforming use of a structure specific to a use, or structures and land in combination specific to a use, is abandoned for one year or more, the structure, or structures and premises in combination, shall be brought into conformance with the applicable zone district regulations and the nonconforming use may not be resumed.

**3. Demolition, Destruction, or Obsolescence**

- (a) Where nonconforming use status applies to a structure specific to a use or structure and land in combination specific to a use, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction. The operation of a noncompliant residential use located in an RR1, RR3, N4, RRMH, or any residential zone in a PND district shall not be terminated regardless of the amount of damage or destruction suffered by the structure in which the use is operated.
- (b) Obsolete or Substandard Non-Residential Structure: The right to operate and maintain any nonconforming use shall terminate and shall cease to exist whenever the non-residential structure in which the use is operated and maintained becomes obsolete or substandard under any applicable state or County code and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds 50 percent of the replacement cost of such structure on the date that the building official determines such structure is obsolete or substandard; provided, however, that in determining the replacement cost of any structure, there shall not be included therein the cost of land or any factors other than the structure itself.

**SECTION 27-1505 NONCONFORMING SITE CHARACTERISTICS****A. GENERAL**

The following provisions apply to nonconforming site characteristics as identified in Section 27-1802:

- 1. The nonconforming site characteristic shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption.

2. The nonconforming site characteristic shall not be moved in whole or in part to any other portion of the lot or parcel occupied by the use at the effective date of adoption.

**B. MANUFACTURED HOME**

Within a period of one year or less of its removal from a lot of record, a manufactured home used for residential purposes which is a legal nonconforming use of land may be replaced by another manufactured home for residential purposes, so long as the new home is not more than 50% larger in GFA than the manufactured home that it replaced and can be placed on the lot in compliance with the applicable zone district standards.

**SECTION 27-1506 COMPLIANT SINGLE UNIT RESIDENTIAL LOTS**

- A. A single unit dwelling and customary accessory buildings may be erected on any vacant single lot of record as of the effective date of this Zoning Ordinance in an RR1, RR3, N4, RRMH or any residential zone in a PND district as follows:
  1. The lot must be in separate ownership and not of contiguous frontage with other lots in the same ownership.
  2. This provision shall apply even though such lot fails to meet the applicable requirements for lot width or area, as applicable, provided the setback dimensions, lot coverage, and other requirements not involving lot width or area of the lot shall conform to the regulations of the district in which such lot is located.
  3. Either Section 16xx, Administrative Relief, or Section 27-16xx, Variance may be used to make requests for adjustments to area and yard requirements
- B. If two or more vacant lots or combinations of lots and portions of lots with contiguous frontage in single ownership or record exist at the time of adoption, and if all or part of the lots do not meet the requirements for lot area as established by this ordinance, the land involved shall be considered to be an undivided parcel for the purpose of this ordinance, and no portion of the parcel shall be used or sold which does not meet lot area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot, with area below the requirements stated in this Zoning Code unless the lot is created for utility or dedication purposes and is at least 50% smaller than the minimum lot size permitted in the zone district..

**SECTION 27-1801 TERMS, CONSTRUCTION, AND INTERPRETATION****A. TERM INCLUSIONS**

1. The term “person” includes a firm, association, organization, partnership, trust, company or corporation, as well as, an individual.
2. The term “used” or “occupied” includes the words “intended, designated, or arranged to be used or occupied.”
3. The term “lot” includes the words “plot,” “tract,” or “parcel.”
4. The term “building” includes the term “structure.”
5. The term zone means zone or zoning district.
6. The term County means Yellowstone County, Montana.
7. The term City means the City of Billings, Montana.

**B. RULES OF CONSTRUCTION**

The following words, terms and phrases, when used in this Zoning Code, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning.

**1. Meanings and Intent**

All provisions, terms, phrases, and expressions contained in this Zoning Code shall be construed according to this Zoning Code's stated purpose and intent. All provisions, terms, phrases, and expressions contained in this Zoning Code shall be construed according to the general and specific purpose statements set forth throughout this Zoning Code. When, in a specific section of this Zoning Code, a different meaning is given for a term defined for general purposes in this chapter, the specific section's meaning and application of the term shall control.

**2. Headings, Illustrations, and Text**

In the event of a conflict or inconsistency between the text of this Zoning Code and any heading, caption, figure, illustration, table, or map, the text shall control.

**3. Lists and Examples**

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and shall not be interpreted as exhaustive lists of all possibilities.

**4. Computation of Time**

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the City. References to days are calendar days unless otherwise stated.

**5. References to Other Regulations/Publications**

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

**6. Delegation of Authority**

Any act authorized by this Zoning Code to be carried out by a specific city official or staff member may be carried out by a designee of such official. For example, the planning director may delegate the preparation of a staff report to a member of the planning division staff.

**7. Technical and Nontechnical Terms**

Words and phrases not otherwise defined in this Zoning Code shall be construed according to the common and approved usage of the language, but technical words and phrases not otherwise defined in this Zoning Code that may have acquired a particular and appropriate meaning in law shall be construed and understood according to such meaning.

**C. RULES OF INTERPRETATION****1. Mandatory and Discretionary Terms**

The words "shall," "must," or "will" are always mandatory, and the words "may" or "should" are always discretionary.

**2. Conjunctions**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (a) "And" indicates that all connected items, conditions, provisions, or events shall apply; and
- (b) "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.

**3. Tenses and Plurals**

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

**4. Interpretation**

The planning director has authority to determine the interpretation or usage of terms used in this Zoning Code. Appeal of an interpretation made by the planning director shall be to the Board of Adjustment.

**5. Undefined Terms**

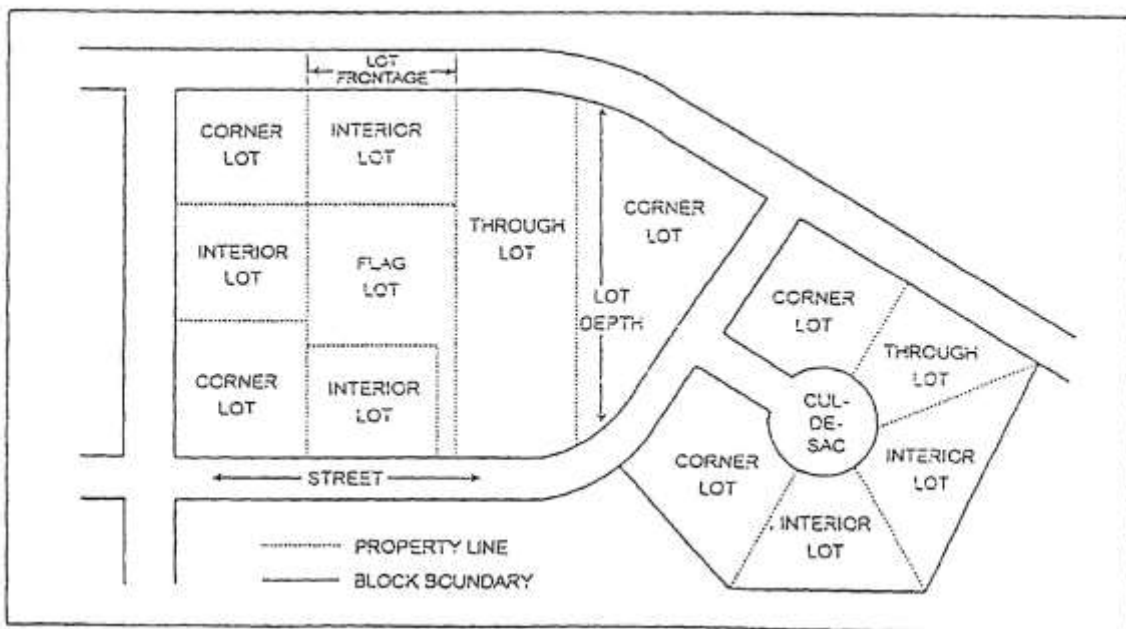
The planning director has the authority to provide the definition for a term where it is not defined in this Zoning Code. Appeal of a definition provided by the planning director shall be to the Board of Adjustment.



## SECTION 27-1802 MEASUREMENTS AND ASSOCIATED TERMS

## A. LOT AND STREET MEASUREMENTS AND TERMS

1. Lot: A tract of land, no matter how legally described whether by metes and bounds, Certificate of Survey and/or by lots and block designation as in a recorded plat.
2. Lot area: The total area circumscribed by the boundaries of a lot, except that when the legal instrument creating a lot extends into a public street right-of-way and/or easement, then the lot boundary for purposes of computing the lot area shall be the street right-of-way.
3. Lot line: A line of record bounding a lot that divides one lot from another lot or from a public or private street, alley or other public space.
  - (a) Front Lot Line: The lot line abutting a public or private front street.
  - (b) Rear Lot Line: The lot line not intersecting a front lot line that is most distant from and most clearly parallel to the front lot line.
  - (c) Side Lot Line: Any lot line that is not a front, street-side, or a rear lot line abutting an interior lot.
  - (d) Street-Side Lot Line: The lot line abutting a public or private side or non-front street.
4. Lot types:
  - (a) Corner Lot: A lot located at the intersection of two or more streets.
  - (b) Interior Lot: A lot, other than a corner lot, with only one frontage on a street other than an alley.
  - (c) Through Lot or Double Frontage Lot: A lot other than a corner lot with frontage on more than one street other than an alley.



5. Lot Width: Lot widths are measured along the minimum setback or minimum build-to line.

6. *Street*. A dedicated public or a private right-of-way (or portion thereof) intended for general public use to provide access through the area and to buildings and sites within the area. For the purposes of this zoning code, an alley is not a street.
  - (a) *Street, Front*. On interior lots, the street abutting the lot; on corner lots, the street with more front doors and/or buildings fronting the street. Front streets are typically the streets along the longer faces of a block with multiple front entrances. Front streets receive priority over other streets in terms of setting front lot lines and locating building entrances.
  - (b) *Street, Side or Non-Front*. The street abutting a lot that is not considered a front street.
7. *Yard*: An open space about a building, other than a courtyard, unoccupied and unobstructed from the ground to the sky, except as otherwise specifically provided in this zoning code.
  - (a) *Front Yard*: A yard extending along the full length of the front lot line or lines and which is situated between a principal building and the front lot line or lines.
  - (b) *Rear Yard*: A yard extending from the rear-building facade to the rear lot line between the side yards or, on a corner lot, the street-side and side yards.
  - (c) *Side Yard*: A yard extending from the side-building facade along a side lot line between the front lot line and rear lot line. Also called an interior side yard.
  - (d) *Yard, Street-Side*: A yard extending from the building facade along a side street lot line between the front yard and rear lot line.

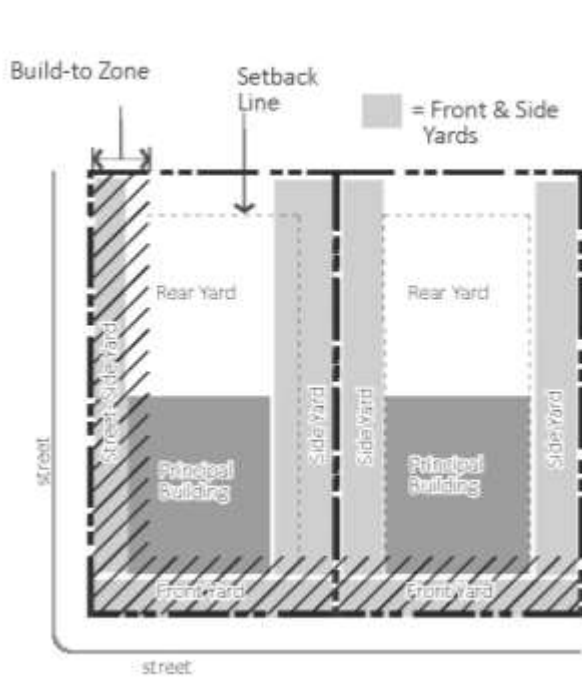


Figure 27-1800-2: Illustration of Yards

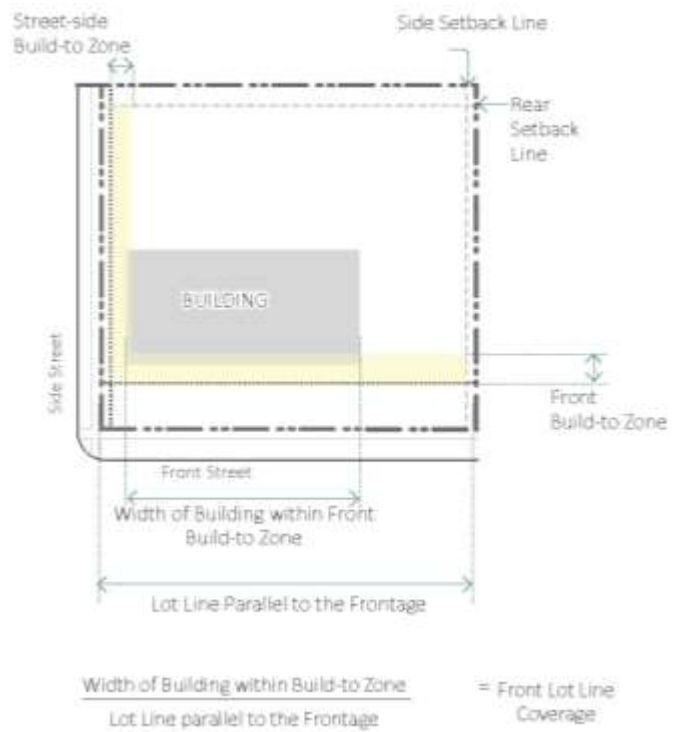


Figure 27-1800-4: Measuring Front Lot Line



Figure 27-1800-3: Illustration of Build-to Zones

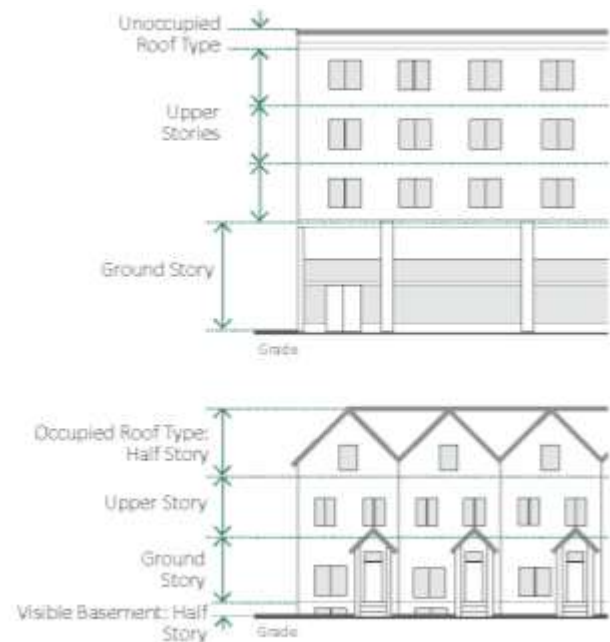


Figure 27-1800-5: Measuring Building Height

**B. BUILDING AND PARKING SITING MEASUREMENTS AND TERMS****1. Building Coverage, Maximum**

The maximum percentage of a yard or lot permitted to be covered by building and any other structures with a roof.

**2. Build to Corner**

Buildings are required to be located within the intersection of the front and street-side build-to zones at street corners.

**3. Build-to Zones**

The build-to zone, when required, is designated separately for each street frontage, front and street-side, in the site and structure regulations table for each district.

(a) Definition: An area in which the front or street side facade of a building shall be placed; it may or may not be located directly adjacent to a lot line. The zone dictates the minimum and maximum distance a structure may be placed from a lot line. Refer to Figure 27-1800-3.

(b) Measurement. The build-to zone for all frontages is measured from the lot line parallel to the frontage, unless otherwise stated in the building and site regulations. When additional streetscape area is required per the building and site regulations, the build-to zone is measured from the edge of the required streetscape onto the site.

(c) Height. The building located in the build-to zone must meet the minimum building heights. For example, if the minimum height of the building is two stories, then, at a minimum, the first two stories of the building from the ground up must be located within the build-to zone on the same vertical plane.

(d) Build-to Zone (BTZ) Averaging. The front setback average shall be calculated as follows:

(1) Measurement. The average of the front setbacks of the next two lots on each side of the lot on the same side of the street. If any applicable lots are vacant, the minimum front setback or build-to zone from the site and structure regulations of the district shall be used in the calculation.

(2) Corner Lots. For corner lots, the average of the front setbacks of the next two lots adjacent to the lot with the same street frontage as the lot in question. If any applicable lots are vacant, the minimum front build-to zone shall be used in the calculation.

**4. Front Lot Line Coverage, Minimum.**

(a) Definition. The minimum percentage of building facade along the front of a lot as designated in the site and structure regulations table for each district.

(b) Measurement. The width of the principal building, as measured within the build-to zone along the front lot line, is divided by the length of the frontage parallel to the front lot. Side yard and street-side yards are not included in the build-to zone area. Refer to Figure 27-1800-4. Minimum Front Lot Line Coverage.

(c) Courtyards. Where noted in the site and structure regulations for each district, courtyards, maximum of 30% of facade width or 30 feet wide, whichever is less, may count towards the minimum front lot line coverage. The courtyard must be treated with landscape, patio, or sidewalk; no vehicular access or motor vehicle parking area is permitted in any courtyard.

- (d) **Parking and Driveways.** Parking and driveways do not count towards the minimum front lot line coverage, unless otherwise stated.

**5. Setback**

- (a) **Definition.** That distance measured from the lot or property line to a supporting point(s) or wall(s) of a structure or building.
- (b) **Encroachment or Projection.** The distance any part of a structure extends beyond a building setback or a build-to zone. See Section 27-303 for a list of permitted encroachments in neighborhood districts.

**6. Occupied Building Space**

Interior building space regularly occupied by the building users; does not include storage areas, utility space, or parking.

**7. Separation Between Buildings**

Building separation is measured as the horizontal distance between buildings, measured along the shortest line that can be drawn between the exterior walls.

**8. Surface or Accessory Parking Yard Locations**

Surface parking lots and accessory parking structures or buildings are allowed in different yards per the site and structure regulations for each district. Limited parking for different yards is defined as follows:

- (a) **Limited Side Yard Parking.** Where allowed, limited side yard parking is one double-loaded aisle of surface parking, perpendicular to the front lot line, with a maximum paving width of 65 feet, located in the side yard of the lot.
- (b) **Limited Front Yard Parking.** Where allowed, limited front yard parking is one single-loaded aisle of surface parking, parallel to the front lot line, with a maximum paving depth of 40 feet, located in the front yard of the lot. The parking must be located on the building side of the drive and curbed sidewalk is required between the parking and the building.
- (c) **Internal Parking Yard.** Where multiple principal structures are located on a lot, the area between the buildings in the front portion of the lot and the buildings in the rear portion of the lot is referred to as the “internal yard” for the purposes of locating surface parking.

**C. BUILDING HEIGHT MEASUREMENTS AND TERMS**

**1. General Terms**

- (a) **Grade (adjacent ground elevation):** The lowest point of elevation of the finished surface of the ground, or the lowest point of elevation of the finished surface of the ground between the exterior wall of the building and the property line, if it is less than five feet distance from the wall. In cases where walls are parallel to and within 20 feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley, or public way.
- (b) **Story:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.
  - (1) **Story, ground:** Also referred to as ground floor. The first floor of a building that is a full story typically level to or elevated above the finished grade on the front and corner facades and excluding basements and half stories.

- (2) Story, half: An occupied story either in a visible basement of the building or an occupied story fully within the roof structure.
- (3) Story, upper: Also referred to as upper floor. The floors located above the ground story of a building.
- (c) Basement: If the finished floor level directly above a basement, cellar or unused under-floor space is more than six (6) feet above grade as defined herein for more than 50% of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar or unused under-floor space shall be considered a story. Refer to Figure 27-1800-6.
- (d) Visible Basement. A basement that is between 3.5 feet and 6 feet exposed above adjacent finished grade along any street facade. Windows are required for visible basements on street facades. With more than 6 feet exposed, the space shall be considered a story per subsection (c), above.

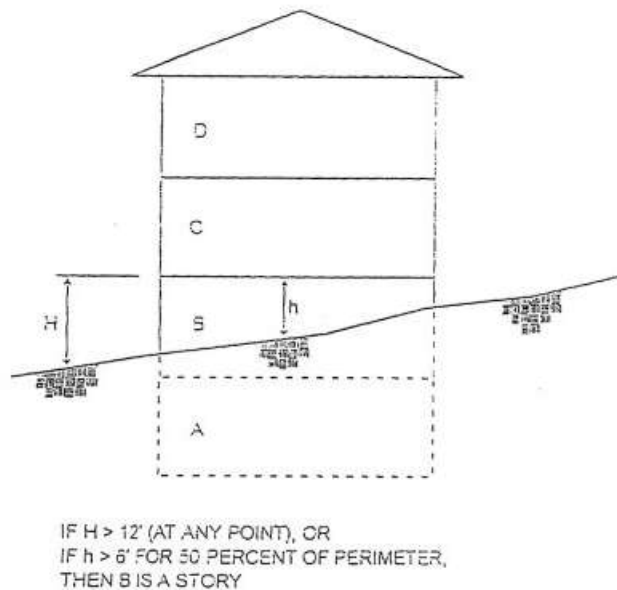


Figure 27-1800-6: Illustration of Basement

## 2. Overall Building Height

Refer to Figure 27-1800-5 Measuring Building Height in Stories and Stories with Floor-to-Floor Height.

- (a) Minimum Overall Height. Minimum heights require a minimum number of stories on the front facades of the building. The building must meet the minimum required height for the first 20 feet of occupied building space measured from the front facade into the building.
- (b) Maximum Overall Height. Maximum heights are specified in number of stories and/or a maximum dimension.
  - (1) This requirement applies to the entire building.
  - (2) Maximum overall height in feet is measured from grade vertically to the highest point of the structure, excluding any permissible height exceptions per this zoning code.

- (3) Towers. Where allowed, towers may exceed the overall maximum height per 27-1803.E. .
  - (c) Roof Types. Roof heights are measured per 27-1803.E and are additional to the allowable stories and floor-to-floor heights.
  - (d) Two Half Stories. A building incorporating both a half story within the roof and a visible basement shall count the height of the two half stories as one full story.
3. **Story Heights**
- Where defined in the site and structure regulations tables per district, stories are measured with a range of permitted floor-to-floor heights. Refer to Figure 27-1800-5. Measuring Stories with Floor-to-Floor Height.
- (a) Measurement. Story height is measured in feet between the subfloor of a story to the subfloor of the story above it. Minimum and maximum floor-to-floor heights are required to be met on floors along all front facades. See 27-1803.C.3(d), below, allowance for taller heights for such spaces as stairwells, mezzanines, and lobbies.
  - (b) Top Floor Measurement. For the uppermost story of a multiple story building, floor-to-floor height shall be one foot less than noted per site and structure regulations of the district and measured from the floor of the story to the ceiling, e.g. if the permitted floor-to-floor heights of an upper story range between 9 feet and 14 feet, the range for the topmost story of the building is 8 feet to 13 feet.
  - (c) Mezzanines. Mezzanines may be included within the floor-to-floor height of any story, included in the calculation of stories. Mezzanines occupying more than 30 percent of the floor area below and extending above the story's allowable floor-to-floor height shall count as an additional story.
  - (d) Taller Spaces. With the exception of stair and elevator spaces, spaces exceeding the allowable floor-to-floor heights of the building are not permitted on front facades. These spaces are unlimited on interior facades and non-front facades, but shall be counted as the number of stories that would fit within their height.



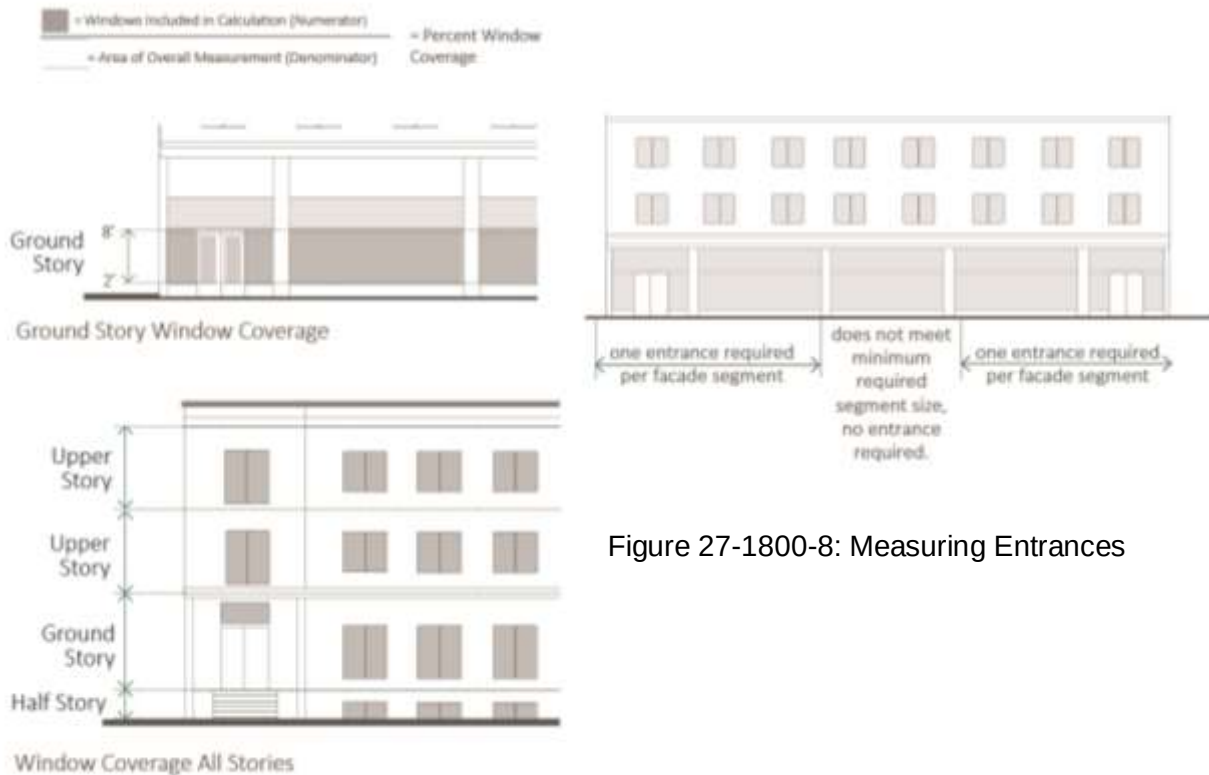


Figure 27-1800-8: Measuring Entrances

Figure 27-1800-7: Measuring Window Coverage

#### D. WINDOWS AND DOOR MEASUREMENTS & TERMS

##### 1. Window & Door Coverage

The site and structure regulations for each district may define a minimum amount of window and door coverage required for designated facades and stories.

- (a) **Measurement.** Minimum window and door coverage is measured from floor-to-floor of each story separately. Refer to Figure 27-1800-7. Measuring Window Coverage. Window and door coverage includes the area of any gross opening in the façade for a window or doors, but shall not include trim.
- (b) **Blank Wall Segments.** The building regulations designate facades where blank wall limitations apply. Blank wall limitations means no facade section more than 15-foot in width, measured horizontally, and more than 30 percent of any story shall be without windows.
  - (1) **Exception.** When a facade of any story is located within three feet of a parallel building facade, no minimum transparency is required for that story.
- (c) **Minimum Ground Story Window and Door Coverage.** When required separately by the site and structure regulations, ground story window and door coverage shall be measured between 2 feet and 8 feet from the average grade at the base of the facade. Minimum ground story window and door coverage supersedes the overall minimum window coverage required in the site and structure regulations.



- (d) Half Stories. For all mixed-use districts in 27-400, all half stories located within a roof structure or visible basements are required to meet the minimum window and door coverage.

**2. Doors**

Per the site and structure regulations of the districts, where a minimum number of required entrances must be spaced along a façade, the measurement shall be consistent with Figure 27-1800-8 Number of Required Entrances.

- (a) Principal Entrance. A principal entrance is a public entrance, where the general public, residents, visitors, or the like may enter the space, as opposed to a delivery or service entrance where the public is not permitted.
- (b) Entrances-per-Façade-Segment Measurement. When an entrance is required per an increment of façade segment, that façade segment increment must be met before an entrance is required. For example, one principal entrance per every 60 feet of façade means that a façade that is 230 feet in length requires only three entrances (one per each of three 60-foot façade segments, and none required for the remaining 50 feet of façade).



Example of a Parapet e



Example of a Flat Roof



Parallel Pitched

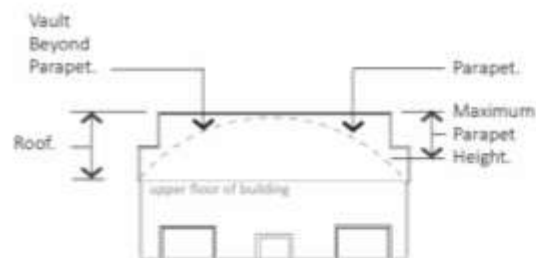


Pitched Gable Roof

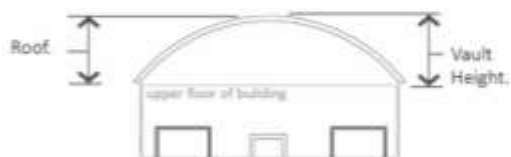
Examples of Pitched Roof



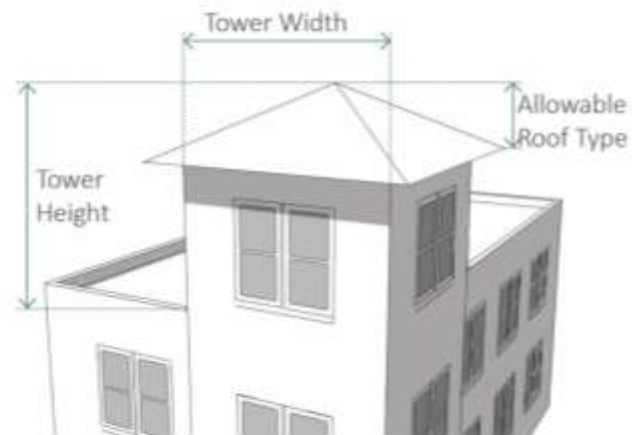
Low Pitched Roof (Hip Roof)



Barrel Roof with parapet.



Barrel Roof without parapet.



Example of a Tower

Figure 27-1800-9: Examples of Roof Types

**E. ROOF MEASUREMENTS AND TERMS**

As required by the site and structure regulations for each district, the major components of any roof shall meet one of the allowed roof types defined below. The roof type is required where the roof is visible from any street. Roofs for bay or bow windows, entrance canopies, and dormers are not required to meet a roof type.

**1. Parapet Roof**

A parapet is a low wall projecting above a building's roof along the perimeter of the building. Refer to Figure 27-1800-9 Example of a Parapet.

- (a) Parapet Height. Height is measured from the top of the upper story to the top of the parapet. Minimum height is 2 feet with a maximum height of 6 feet.
- (b) Occupied Building Space. Space within a parapet roof shall not be enclosed, occupied building space, but any open-air or canopied rooftop spaces are allowed.
- (c) Rooftop Appurtenances. With the exception of solar panels, any rooftop appurtenances shall be located towards the rear or interior of the parapet roof. The parapet shall screen the mechanicals from the elevation of the sidewalk across the street.

**2. Flat Roof**

A flat roof is a visibly flat (may be sloped for drainage) roof with overhanging eaves on all street frontages. Refer to Figure 27-1800-9 Example of a Flat Roof.

- (a) Eaves. Eave depth is measured from the building facade to the outside edge of the eave and shall have a depth of at least 14 inches. Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave and shall be a minimum of 6 inches.
- (b) Occupied Building Space. Space within or on a Flat Roof shall not be enclosed or occupied building space, but any open-air or canopied rooftop spaces are allowed.
- (c) Rooftop Appurtenances. With the exception of solar panels, any rooftop appurtenances shall be located a minimum of 20 feet from any street façade and screened from the street per the director.

**3. Pitched Roof**

A sloped or pitched roof, where slope is measured with the vertical rise divided by the horizontal span or run. Refer to Figure 27-1800-9 Example of a Pitched Roof.

- (a) Pitch Measure. The roof may not be sloped less than a 3:12 (rise: run) or more than 14:12.
- (b) Configurations.
  - (1) Hipped, gabled, and combination of hips and gables with or without dormers are permitted.
  - (2) Butterfly (inverted gable roof) and shed roofs are permitted with a maximum height of 8 feet, inclusive of overhang.
  - (3) Gambrel and mansard roofs are permitted in the N districts. Minimum slopes apply to the topmost pitch of these roof types. Lower portions of these roof types must be sloped and not vertical. Space below these roofs counts as a full story.
- (c) Parallel Ridge Line. A gabled end or perpendicular ridgeline shall occur at least every 100 feet of roof when the ridgeline runs parallel to the primary frontage.

- (d) **Roof Height.** Roofs without occupied building space and/or dormers shall have a maximum height on primary and non-primary frontage facades equal to no more than 1.5 times the upper story floor-to-floor height utilized on the building.
- (e) **Occupied Building Space.** Space may be incorporated within this roof. See definition of half story.
- (f) **Rooftop Appurtenances.** With the exception of solar panels, any rooftop appurtenances shall be recessed within the pitched roof with no visibility on any street.

**4. Barrel Roof**

A barrel vaulted roof; may have a parapet on one or more facades. Refer to Figure 27-1800-8 Example of a Barrel Roof.

- (a) **Configuration.** The barrel vault of the roof shall run perpendicular to the front facade. Eaves may or may not be utilized.
- (b) **Vault Height.** The vault height shall not exceed half the vault width.
- (c) **Parapet.** When a parapet wall screens the vault from the street, the parapet shall not extend more than six feet above the barrel vault.
- (d) **Occupied Space.** Space may be incorporated behind this roof. See definition of half story.

**5. Other Roof Types**

Special roof designs otherwise not defined in this section may be approved through the Administrative Relief process per 27-1600 with the following requirements:

- (a) The roof shall not create additional occupied space beyond that permitted by the site and structure regulations.
- (b) The scale and type of the roof shall be consistent with the character of city and the area within which it is located.
- (c) The shape of the roof shall be different from those defined in this section 27-1803.E, such as a dome, spire, or vault, and not a gabled roof, hipped roof, butterfly roof, gambrel roof, mansard roof, roof with parapet, or flat roof.

**6. Towers**

A tower is a rectilinear or cylindrical, vertical element, that must be used with other roof types.

- (a) **Quantity.** One tower is permitted per building in any N district. In all other districts, unless otherwise stated, a maximum of one tower is allowed within the first 30 feet of the front façade. Additional towers may be allowed with Administrative Relief per 27-1600.
- (b) **Tower Height.** Maximum height, measured from the top of the parapet or eave to the top of the tower, is the equivalent of the height of one upper floor of the building to which the tower is applied.
- (c) **Tower Width.** Maximum width along all facades is one-third the width of the front facade or thirty feet, whichever is less.
- (d) **Horizontal Expression Lines.** An expression line shall define the tower from the upper stories, except on single family or attached house residential Frontage Types (refer to BMCC Sec.27-904 for Frontage Types).
- (e) **Occupied Space.** Towers may be occupied by the same uses allowed in upper stories of the Frontage Type to which it is applied.

- (f) Application. May be combined with all other Roof Types.
- (g) Tower Cap. The tower may be capped by the parapet, pitched, low pitched, or flat roof Roof Types, or a spire may cap the tower.

**7. Spire**

A spire is a long, tapering design element that can be attached to a tower or other Roof Type.

- (a) Permitted Location. Spires are permitted only on civic and institutional buildings.
- (b) Spire Height. Spire height is not limited.
- (c) Spire Width. Maximum width, measured at the spire base is one-sixth (1/6) the width of the front facade or fifteen (15) feet, whichever is less. A wider spire base, proportionate in height, is subject to the approval the Zoning Coordinator.
- (d) Occupied Space. Occupied space is not permitted within the spire.
- (e) Application. May be combined with any other roof type.

**F. OTHER GENERAL STRUCTURE MEASUREMENTS & TERMS**

*Antenna support structure height:* The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including any attached antennae. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

*Gross floor area:* The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

**G. USE AND PROPERTY SEPARATIONS MEASUREMENTS**

**1. Separation Between Uses**

- (a) Use separation is measured from the nearest point of a structure or part of a multiple use structure occupied by the use requiring separation to the nearest property line occupied by a use from which the separation is to be effected or established.
- (b) Only when a significant part of the use is operated outside of a completely enclosed structure shall a separation be measured from the nearest point of the zone lot occupied by the use requiring separation to the nearest property line occupied by a use from which the separation is to be effected or established.

**2. Separation Between Properties**

- (a) Property separation is measured as the horizontal distance between property lines, measured along the shortest line that can be drawn between the subject property lines.
- (b) Property separation along the street is measured as the horizontal distance between property lines, measured along the shortest route that follows the centerline of the street right-of-way between the nearest property lines of the subject properties.

**H. VISIBILITY AT INTERSECTIONS**

**1. Definition of Clear Vision Area**

- (a) Design. Where a clear vision area is required by this section, no fence, hedge, wall, shrub, structure, or vision impediment over 30 inches in height shall be located within the required clear vision triangle except:

- (1) Approved advertising signs, and public use controls and systems may be permitted in clear vision areas.
- (2) Trees with a maximum trunk diameter of one foot measured four feet above the ground line, provided they are trimmed of all branches between the ground line and eight feet in height.
- (b) Measurements and Exceptions. The following measurements shall apply unless provided otherwise in this section:
  - (1) The clear vision triangle shall be formed by the intersecting lines measured along the property lines.
  - (2) Height shall be measured above an established top-of-curb grade.
  - (3) Where there is a curve coming into the intersection or the street alignment near the intersection deviates by more than five degrees from tangent, the site may be subject to increased (additional) restrictions based on technical review by the city traffic engineer.

## 2. Clear Vision Areas at Intersections Outside of CBD

- (a) Controlled Intersections. On corner lots at intersections where one or more approaches are controlled by a stop sign, yield sign, or a traffic signal, a triangular clear vision area shall be provided as defined in Table 27-1802.1.

**Table 27-1802.1: Clear Vision Areas at Controlled Intersections**

| Intersection Type       | Clear Vision Area Required                                                                                                              | Illustrated in Figure(s) |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| <b>Controlled [1]</b>   |                                                                                                                                         |                          |
| Minor Street Stop [2,3] | Entering a Local Street—10' × 55' (along property lines)                                                                                | 2a                       |
|                         | Entering Collector Street—10' × 75' (along property lines)                                                                              |                          |
|                         | Entering Arterial Street—10' × 95' (along property lines)                                                                               |                          |
| All-Way Stop            | 20' × 20' along property lines                                                                                                          | 2b                       |
| Yield                   | 25' × 60' along property lines                                                                                                          | 2c                       |
| Traffic Signal          | Same as minor street stop looking toward approaching traffic in nearest travel lanes<br>Same as all-way stop looking opposite direction | 2d                       |
| <b>Notes</b>            |                                                                                                                                         |                          |

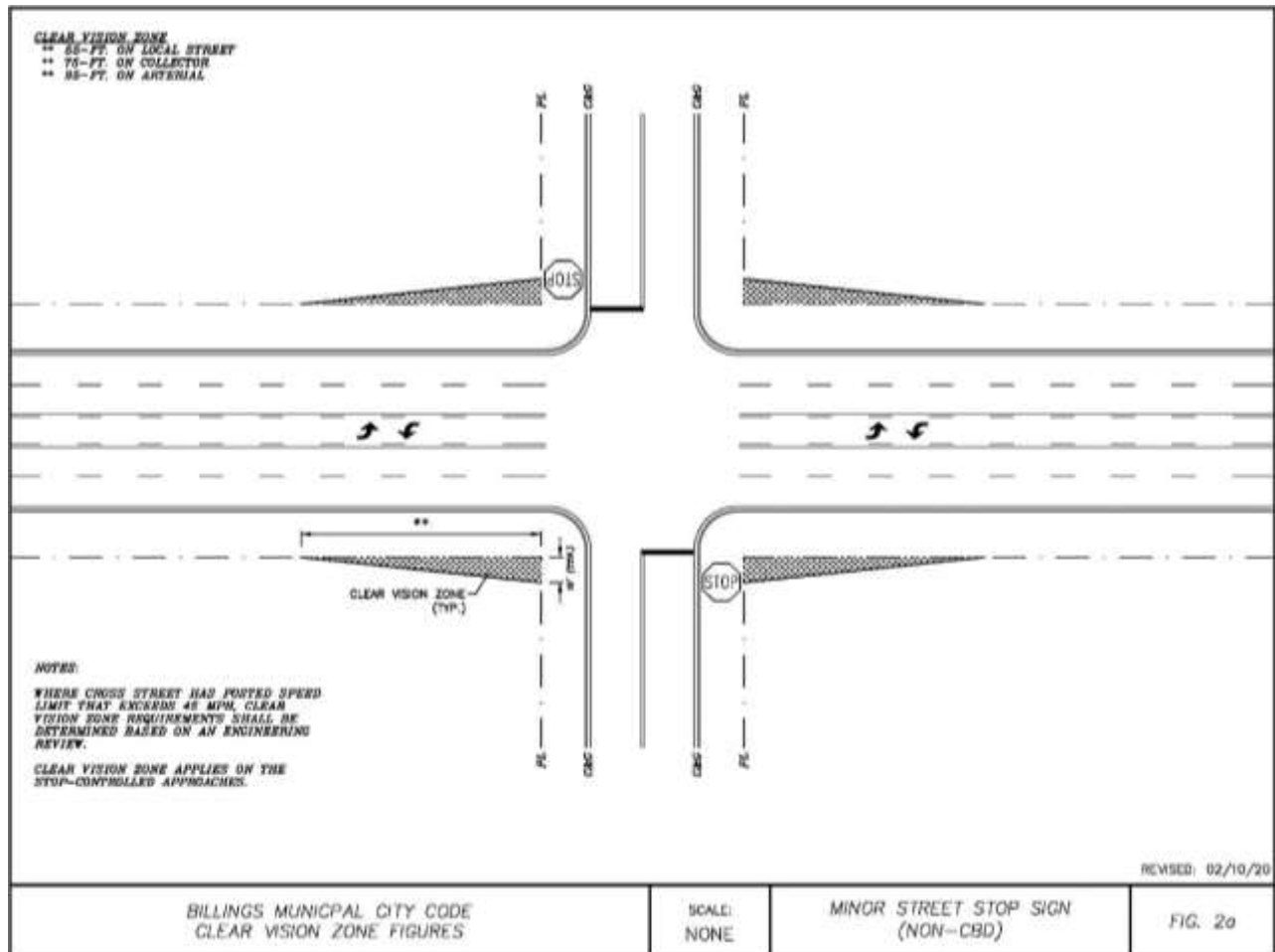
[1] Along private streets where there is no property line, controlled intersection areas shall be measured as though there is a property line 12 feet behind the curblane of the private street.

[2] For minor street stop (case 2a) entering a street with a posted speed limit greater than 45 mph, the required clear vision area will be based on an engineering review subject to approval by the city traffic engineer.

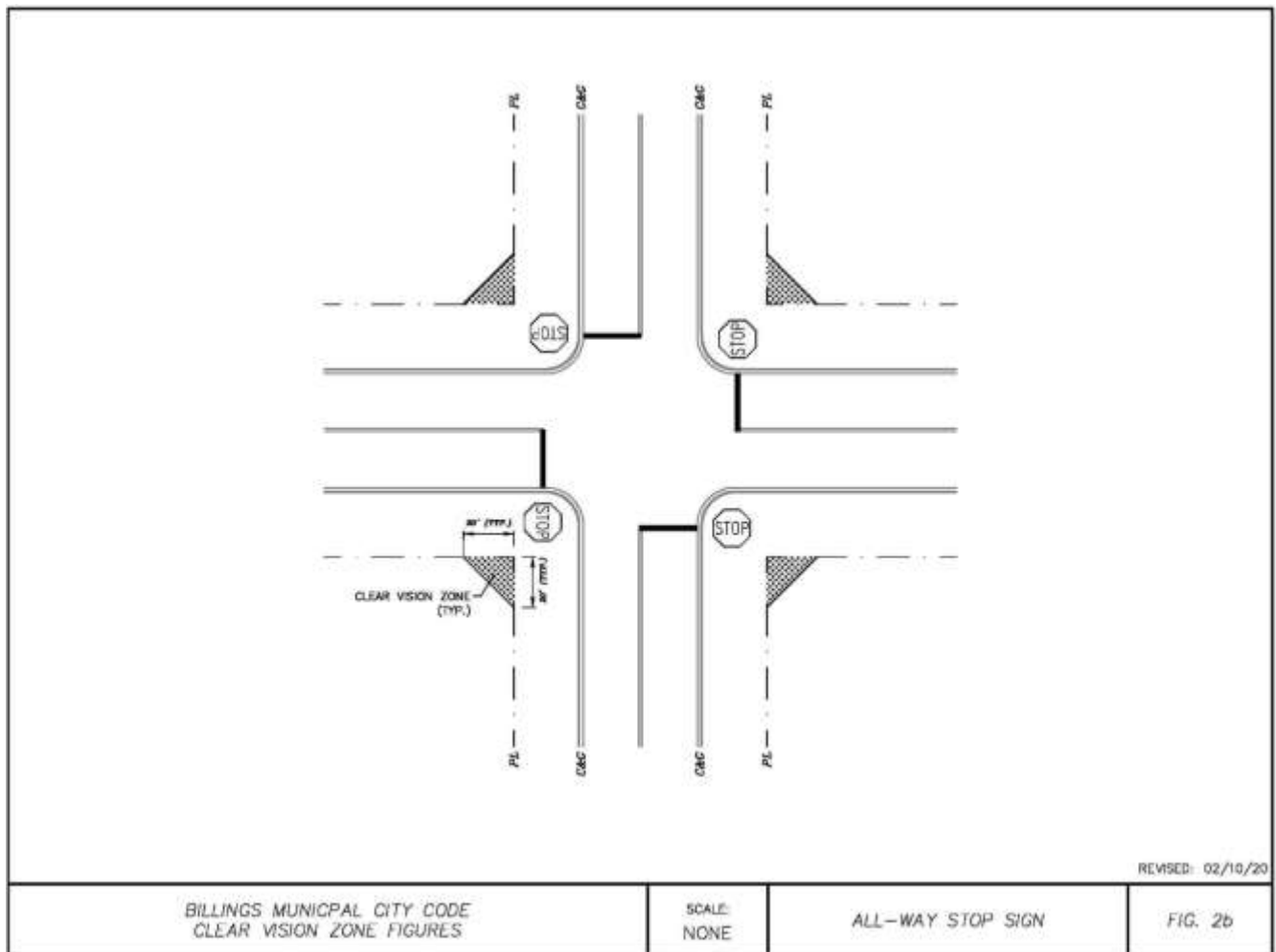
[3] Along arterial and collector streets where the "major" street curblane is more than 20 feet from the property line, the clear vision area may be reduced to that provided for a stop controlled local street intersection.

## (b) Controlled intersection types and figures:

- (1) Minor Street Stop Control. Any intersection where one or more approaches is controlled by a stop sign. See Figure 2a

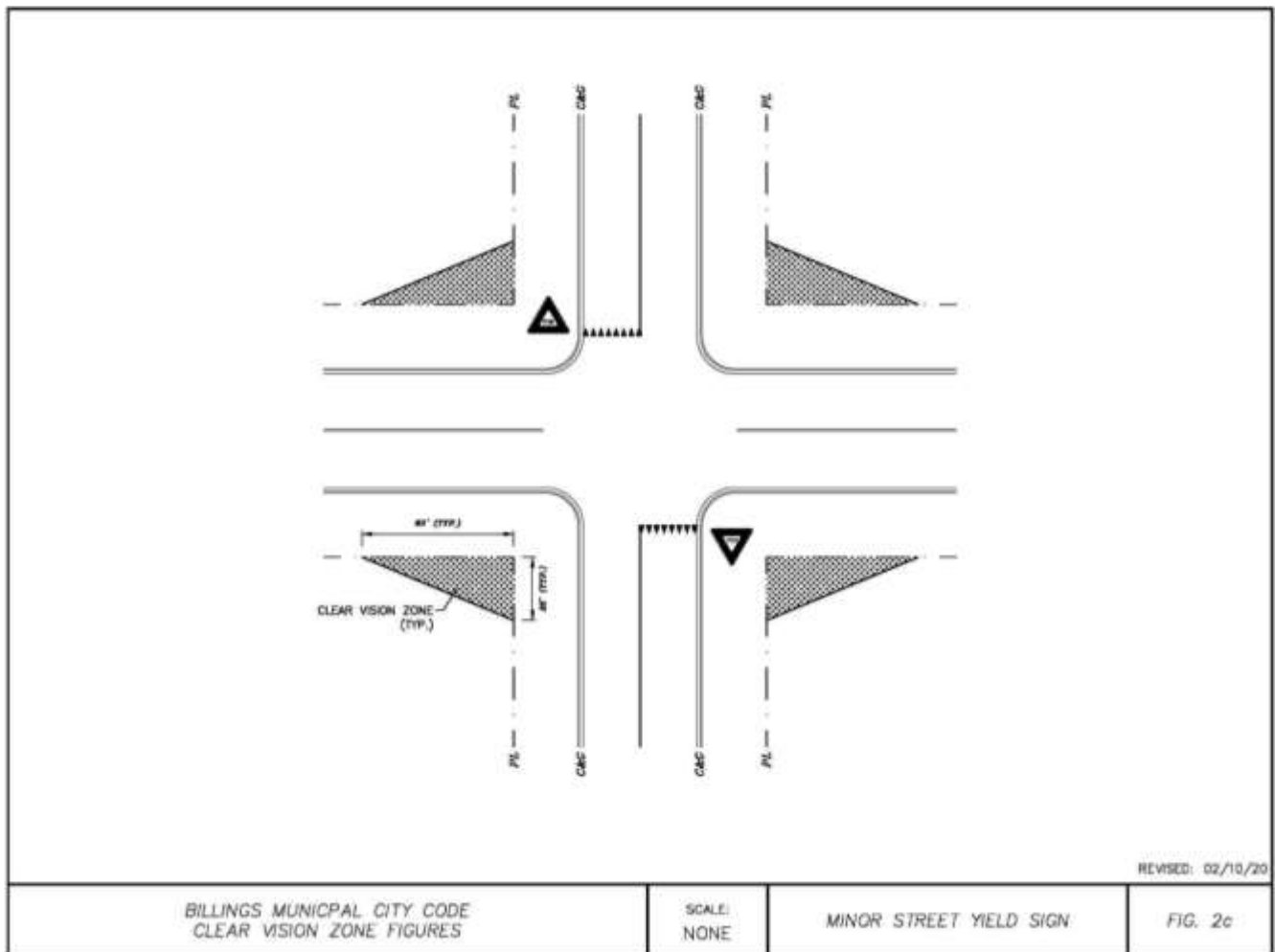


- (2) All Way Stop Control. Any intersection where all approaches are controlled by stop signs. See Figure 2b.

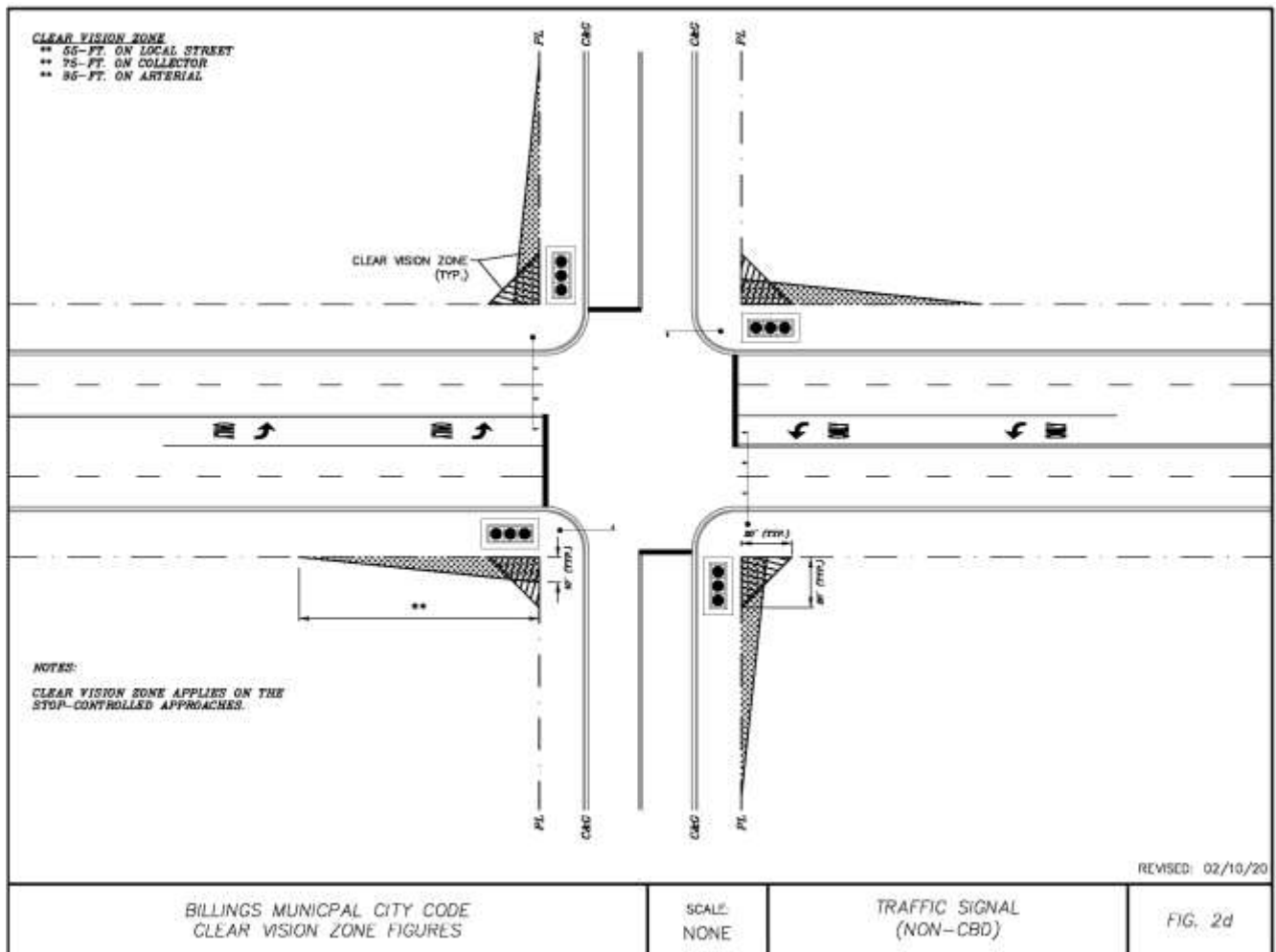




- (3) Yield Control. Any intersection where one or more approaches is controlled by a yield sign. See Figure 2c.



- (4) Traffic Signal Control. Any intersection where traffic is controlled by traffic signals. See Figure 2d.



### 3. Uncontrolled Intersections

On corner lots at the intersection of all streets not regulated by Section 27-1802.H.2, a triangular clear vision area shall be provided as defined in Table 27-1802.2.

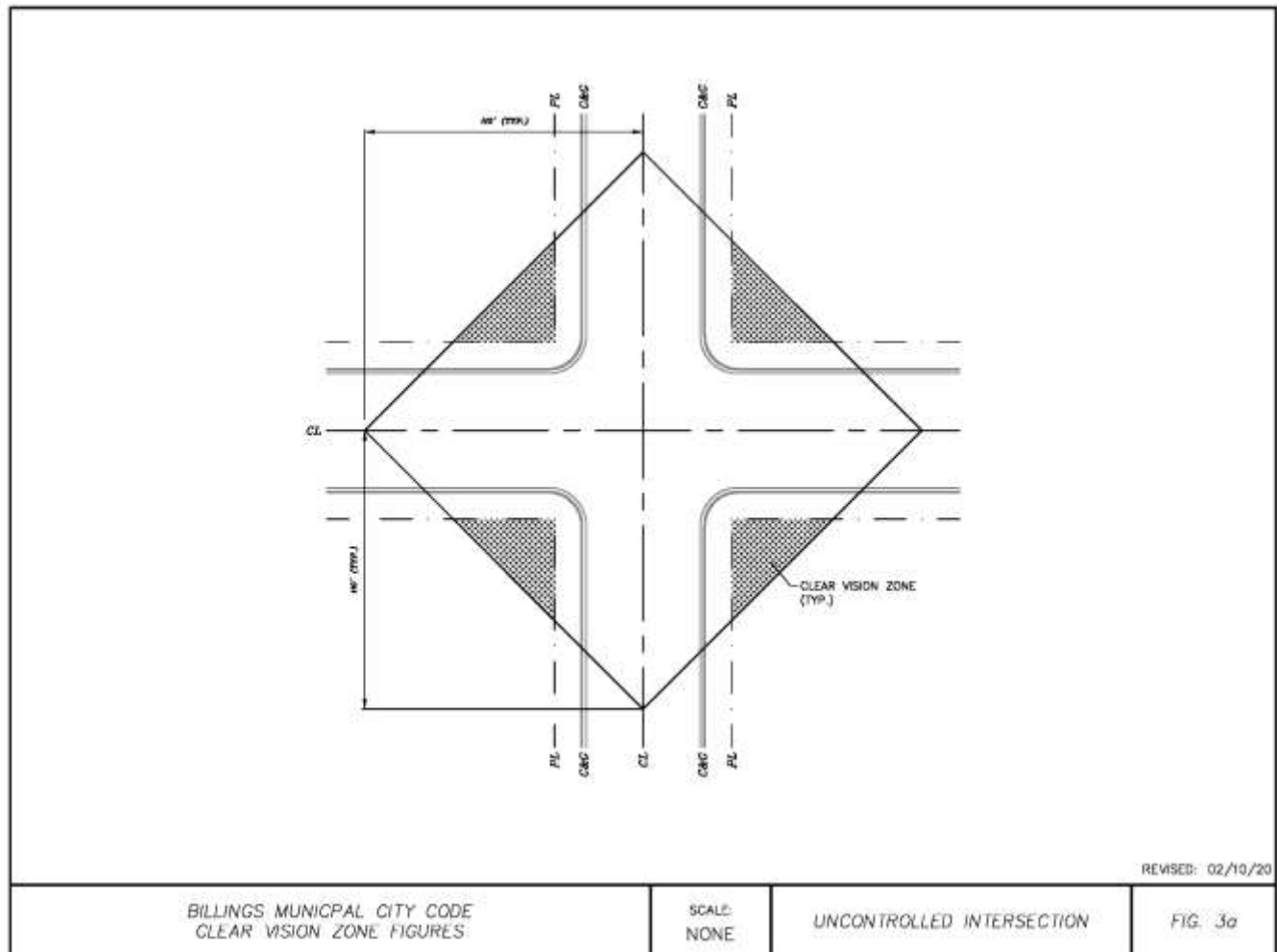
**Table 27-1802.2: Clear Vision Areas at Uncontrolled Intersections**

| Intersection Type          | Clear Vision Area Required                                          | Illustrated in Figure(s) |
|----------------------------|---------------------------------------------------------------------|--------------------------|
| <b>Uncontrolled (Open)</b> |                                                                     |                          |
| 4-Legged                   | 110' × 110' along street centerline                                 | 3a                       |
| 2-legged                   | 80' × 80' along street centerlines (extended)                       | 3b                       |
| "T" intersection           | 25' along stem × 60' along top of "T" measured along property lines | 3c                       |
| <b>Notes</b>               |                                                                     |                          |

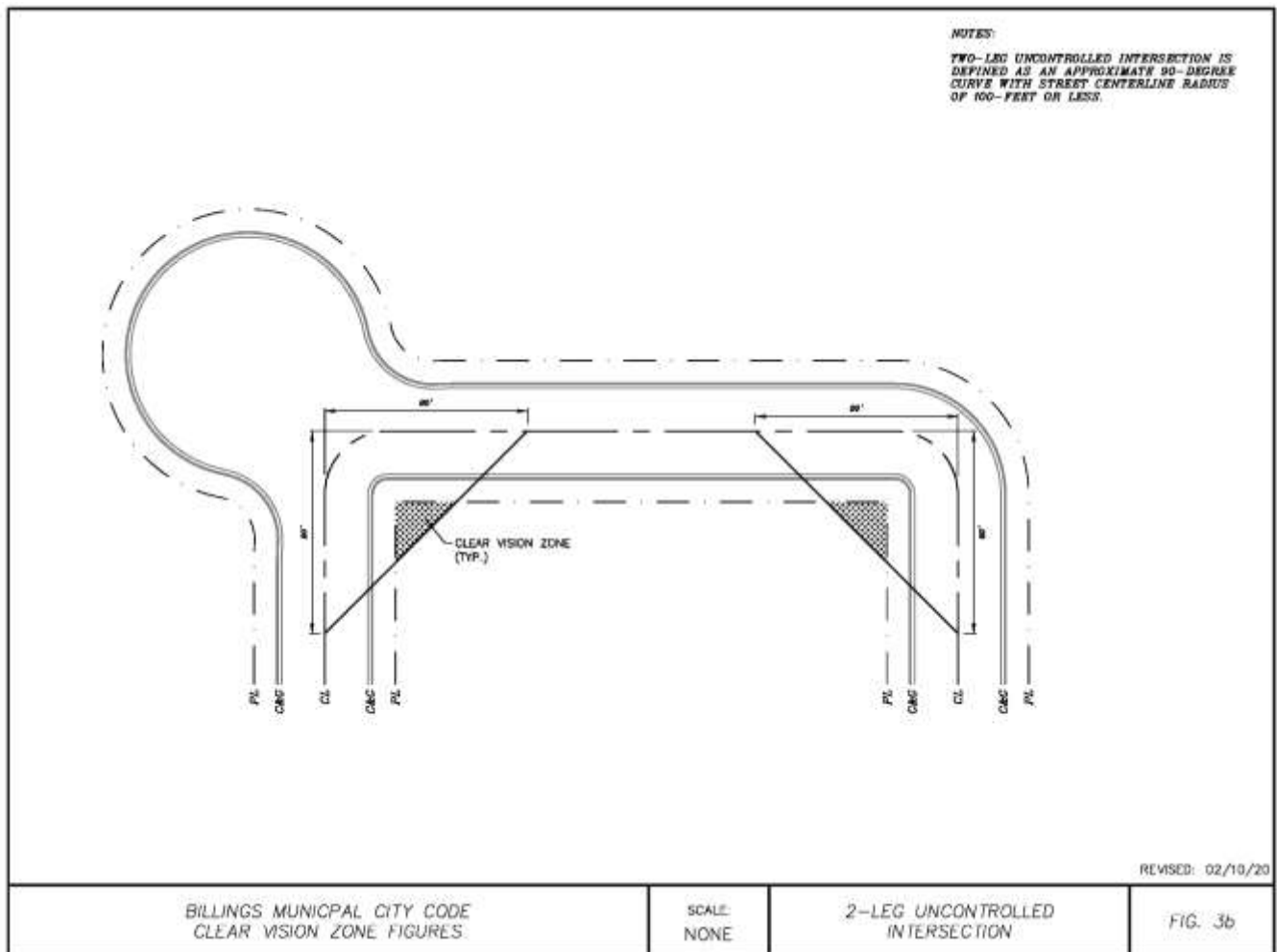
- (a) The clear vision triangle shall be formed by the intersecting street centerlines and a straight line joining such intersecting lines at points measured back from the point where the centerlines or the extension of the centerlines intersect a distance as established in Table 27-1802.2.

## (b) Uncontrolled intersection types and figures:

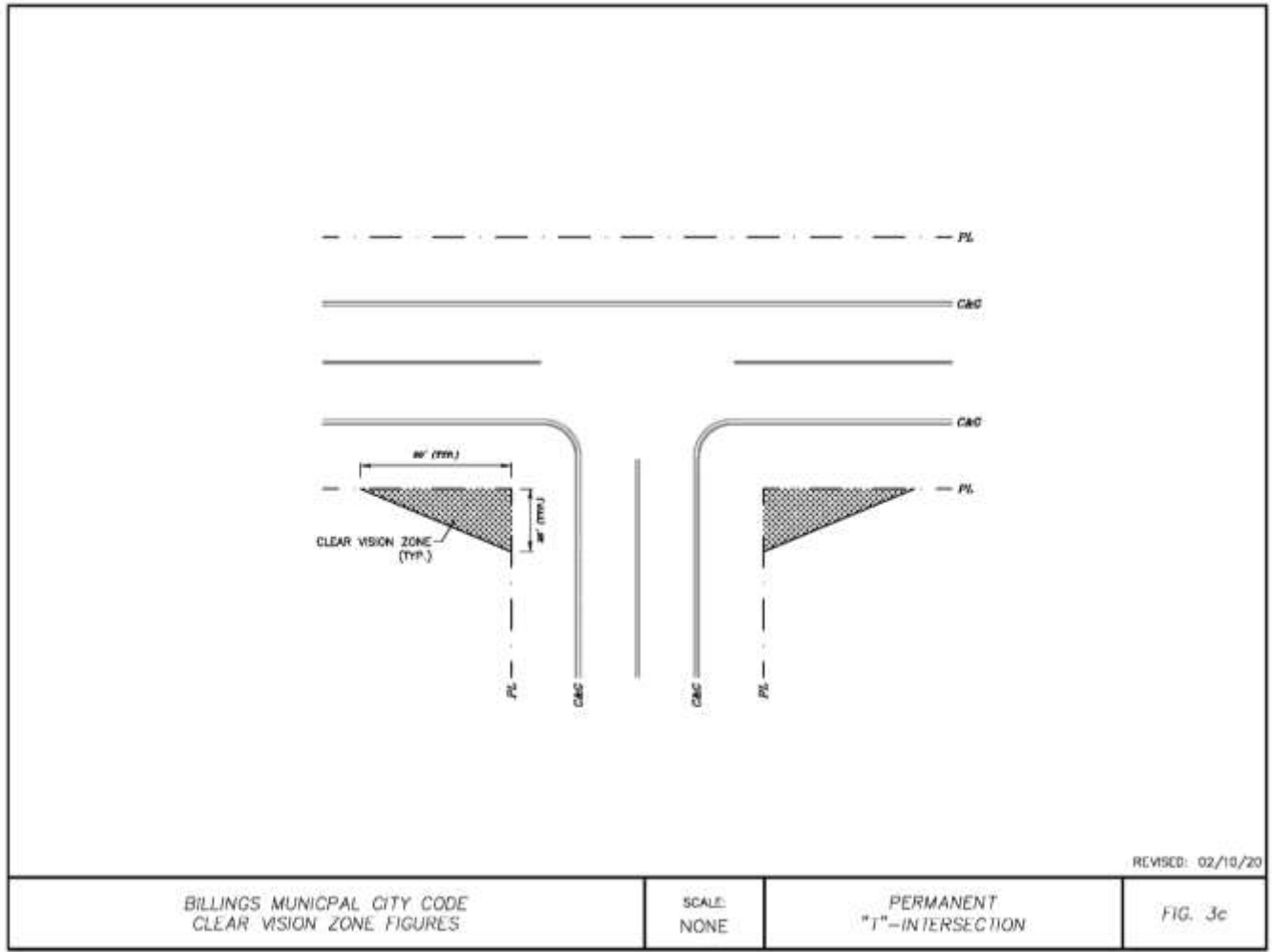
- (1) Uncontrolled 4-Legged Intersection. Any intersection where none of the approaches are controlled by a stop sign, yield sign or traffic signal. See Figure 3a.



- (2) Uncontrolled 2-Legged Intersection. Any intersection with a right angle curve with street centerline radius of 100 feet or less. See Figure 3b.



- (3) Uncontrolled "T" Intersection. See Figure 3c. Only applies to "permanent" T-intersections where there is no chance of the street extending through. Intersections where the property along the top of the "T" is not subdivided or is split into lots significantly larger than the majority of lots in the subdivision, or where there is a private street extending into the adjacent property opposite the stem of the "T" will be treated as a four-legged intersection.



4. **Clear Vision Area at Driveways and Alley Approaches Outside of CBD**

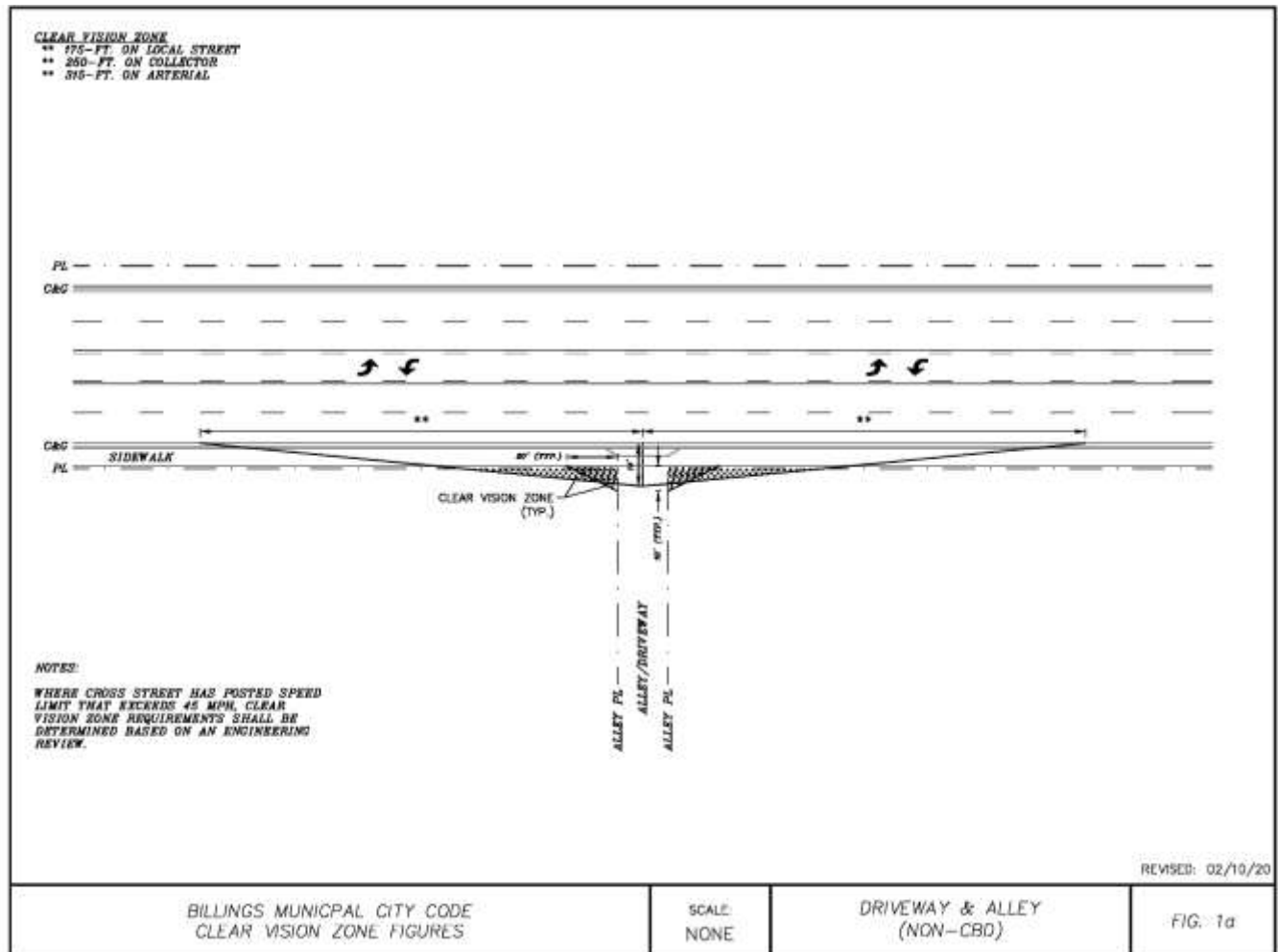
- (a) At the intersection of any alley or any driveway and a public street outside of the central business district, the illustrated clear vision area shall be maintained as defined in Table 27-1802.3.
- (b) If no sidewalk exists, all measurements shall be made from and along the property line.

**Table 27-1802.3: Clear Vision Areas at Driveways and Alleys Outside of CBD**

| Clear Vision Area for: | Clear Vision Area Required                                                                                                                                                                                    | Illustrated in Figure(s) |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| Vehicular Traffic      | Entering local street —Triangle measured along centerline of the driveway or alley 14 feet from back of curb by 175 feet along the curb line or the extension of the curb line on the cross street.           | 1a                       |
|                        | Entering collector street —Triangle measured along centerline of the driveway or alley 14 feet from back of curb by 250 feet along the curb line or the extension of the curb line on the cross street.       |                          |
|                        | Entering arterial street —Triangle measured along centerline of the driveway or alley 14 feet from back of curb by 315 feet along the curb line or the extension of the curb line on the cross street.<br>[1] |                          |
|                        | For driveways entering a street with a posted speed limit greater than 45 mph, the required clear vision area will be based on an engineering review subject to approval by the city traffic engineer.        |                          |
| Pedestrian Traffic     | Triangle 10 feet from back of walk into property measured along the edge of the drive, and 20 feet along the back of sidewalk measured from the edge of the driveway.                                         | 1a                       |
| <b>Notes</b>           |                                                                                                                                                                                                               |                          |

[1] For commercial driveways the point of reference for "centerline" shall be the actual marked centerline separating inbound and outbound traffic when there are two or more exit lanes.

## (1) Clear vision area figure(s):





5. Central Business District

(a) Intersections

- (b) On corner lots at intersections within the central business district a triangular clear vision area as defined in Table 27-1802.4.

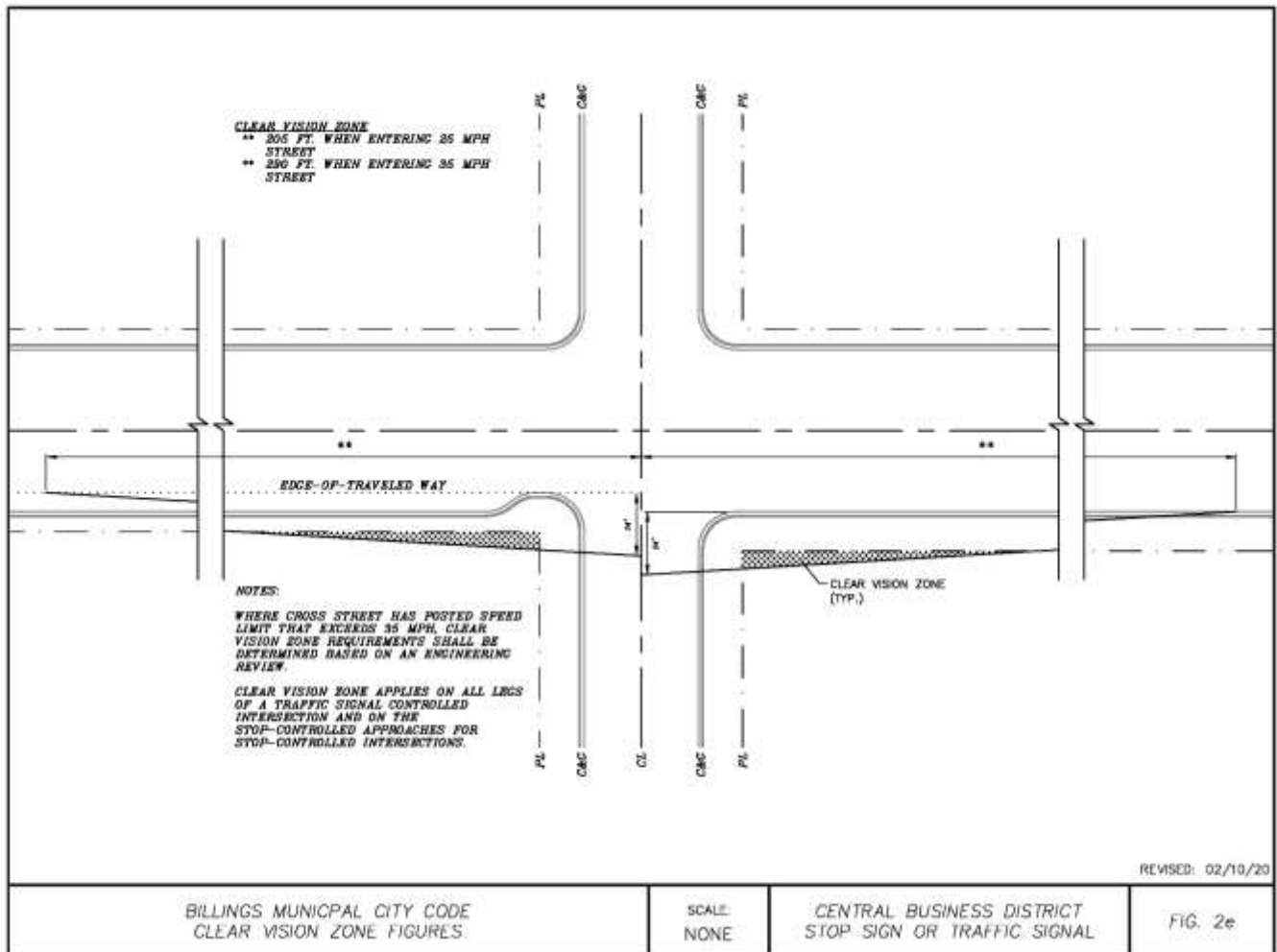
**Table 27-1802.4: CBD Clear Vision Areas at Intersections**

| Intersection Type           | Clear Vision Area Required                                                                                                                                                                                                     | Illustrated in Figure(s) |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| Stop Sign or Traffic Signal | Entering 25 mph Street—Triangle 14 feet along centerline on the stop controlled approach measured from back of curb on the intersecting street by 205 feet along the curbline or the extension of the curb on the cross street | 2e                       |
|                             | Entering 35 mph Street—Triangle 14 feet along centerline on the stop controlled approach measured from back of curb on the intersecting street by 290 feet along the curbline or the extension of the curb on the cross street |                          |
|                             | Entering street with speed limit above 35 mph—the required clear vision area will be based on an engineering review subject to approval by the city traffic engineer                                                           |                          |
| Yield                       | The required clear vision area will be based on a site specific engineering review subject to approval by the city traffic engineer                                                                                            | None                     |
| Uncontrolled/Open           | The required clear vision area will be based on a site specific engineering review subject to approval by the city traffic engineer                                                                                            | none                     |
| <b>Notes</b>                |                                                                                                                                                                                                                                |                          |

- (c) In cases where the clear vision area at intersections extends two feet or less on to private property, the city engineer is authorized to review and may waive the clear vision area.

## (d) Intersection Types

- (1) Stop Sign or Traffic Signal. Any intersection within the central business district where traffic is controlled by stop signs or traffic signals See Figure 2e.



- (2) Yield Controlled. Any intersection where one or more approaches is controlled by a yield sign.
- (3) Uncontrolled. Any intersection where none of the approaches are controlled by a stop sign, yield sign or traffic signal.

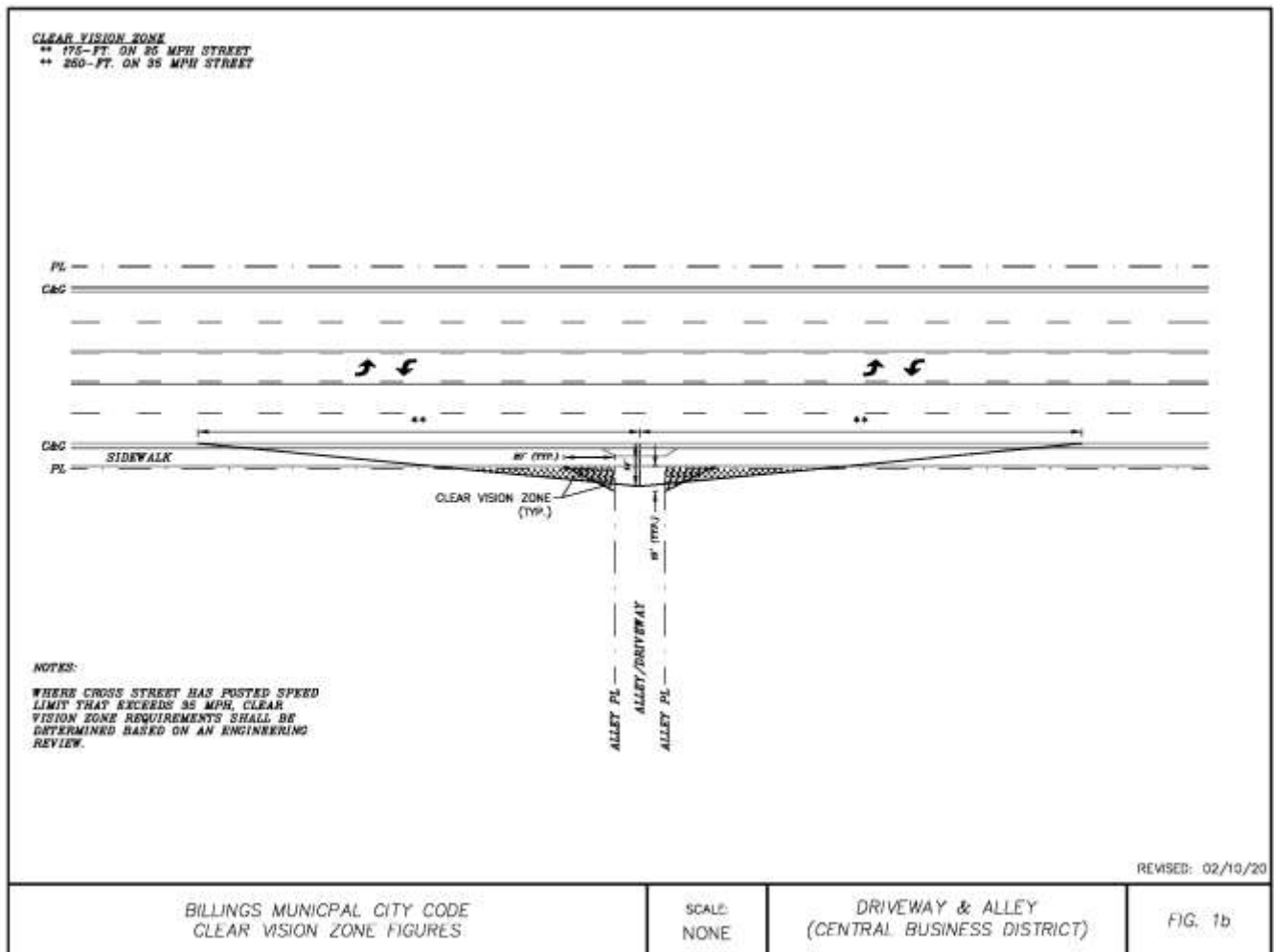
## 6. Driveway or Alley

- (a) On the street side of all lots within the central business district where an alley or driveway enters the street right-of-way, a vehicular and pedestrian clear vision area shall be maintained as defined in Table 27-1802.5.
- (b) The clear vision area for alleys and driveways shall not apply to buildings or pertinent parts thereof within the central business district.

Table 27-1802.5: CBD Clear Vision Areas at Driveways and Alleys

| Clear Vision Area for: | Clear Vision Area Required                                                                                                                                                                       | Illustrated in Figure(s) |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| Vehicular Traffic      | Entering 25 mph Street—Triangle measured along centerline of the driveway or alley 14 feet from back of curb by 175 feet along the curbline or the extension of the curbline on the cross street | 1b                       |
|                        | Entering 35 mph Street—Triangle measured along centerline of the driveway or alley 14 feet from back of curb by 250 feet along the curbline or the extension of the curbline on the cross street |                          |
|                        | Entering street with speed limit above 35 mph—the required clear vision area will be based on an engineering review subject to approval by the city traffic engineer                             |                          |
| Pedestrian Traffic     | The clear vision area is defined by a triangle 10 feet along edge of alley or driveway and 20 feet along back of sidewalk                                                                        | 1b                       |
| Notes                  |                                                                                                                                                                                                  |                          |

(c) Clear vision area figure:





## SECTION 27-1803 DEFINITIONS

## A. A TERMS

*AM*: Amplitude-modulated broadcasting in the frequency band 535-1, 705 Kilohertz.

*Abandoned antenna support structures*: Any antennae or antenna support structures that are not used for the provision of wireless communications services for a continuous period of six months shall be considered abandoned.

*Abandoned Sign*: A sign that meets the criteria for abandonment in Section 27-1411.

*Abut (or Abutting)*: To touch or share a contiguous boundary or border.

*Adjacent*: Lying near or in the immediate vicinity, e.g. across a street or alley, or diagonally across from.

*Access Point Sign*: A sign located at a motor vehicle access point to a property.

*Accessory*: A use, building or structure, part of a building or other structure, which is subordinate to, and the use of which is incidental to that of the main building, structure or use on the same lot, including a private garage.

*Attached accessory structure*: Any structure or building which has any roof or wall in common with the principal structure. For purposes of zoning, an attached accessory structure is considered part of the principal structure.

*Detached accessory structure*: Any structure or building which does not have any roof or wall in common with any principal structure or building. For purposes of zoning, a detached accessory structure must maintain a minimum distance of six feet from any other building or structure.

*Accessory dwelling unit*: A residential unit that is located on the same lot as a primary residential dwelling unit, either internal to or attached to the primary residential dwelling unit or in a detached structure.

*Accessory Equipment (Wireless Communication Facilities)*: Any equipment serving or being used in conjunction with a WCF, including, but not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

*Adult day care center*: An adult day care center is a facility that provides the staff assistance to clients that each requires for activities of daily living, including but not limited to eating, walking, and grooming in accordance with the requirements of the Montana Department of Public Health and Human Services.

*Adult foster family care home*: See Community residential facilities.

*Adult Entertainment Terms*:

Adult arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult bookstore or adult video store means a commercial establishment that, as one (1) of its principal business purposes, offers for sale or rental for any form of consideration any one (1) or more of the following:

Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, video reproductions, slides, or other visual representations which are characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."

Adult cabaret means a commercial establishment that regularly features:

Persons who appear nude or in a state of nudity or semi-nudity; or

Live performances that are characterized by the exposure of specified anatomical areas or by the exhibition of specified sexual activities;

Adult motel means a hotel, motel, or similar commercial establishment which:

Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;

Offers a sleeping room for rent for a period of time that is less than 10 hours; or

Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."

Religious assembly means a building which is used primarily for religious worship and related religious activities, including but not limited to churches, convents, monasteries, shrines, and temples.

City means the City of Billings, Montana.

Establishment means and includes any of the following:

The opening or commencement of any sexually oriented business as a new business;

The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

The additions of any sexually oriented business to any other existing sexually oriented business; or

The relocation of any sexually oriented business.

Nudity or a state of nudity means:

The appearance of a human bare buttock, anus, genitals, areola or nipple of the female breast, or

A state of dress that fails to opaquely and fully cover human buttocks, anus, genitals, pubic region, or areola or nipple of the female breast.

Sexually oriented business means an adult arcade, adult bookstore, adult cabaret, adult video store, adult motel, or adult motion picture theater.

Specified anatomical area means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

Specified sexual activities means and includes any of the following:

The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

Sex acts, whether actual or simulated, including: intercourse, oral copulation, or sodomy;

Masturbation, actual or simulated; or

Excretory functions as part of or in connection with any of the activities set forth in subsections a. through c.

Transfer of ownership or control of sexually oriented business means and includes any of the following:

The sale, lease, or sublease of the business;

The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or

The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

*Agricultural use:* The use of a tract of land for the production of plants, animals or horticultural products for commercial purposes, including but not limited to: forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep and swine; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products. Agriculture use shall not include commercial greenhouses and those lands that are used for recreational purposes, suburban residential acreages, rural home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition. This definition shall include equipment and/or facilities necessary to prepare agricultural products for transport to market but shall not include equipment and/or facilities for the processing of a raw agricultural product into a value-added agricultural product.

*Air transportation courier and freight services:* facilities for handling freight, with or without storage and maintenance facilities.

*Alterations:* A change or rearrangement of the structural parts of existing facilities, or an enlargement by extending the sides or increasing the height or depth or the moving from one location to another. In buildings for business, commercial, industrial or similar uses, the installation or rearrangement of partitions affecting more than one third of a single floor area shall be considered an alteration.

*Alternative financial services:* The use of a site for the provision of alternative financial services such as vehicle title loans, check cashing, payday advance/payday loan, or money transfer as defined below. An alternative financial services establishment does not include state or federally chartered banks, savings and loans, and credit unions. An alternative financial establishment does not include an establishment that provides financial services that are accessory to another main use.

*Check cashing business.* An establishment that provides one or more of the following:

- a. An amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction;
- b. An agreement not to cash a check or execute an electronic transfer of money for a specified period of time; or
- c. The cashing of checks, warrants, drafts, money orders, or other commercial paper for compensation by any person or entity for a fee.

*Payday advance/loan business.* An establishment that makes small consumer loans, usually backed by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term, or until a customer's next payday, and then cashed unless the customer repays the loan to reclaim such person's check. Such establishments may charge a flat fee or other service charge and/or a fee or interest rate based on the size of the loan amount.

*Money transfer business.* An establishment that transfers funds for a fee.

*Vehicle title loan business.* An establishment that makes small consumer loans that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. Failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle.

*Amateur radio antenna:* A ground-, building- or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, 49 CFR § 97 and as designated by the Federal Communications Commission (FCC).

*Amateur radio antenna support structure:* Any structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing amateur radio antennae. The term includes the structure and any support thereto.

*Ambient light monitor:* A device that is attached to an electronic message display that measures on a continuous basis the brightness of light surrounding the sign. The monitor is connected to the system that controls the brightness of the electronic message display. The brightness is then automatically adjusted based on the measured ambient light.

*Amusement, indoor:* Uses that provide commercial recreation or amusement indoors (except adult entertainment), including but not limited to: bowling alleys and poolrooms; indoor sports arenas, movie theaters and live theaters; indoor skating rinks (ice or roller); video arcades; and shooting arcades

*Amusement, outdoor:* Uses that provide commercial recreation or amusement outdoors (except adult entertainment), including but not limited to: drive-in movie theater; amusement park or theme park; fairgrounds; miniature golf establishments; golf driving ranges; water slides; and batting cages.

*Antenna (Wireless Communication Facilities):* Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennae, such as, but not limited to, panels antennae, reflecting discs, microwaves dishes, and satellite dishes, and omni-directional antennae, such as whip antennae, or other similar devices and configurations, and exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals, but not including satellite earth stations.



*Animated display sign:* A sign that employs the illusion of motion or light and/or color changes achieved through electronic means. Video display is not included in the activities that create animation.

*Apartment house:* See Dwelling, multiple-family.

*Applicant:* A person who formally requests action pursuant to this Zoning Code. Where the term applicant is used, the applicant's legal agent is also included. For the purposes of wireless communication facilities, applicant means any person that submits an application to the City to site, install, construct, collocate, modify, and/or operate a wireless communications facility.

*Arboretum/botanic gardens/zoo:* a group of uses that provide educational and cultural services to the public as part of their scientific collection and study of the subject that is the purpose of the establishment.

*Area of sign:* The total dimensions of a sign surface used to display information, copy, and/or symbols. See Section 27-1405 for sign measurement regulations.

*Assembly:* A room or place such as a ballroom, auditorium, party room, gaming room, or convention hall that is intended or used to accommodate people in a group and is further divided into the following types:

*Civic:* A building or structure, or group of buildings or structures, that by design and construction are primarily intended for the conducting of organized meetings, or other activities and accessory uses associated therewith, for non-commercial purposes.

*Entertainment and Trade:* A building or portion thereof used for groups of people to gather for an event, or regularly scheduled program. General assembly uses include arenas, auditoriums, banquet facilities, conference and reception centers, concert halls and theaters.

*Religious:* A facility or area for people to gather together for public worship, religious training, or other religious activities including a church, temple, mosque, synagogue, convent, monastery, or other structure, together with its accessory structures, including a parsonage or rectory. This use does not include home meetings or other religious activities conducted in a privately occupied residence. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions. Schools and other childcare services are not accessory uses and shall require approval as separate principal uses.

*Attached sign:* A sign that is attached or affixed to a building, including awning signs, canopy signs, marquee signs, projecting signs, roof signs, wall signs, and window signs.

*Auction house:* An establishment where the real or personal property of others is sold by a broker or auctioneer to persons who attend scheduled sales or events.

*Automobile or vehicle salvage or wrecking yard:* The dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled, or partially dismantled, obsolete, or wrecked vehicles or their parts or any establishment or place of business which is maintained or used for the storage, keeping, buying or selling of wrecked, scrapped or dismantled motor vehicles or motor parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding thirty days, have not been capable of operating under their own power and from which parts have been removed for reuse or sale, shall constitute a salvage or wrecking yard.

*Awning:* A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

*Awning sign:* Any sign that is a part of or attached to any awning.

**B. B TERMS**

*Banner sign:* Any sign made of cloth, paper, or fabric of any kind that is attached any structure, staff, pole, rope, wire, or framing that is anchored on two or more edges or at all four corners. Banners are temporary signs that are used to attract attention, whether or not imprinted with words or characters. Banners do not include flags.

*Bars, taverns:* An establishment where alcoholic beverages are served on the premises and where the total sales of alcohol exceeds the total sales of food.

*Base Station (Wireless Communication Facilities):* A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of base station does not include or encompass a tower as defined herein or any equipment associated with a tower. Base station does include, without limitation:

1. Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the City and has been reviewed and approved under the applicable zoning or siting process or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support; and
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks) that, at the time the relevant application is filed with the City, has been reviewed and approved under the applicable zoning or siting process or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

The definition of base station does not include any structure that, at the time the relevant application is filed with the City does not support or house equipment described in paragraphs 1 and 2 above.

*Beacon:* Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

*Bed and breakfast inn:* means a private, owner- or manager-occupied residence that is used as a private residence but in which: (a) breakfast is served and is included in the charge for a guest room; and (b) the number of daily guests served does not exceed 18.

*Billboard sign:* A freestanding pole sign with a sign area of 70 square feet or larger that typically advertises products or services not sold or distributed on the premises on which the sign is located.

*Board:* The Board of Adjustment of the City of Billings.

*Boarding, animal:* The feeding, housing, and exercising of animals not owned by the owner of the property and for which the property owner may receive compensation.

*Boarding or lodging house:* Buildings in which separate sleeping rooms are rented that provide sleeping accommodations for three or more persons on a weekly, semimonthly, monthly, or permanent basis, whether or not meals or central kitchens are provided but without separated cooking facilities or kitchens within each room, and whose occupants do not need professional nursing or personal-care services provided by the facility. Boarding houses shall not be construed to mean rest homes or convalescent homes. This definition shall also exclude "Bed and Breakfast Inns".

*Boat sales area:* See Vehicle sales area.

*Broadcast antenna:* A ground-, building- or tower-mounted antenna operated as a land mobile radio service or as a broadcast radio and/or television service as defined by the Federal Communications Commission (FCC) under Code of Federal Regulations and subsequent title amendments:

- (a) Title 47, PART 90 (47 CFR § 90)—Private Land Mobile Radio Services;
- (b) Title 47, PART 73 (47 CFR § 73) Radio Broadcast Services, which includes AM, FM, and Television Services; and
- (c) Title 47, PART 74 (47 CFR § 74) Experimental Radio, Auxiliary, and Special Broadcast and Other Program Distributional Services.

*Broadcast antenna support structure:* Any structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing antennae. Antenna support structures may include, but are not limited to, self-supporting lattice towers, guyed towers, or monopole towers. In this section, the term applies to land mobile radio service and broadcast radio and television transmission antenna support structures. The term includes the structure and any support thereto.

*Broadcast antenna or tower farm:* A tract of land that contains three (3) or more broadcast or land mobile radio service antenna support structures, any two (2) are spaced no more than seven hundred fifty (750) linear feet of each other. Legal tracts must be adjacent to each other to be included in this definition. The term is inclusive of all antenna support structures, equipment enclosures, buildings and any additions thereto.

*Broadcast facilities:* An unstaffed facility for the transmission and/or reception of radio signals for communications purposes, typically consisting of an equipment building or enclosure, an antenna support structure and one (1) or more antennae. This definition applies exclusively to land mobile radio fixed systems, and radio and television broadcast transmission facilities.

*Broadcasting stations or studios:* A building or portion of a building used as a place to create radio, television, or other electronic media programming. A broadcasting studio may contain studios, stages, editing facilities, post-production facilities, and equipment for program distribution via satellite, wire, or fiber optic cable. A broadcasting station or studio does not include a tower.

*Building:* Any structure having a roof, but excluding all forms of vehicles or shipping containers even though immobilized. When a use is required to be within a building, or where special authority granted pursuant to this chapter requires that a use shall be within an entirely enclosed building then the term "building" means one so designed and constructed from the ground to the roof line, and shall contain no openings except for windows and doors which are designed so that they may be closed.

*Building, principal:* The primary building(s) on a lot that accommodates the principal use(s) to which the premises are devoted.

*Bufferyard:* A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen uses from one another.

*Bulletin board sign:* A sign composed of a cork, letter board, white board, or comparable surface that is within a secured, weather-resistant enclosure and is used for the display of temporary messages.

*Bus or taxi maintenance and parking shed:* a facility where buses, taxis, and similar modes of transportation are stored and maintained.

*Business service:* Services such as building repair and maintenance, the installation of plumbing, electrical, air conditioning and heating equipment, janitorial services, and exterminating services. The retail sale of supplies is permitted as an accessory use.

### C. C TERMS

*Cabinet sign:* Sign composed of a frame or external structure with a box-like design that encloses a sign face and other functional elements of the sign, including electrical components.

*Caliper:* A standard for trunk measurement of plant nursery stock.

*Campground, public and private:* Any area or tract of land used or designed to accommodate two or more camping parties, including cabins, tents, travel trailers, recreational vehicles, and other camping outfits.

*Camouflage, Concealment, or Camouflage Design Techniques (Wireless Communication Facilities):* The designing of a WCF to alter its appearance in such a manner as to substantially integrate it into surrounding building designs and/or natural settings to minimize the visual impacts of the facility on the surrounding uses and ensure the facility is compatible with the environment in which it is located. A wireless communication facility utilizes camouflage design techniques when it: (i) is integrated as an architectural feature of an existing structure such as a cupola, or (ii) is integrated in an outdoor fixture such as a utility tower, or (iii) uses a design which mimics and is consistent with the nearby natural or architectural features (such as a clock tower) or is incorporated into (including without limitation, being attached to the exterior of such facilities and painted to match it) or replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not readily apparent.

*Canopy:* An attached or detached structure, open on at least one side, which is designed to provide overhead shelter from the sun or weather. Canopies include, but are not limited to, service station canopies, carports, porte-cochères, arcades, and pergolas. A canopy is different from an awning in that a canopy is not covered with fabric or flexible material. Permanent, freestanding canopies such as service station canopies are referred to as structural canopies for the purposes of sign regulation.

*Canopy sign:* Any sign that is a part of or attached to a canopy.

*Canopy tree:* A species of tree that normally bears crown foliage no lower than six feet above ground level upon maturity.

*Carport:* A structure to house or to protect motor vehicles owned or operated by the occupants of the main building and is open on at least one side.

*Car wash:* A building or area that provides facilities for washing and cleaning motor vehicles, excluding semi-tractors and/or semi-trailers, which may use production line methods with a conveyor, blower, other mechanical devices, or hand labor in the cleaning of the vehicle.

*Card game table:* A live card game table as defined in MCA Section 23-5-112.

*Casino:* An establishment where legal gambling is authorized pursuant to MCA Title 23, Chapter 5, Part 1 et seq., either in the form of gambling machines (video poker, keno, etc.), card games or other licensed gambling activity. A casino may have beverage and restaurant facilities as accessory uses. Casinos are classified as follows:

*Accessory Limited:* 1 to 3 gaming machines and one table game located in the structure or on the site.

*Accessory Small:* 4 to 9 gaming machines and one table game located in the structure or on the site.

*Primary/Large:* 10 or more gaming machines and/or more than one table game located in the structure or on the site.

*Cemetery/Crematorium:* A facility or area used or intended to be used for the burial of the dead, including crematories, mausoleums, and mortuaries when operated in conjunction with, and within the boundaries of such cemetery.

*Changeable copy sign:* A sign whose informational content can be manually changed or altered.

*Channel letter:* a three-dimensional letter than may include a light source.

*Chemical dependency facility:* A facility whose function is the treatment, rehabilitation, and prevention of the use of any chemical substance, including alcohol, that creates behavioral or health problems and endangers the health, interpersonal relationships, or economic function of an individual or the public health, welfare, or safety in accordance with the requirements of the Montana Department of Public Health and Human Services.

*Cidery:* A place where alcoholic cider is manufactured, stored, and sold.

*Clearance:* the distance from the bottom of an elevated sign face and the grade below.

*Co-location (Wireless Communication Facilities):* The mounting or installation of transmission equipment on an existing tower or base station; provided that for eligible facilities requests, “co-location” means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and /or receiving radio frequency signals for communications purposes.

*Commercial speech:* Expression by a speaker for the purposes of commerce, where the intended audience is actual or potential consumers, and where the content of the message is commercial in character. Commercial speech typically advertises a business or business activity or proposes a commercial transaction.

*Commercial wireless communications services (Wireless Communication Facilities):* Licensed commercial wireless telecommunication services including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

*Community garden:* An area managed and maintained by a group of individuals to grow and harvest food crops, or non-food crops, for personal or group consumption, for donation, or for sale that is incidental in nature

*Community group home:* See Community residential facilities.

*Community residential facilities:* Residential occupancy by persons other than a household in any of the following organizations:

*Adult foster family care home:* A private home licensed by the Montana Department of Public Health and Human Services owned by one or more persons 18 years of age or older which offers light personal care or custodial care to disabled adults who are not related to the owner by blood or marriage or which offers light personal care or custodial care to aged persons. The number of aged persons or disabled adults in an adult foster family care home may total no more than four.

*Community group home:* A family-oriented residence or home licensed by the appropriate state agency designed to provide residential services and facilities for developmentally, severely disabled or mentally disabled persons, but does not provide skilled or intermediate nursing care.



*Halfway house:* A place operated in accordance with the regulations of the Montana Department of Public Health and Human Services for the rehabilitation of alcohol or drug dependent persons.

*Youth foster home:* A youth care facility licensed by the Montana Department of Public Health and Human Services in which substitute care is provided to one to six foster children or youths, other than the foster parents' own children, stepchildren or wards.

*Youth group home:* A youth care facility licensed by the Montana Department of Public Health and Human Services in which substitute care is provided to seven to 12 children or youth.

*Assisted living facility:* An assisted living facility licensed by the Montana Department of Public Health and Human Services in a congregate residential setting that provides or coordinates personal care, 24-hour supervision and assistance, both scheduled and unscheduled, and activities and health-related services for persons 18 years old or older.

*Condominium:* Property that is owned as single units with common elements located on property submitted to the provisions of MCA Title 70 Chapter 23. This term does not include a townhome or townhouse.

*Coniferous:* A plant with foliage that persists and remains green year-round.

*Consumer maintenance and repair:* A use category that includes uses that provide the repair and maintenance of a wide variety of consumer products.

*Convenience store:* A retail store that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract, and depends upon, a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by the "7-11" and "Kwik-Way" chains. These stores may also include pumps and/or storage tanks from which fuels are dispensed at retail. No servicing, maintenance or repair work shall be conducted on the business premises. This definition shall exclude truck stops.

*Copy:* The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

*Copy Change:* The replacement or alteration of any portion of a sign that includes copy. This includes any change that alters the script, size, color, or arrangement of copy on a sign face or replacement of a sign face. This does not include any change to manual changeable copy or changes on EMD signs.

*Correctional Facility:* A facility for the judicially required detention or incarceration of people, where inmates and detainees are under 24-hour supervision by professionals, except when on approved leave.

*Courtyard:* An outdoor area enclosed by a building or buildings on at least three sides for at least 75 percent of the length of each side, and open to the sky.

*Craft Alcohol:* The production of small batches of wine, hard cider, beer, or distilled alcoholic beverage as licensed by Montana law.

*Cutoff:* The point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated at a specific angle above the ground.

*Cutoff angle:* The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

*Cutoff-type luminaire:* A luminaire with elements such as shields reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than 90 degrees.

## D. D TERMS

*Dangerous sign:* A sign constituting a hazard to public safety because it no longer complies with some or all requirements of the building code or electrical code.

*Day care:* (or "child care") means care for children provided by an adult, other than a parent of the children or other person living with the children as a parent, on a regular or irregular basis, as applicable, for daily periods of less than 24 hours, whether that care is for daytime or nighttime hours. The term does not include a place where day care is provided if a parent of a child for whom day care is provided remains on the premises.

*Day care facility:* A person, association, or place, incorporated or unincorporated, that provides day care on a regular basis or a place licensed or registered to provide day care on an irregular basis or for children suffering from illness. The term includes a family day-care home, a day-care center, a group day-care home, or a facility providing care in a child's home for the purpose of meeting registration requirements for the receipt of payments. The term does not include: (a) a person who limits care to children who are related to the person by blood or marriage or under the person's legal guardianship, unless registration or licensure as a day-care facility is required to receive payments; or (b) any group facility established chiefly for educational purposes that limits its services to children who are 3 years of age or older.

*Day-care center:* An out-of-home place in which day care is provided to 13 or more children on a regular or irregular basis and which is licensed by the Montana Department of Public Health and Human Services.

*Family day-care home:* A private residence in which day care is provided to three to six children on a regular basis. Such day care home shall be licensed by the Montana Department of Public Health and Human Services.

*Group day-care home:* A private residence or other structure in which day care is provided to 7 to 12 children on a regular basis and which is licensed by the Montana Department of Public Health and Human Services.

*School-age care:* An adult-supervised program that is provided for school-age children during non-school hours.

*Deciduous:* A plant with foliage that is shed annually.

*Director:* The Director of Planning & Community Services and his or her designee.

*Distributed Antenna System (Wireless Communication Facilities):* A network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.

*Drive-in service:* A use whose character is dependent on a driveway approach, a drive-through and/or parking space for motor vehicles to either serve customers while in the vehicle or permit consumption of food or beverages in a vehicle obtained on the premises.

*Dripline:* A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

*Drive-through (thru):* The use of land, buildings, or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant, window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. This definition does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or a service station.

*Drought avoidance:* The ability of a plant, once established, to withstand drought without showing signs of stress.

*Drought tolerance:* The ability of a plant, once established, to withstand drought without dying.

*Duplex:* See Dwelling, two-unit.

*Dwelling:* A building designed exclusively for residential purposes, including single-unit, two-unit, and multiple-unit dwellings, but not including hotels or motel units, bed and breakfast guest rooms, boarding or lodging houses, tourist homes, or travel trailers and/or vehicles.

*Dwelling, attached:* A structure where the dwelling units share a common separation such as a ceiling, wall, etc. (including, without limitation, the wall of an attached garage or porch) and where access cannot be gained between the units through an internal doorway.

*Dwelling, detached:* A dwelling that is free of any shared walls and stands alone

*Dwelling, single-unit:* A building constructed and designed for one dwelling unit.

*Dwelling, two-unit (duplex):* A building constructed and designed for two attached dwelling units,

*Dwelling, multiple-unit:* A building constructed and designed for three or more dwelling units, where the dwelling units share a common separation such as a ceiling, wall, etc. (including, without limitation, the wall of an attached garage or porch) and where access cannot be gained between the units through an internal doorway, excluding common hallways.

*Dwelling unit:* One or more rooms designed for or occupied exclusively by one household.

## **E. E TERMS**

*Eave.* The edge of a pitched or flat roof; it typically overhangs beyond the side of a building.

*Educational Facility:* A use category for public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or trade or business schools that provide educational instruction to students.

*Electric vehicle charging station:* An electric vehicle charging station is a public or private parking space(s) that is (are) served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle, and is classified based on the following levels:

Level 1 is considered slow charging, and operates on a fifteen to twenty amp breaker on a one hundred twenty volt AC circuit.

Level 2 is considered medium charging, and operated on a forty to one hundred amp breaker on a two hundred forty volt AC circuit.

Level 3 is considered fast or rapid charging, and operated on a sixty amp or higher breaker on a four hundred eighty volt or higher three phase circuit with special grounding equipment. Level three stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

*Electronic message display (EMD):* A sign with a display surface composed of light-emitting diodes (LEDs) or similar light sources that is capable of displaying varying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means.

*Eligible Support Structure (Wireless Communication Facilities):* Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the City.



*Enclosed structure:* A building that protects the contents thereof from the elements, including sight-obscuring walls on all sides and a roof.

*Equipment enclosure (Wireless Communication Facilities):* A structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies, and emergency generators.

*Existing (Wireless Communication Facilities):* For purpose of wireless communication facilities and as applied to a tower or base station, existing means and refers to a constructed tower or base station that has been reviewed and approved under the applicable zoning or siting process of the City, or under another State, county or local regulatory review process.

*Expression line.* Specific to the EBURD, an architectural feature consisting of a decorative, three-dimensional, linear element, horizontal or vertical, protruding or indented at least two (2) inches from the exterior facade of a building typically utilized to delineate the top or bottom of floors or stories of a building.

## F. F TERMS

*FAA:* Federal Aviation Administration

*FCC:* Federal Communications Commission

*Facade.* The exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements. The front facade is any building face adjacent to the front lot line.

*Family day care home:* See Child care facilities.

*Farm stand:* A temporary structure not permanently affixed to the ground and is readily removable in its entirety, which is used solely for the display or sale of agricultural products.

*Fence:* A barrier composed of posts connected by boards, rails, panels or wire for the purpose of enclosing space to separate parcels of land. This term also includes a masonry wall.

*Financial institution:* Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. Accessory uses may include automatic teller machines, offices, and parking. The use may or may not be allowed to have a drive-through facility, depending on the zone district.

*Flag:* A flexible piece of fabric, that is attached along one edge to a straight, rigid flagpole (directly or with rope), and which is designed to move when the wind blows. Flags are typically (but not necessarily) rectangular in shape, and often (but not always) include printed or embroidered insignia that symbolizes a nation, state, or organization, or that display a graphic or message.

*Flashing sign:* An electronic message display, portion thereof, or non-EMD lighting that changes light intensity in a brief, brilliant, or sudden and transient outburst of light causing a steady on and off, glittering, sparkling, or scintillating pattern. Neon and incandescent lamps may flash in the following ways.

1. Alternating: One section comes on as another goes off.
2. Scintillating: Random sections go on and off with part of the lighting on at all times.
3. Chasing: One section comes on at a time and is followed by one section going off at a time. Part of the sign is on at all times.
4. Sweeping (filling): The lighting sections individually go on until all of the sections are on, then the entire group goes off and then the process is repeated.

5. On-off action: Lighting that goes all on and then all off.

*Flutter flags:* A piece of cloth or other similar material, varying in size, color, and design, that is attached to a flexible pole or staff, and may be in the shape of a vertically-oriented rectangle, teardrop, or similar, where typically the cloth or material is supported by wire to maintain the shape of the flag. Also called wind blade, blade, feather, or teardrop flags.

*Fraternity/sorority house:* A dwelling or dwelling unit occupied by and maintained exclusively for fraternity or sorority members, their guests or visitors and affiliated with and acknowledged as a fraternity/sorority house by an academic or professional college or university or other recognized institution of higher learning.

*Freestanding sign:* Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure, including monument and pole signs.

*Fuel sales:* A facility engaged in the storage, distribution, and retail sales of vehicle fuels for personal vehicles, fleet vehicles, and/or trucks.

*Funeral home:* A building or part thereof used for human funeral services. Such building may contain space and facilities for: (a) embalming and the performance of other services used in the preparation of the deceased for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns and other related funeral supplies; (d) the storage of funeral vehicles, and(e) facilities for cremation.

## G. G TERMS

*Gambling device:* See MCA Section 23-5-112: A mechanical, electromechanical, or electronic device, machine, slot machine, instrument, apparatus, contrivance, scheme, or system used or intended for use in any gambling activity.

*Gambling:* See MCA Section 23-5-112: Risking any money, credit, deposit, check, property, or other thing of value for a gain that is contingent in whole or in part upon lot, chance, or the operation of a gambling device or gambling enterprise. The term does not mean conducting or participating in a promotional game of chance and does not include amusement games regulated by Title 23, chapter 6, part 1. The term does not include social card games of bridge, cribbage, hearts, pinochle, pitch, rummy, solo, and whist played solely for prizes of minimal value, as defined by Montana Gambling Control Division rule.

*Garage, residential:* An accessory building or an accessory portion of the main building, enclosed on more than three sides and designed or primarily used only for the shelter or storage of vehicles owned and operated by the occupants of the buildings.

*Ghost signs:* A sign painted on an exterior building wall, which has been weathered and faded to the extent that it has lost its original brightness of color and visibility, most commonly located on masonry facades and served as advertising of the business within or as a leased area to other businesses.

*Golf course:* A tract of land laid out for at least nine holes for playing the game of golf that may include a clubhouse, golf schools, driving ranges, and accessory uses such as restaurants/bars, pro shops, and related facilities.

*Government offices and buildings:* An office of a governmental agency that provides administrative and/or direct services to the public, including but not limited to, employment offices, public assistance offices, motor vehicle licensing, and registration services.

*Government sign:* Any temporary or permanent sign erected and maintained by the city, county, state, or federal government.

*Grain elevator:* A building for elevating, storing, discharging, and sometimes processing grain.

*Greenhouse:* A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of fragile or out-of-season plants for subsequent sale or for personal enjoyment.

*Ground cover:* Material planted or placed directly on the horizontal area of a lot at grade to completely open ground. Ground cover is specified as either organic or inorganic landscaping material.

*Ground level (signs):* the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the sign and property line or, when the property line is more than five feet from the sign, between the sign and a line five feet from the sign.

*Group day care home:* See Child care facilities.

#### H. H TERMS

*Halfway house:* See Community residential facilities.

*Hazard (sign):* Whenever any portion, support structure, or appurtenance of a sign is likely to fail or to become detached, dislodge, or collapse.

*Heliport:* Any facility whose primary purpose is for the landing or taking-off of helicopters. This would include any accessory uses or structures related to the principal use as a heliport, such as maintenance and overhaul, fueling, service, storage, tie-down areas and hangars.

*Hobby farm:* A small holding or farm maintained without expectation of profit or as a primary source of income. For purposes of these regulations, this definition shall exclude residential structures.

*Home occupation:* An occupation carried on by an occupant of a dwelling, which is located in a residential zoning district, as an accessory and incidental activity to the main residential use of the building.

*Hospice:* A facility where palliative and supportive care are provided to meet the needs of a terminally ill patient and the patient's family according to the requirements of the Montana Department of Public Health and Human Services.

*Hospital* A facility providing, by or under the supervision of licensed physicians, services for medical diagnosis, treatment, rehabilitation, and care of injured, disabled, or sick individuals. Except as otherwise provided by law, services provided must include medical personnel available to provide emergency care onsite 24 hours a day and may include any other service allowed by state licensing authority. A hospital has an organized medical staff that is on call and available within 20 minutes, 24 hours a day, 7 days a week, and provides 24-hour nursing care by licensed registered nurses. The term includes: (i) hospitals specializing in providing health services for psychiatric, developmentally disabled, and tubercular patients; and (ii) specialty hospitals.

*Hotel:* A building, or portion thereof, designed or used for temporary lodging, being less than 30 days, where lodging with or without meals is provided for compensation. A central dining room, banquet meeting hall, kitchen, plus accessory shops and services catering to the general public can be provided.

Household:

1. A family, including any foster children, plus any number of unrelated persons living together in a single, not-for-profit housekeeping unit sharing one common kitchen facility; or

2. One or more persons occupying a dwelling unit as a single housekeeping unit, subject to a limit of not more than two adult persons per bedroom; or
3. Any group of individuals and caretakers recognized as a household by Montana law.

#### I. I TERMS

*Impervious site coverage (EBURD only).* The percentage of a lot developed with principal or accessory structures and impervious surfaces, such as driveways, sidewalks, and patios.

*Individual business:* One business on one parcel provided that the parcel is not part of a multiple business complex; and also provided the parcel is not part of a group of multiple contiguous parcels under the same ownership. See also Tenant.

*Industrial sales and service:* A use category of firms that are engaged in the sale, repair, or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Contractors and similar users perform services off-site. Few customers come to the site. Accessory activities may include sales, offices, parking, and storage.

*Inflatable sign:* A sign that is constructed from or attached to an envelope flexible material that is given shape and / or movement by inflation. The phrase inflatable sign does not include balloons that are less than 18 inches in all dimensions. Inflatable signs do not include hot air balloons used for air travel.

*Inoperable vehicle:* Any vehicle incapable of immediate operation under its own power safely and in concurrence with governing and applicable traffic ordinances and statutes or any vehicle not having current license plates lawfully affixed thereto.

*Interstate corridor:* The area of the city which is within 660 feet of the nearest edge of the right-of-way of a designated interstate highway and which area is not in a neighborhood residential zone or used for residential purposes.

*Invasive Species:* An alien (non-naturalized) species whose introduction does or is likely to cause economic or environmental harm or harm to human health and which tends to disrupt natural ecosystems by displacing naturalized species.

*Irrigation system:* An artificial watering system designed to transport and distribute water to plants.

#### J. J TERMS

*Junk:* Any worn out cast off or discarded article or material that is ready for destruction or has been collected or stored as salvage, for conversion to some other use or for reduction into components. Junk includes but is not limited to, old or scrap brass, rope, rags, batteries, paper, tires, rubber debris or waste, iron, steel and other old or scrap ferrous or non-ferrous material.

*Junkyard:* An open area where wastes, or used or secondhand materials are bought, sold, exchanged, stored, processed or handled, which are not intended to be recycled. Materials shall include, but are not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles.

#### K. K TERMS

*Kennel, commercial:* Any lot, building, structure or premises where more than two dogs or cats over the age of six months, other than those owned by the kennel owner are kept or maintained for boarding, training, breeding or selling, exclusive of medical care or for quarantine purposes in excess of 24 hours. Female dogs bred for the sole purpose of the sale of puppies for profit, and female dogs numbering more than three constitute a Commercial Kennel.

*Kennel, noncommercial:* A kennel at, in, or adjoining a private residence where more than two dogs or cats are kept for the hobby of the householder in using them in shows or obedience trials, personal pleasure or for the guarding or protecting of the householder's property. The occasional raising of a litter of puppies or kittens at the kennel and the occasional sale of puppies or kittens by the keeper of a noncommercial kennel should in no way change the character of the residential property.

## L. L TERMS

*Land mobile radio service (LMRS):* A mobile service between base stations and land mobile stations or between land mobile stations as defined in Title 47, PART 90 (47 CFR § 90)—Private Land Mobile Radio Services.

*Landscape architect:* A person who holds a license to practice landscape architecture in the State of Montana.

*Landscaping:* To change the natural features of a plot of ground by combination of organic and inorganic elements, as further described in sections 27-1201, et seq.

*Landscaping material, inorganic:* Material such as rock, stone, flower tubs, fountains, outdoor plazas or other amenities.

*Landscaping material, organic:* Any material that is or is derived from living plants, such as trees, shrubs, vines, turf, and flowerbeds, bark chips, or mulch.

*Livestock and fowl:* Livestock shall include all animals of the equine, bovine and swine class, including goats, sheep, mules, horses, hogs, cattle and other grazing animals. Fowl shall include chickens, geese, ducks, turkeys and other poultry.

*Long-term care facility:* a facility or part of a facility that provides skilled nursing care, residential care, intermediate nursing care, or intermediate developmental disability care to a total of two or more individuals or that provides personal care in accordance with the requirements of the Montana Department of Public Health and Human Services.

*Long-Term Tenant:* A person who occupies land or property rented from a property owner for 30 days or longer.

*Luminaire:* A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

## M. M TERMS

*Maintenance (sign):* The cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the structure of the sign. Replacement of a static sign with an EMD is considered a sign change that requires a permit.

*Manufactured home:* (See MCA 15-1-101(m)) A home built on a non-removable steel chassis or frame. Each transportable unit of a manufactured home has a red certification label on the exterior section and is built according to the Manufactured Home Construction and Safety Standards (HUD Code). A manufactured home does not include a mobile home or house-trailer constructed before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976. Manufactured homes are classified as Type 1, homes that were certified on or after January 1, 1990; and Type 2, homes that were certified prior to January 1, 1990.

*Manufactured home park:* A residential use in which more than one manufactured home is located on a single lot. This term does not include a parcel composed of individually platted lots, each lot of which is filed with the Yellowstone County clerk and recorder, which contain only one manufactured home per lot.

*Manufacturing:* Establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, such activity is a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory activities may include retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters.

*Artisan:* Spaces used by artists for the creation of art or the practice of their artistic endeavors.

*Limited:* The creation of a unique or customized product, such as hats, boots, or knives, in fulfillment of a customer order.

*Light:* An establishment engaged in fabrication, assembly, processing, or manufacturing that generally do not create significant impacts on surrounding areas.

*Heavy:* An establishment engaged in fabrication, assembly, processing, or manufacturing that have the potential to create significant impacts on surrounding areas due to the types of materials used, byproducts created, hours of operations, volumes of heavy truck or rail traffic, or other factors.

*Marquee:* A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a façade of a building.

*Marquee sign:* A sign attached to a marquee.

*Mechanical motion sign:* Signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced mean.

*Medical Structures:* Any structure on a P3 Medical Campus that is used for the provision or support of healthcare services and/or patient care including, but not limited to, a hospital, clinic, medical building, emergency room, trauma center, urgent care facility, surgery center, dialysis or infusion center, medical research center, home oxygen service, pharmacy and any parking associated with and/or used by the occupants of or visitors to those structures. All other structures on a P3 Medical Campus and their associated parking are considered non-medical.

*Mental health center:* A facility providing services for the prevention or diagnosis of mental illness, the care and treatment of mentally ill patients, the rehabilitation of mentally ill individuals, or any combination of these services in accordance with the requirements of the Montana Department of Public Health and Human Services.

*Merchandise:* All items of movable personal property offered for sale to the public for which no title is required to be registered with or issued by the state.

*Message hold time:* The time interval a static message must remain on an electronic message display sign before transitioning to another message.

*Micro Cell Facility (Wireless Communication Facilities):* A small wireless facility that is no larger than 24 inches in length, 15 inches in width, 12 inches in height, and that has an exterior antenna, if any, that is no more than eleven inches in length.



*Microbrewery (craft brewery, brew pub):* A facility for the production and packaging of up to 10,000 barrels a year of malt beverages of alcoholic content for on or off premises distribution, retail or wholesale in conformance with Montana State law. The facilities typically include a tasting room and may include accessory food preparation and sales, as well as sales of promotional merchandise such as growlers, T-shirts, and hats.

*Microdistillery:* A facility for the limited production of distilled spirits, making up to 25,000 gallons per year, for on or off premises distribution, retail, or wholesale in conformance with Montana State law. The facilities typically include a tasting room and may include accessory food preparation and sales, as well as sales of promotional merchandise such as T-shirts and hats.

*Micro-irrigation:* The frequent application of small quantities of water directly on or beneath the soil surface, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along the lateral water delivery pipes. Micro-irrigation includes drip, subsurface, bubbler, and spray irrigation and may be referred to as trickle irrigation, low volume, or low flow irrigation.

*Mobile home:* (See MCA 15-1-101(o)) Forms of housing known as "trailers", "house-trailers", or "trailer coaches" exceeding 8 feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, house-trailer, or trailer coach up to 8 feet in width or 45 feet in length used as a principal residence.

*Modular home:* (See ARM 42.4.201(14)) A home built in a factory setting in units, transported to the home site, placed on a permanent foundation, and joined. Modular homes are required to meet the Building Code adopted by the State of Montana.

*Monopole (Wireless Communication Facilities):* A single, freestanding pole-type structure supporting one or more antennas.

*Monument sign:* A sign and supporting structure constructed as a solid structure or one that gives the appearance of a continuous, non-hollow, unbroken mass. A multitenant monument sign is a monument sign permitted for a property with three or more tenants, as identified by individual tenant addresses.

*Motor vehicle:* A two or more wheeled or track vehicle designed to transport one or more persons or properties from one location to another including without limitation: trucks, buses, cars, motorcycles, scooters, farm and industrial equipment.

*Moving billboard sign:* A sign attached in any way to a vehicle operating in the public right-of-way, that is used for the primary purpose of advertising, and where the vehicle is either: (1) not used primarily for the transportation of passengers for hire or goods, or (2) is not designed for the transportation of passengers for hire or goods.

*Multiple businesses (signs):* Businesses that may be located in a single building or in multiple buildings on a single site.

*Multi-unit developments:*

- (1) Condominium, townhome, townhouse or commercial development projects that include common, private facilities shared by two or more buildings or lots.
- (2) Residential developments that have more than two dwelling units and include common, private facilities shared by two or more buildings or lots.

## N. N TERMS

*Native plant:* Plant species occurring naturally and native to a given ecosystem or plant community that is suited to the soil, topography, hydrology, and wildfire risk of a particular site.

*Naturalized plant:* A plant species that has become established in an area where it is not native.

*Neighborhood watch sign:* A sign obtained through the local law enforcement agency as part of a neighborhood watch program.

*New Wireless Communication Facility:* The establishment of a telecommunications facility on a tower, building or other support structure where no such facility presently exists.

## **O. 0 TERMS**

*Occupied:* Includes the words intended, designated or arranged to be occupied.

*Occupied space:* Interior building space occupied by the building users. It does not include storage areas, utility space, or parking.

*Off-premises sign:* A sign or billboard that is used or intended for use to advertise, identify, direct or attract the attention of the public to a business, institution, product, organization, event or location offered or existing elsewhere than upon the same lot, tract or parcel of land where such sign or billboard is displayed.

*Office, business and professional:* A category of establishments in which services are performed involving administrative, professional, business, or clerical operations. This use includes contractors and others who perform services off-site only if major equipment and materials are not stored at the site and fabrication or similar work is not carried out on the site.

*On-premises sign:* means any sign identifying or advertising a business, activity, goods, products or services located on the premises where the sign is installed and maintained.

*On-vehicle sign:* Any magnetic sign(s), signs painted or wrapped on, adhesive vinyl film affixed to a window, or sign attached by other temporary or permanent means to a vehicle, where the vehicle is owned by the business, is operable and properly licensed, and the vehicle is regularly and consistently used in the normal daily conduct of the business, such as delivering or transporting goods or providing services related to the business.

*Open storage:* The storage for a period of five consecutive days or more of junk, salvage, trash, inoperable vehicles and/or merchandise outside of an enclosed structure.

*Outdoor sales lot:* Use of land for retail product sales where the majority of the goods are stored or displayed outside during both business and non-business hours. Outdoor sales lots include automobile and truck sales and rental; boat and recreational vehicle sales and rental; and manufactured home dealerships.

*Outpatient center for surgical services:* A clinic, infirmary, or other institution or organization that is specifically designed and operated to provide surgical services to patients not requiring hospitalization and that may include recovery care beds in accordance with the requirements of the Montana Department of Public Health and Human Services.

*Over the Air Receiving Device:* An antenna used to receive video programming from direct broadcast satellites, broadband radio services and television broadcast stations, but shall not include antennas used for AM/FM radio, amateur ("ham") radio, CB radio, digital audio radio services or antennas used as part of a hub to relay signals among multiple locations.

*Owner:* A person recorded as such on official records and including duly authorized agent.



*Owner-occupied:* For the purposes of short-term rentals, a residence that is lived in by the owner or a long-term tenant for the majority of a calendar year.

## P. P TERMS

*Parcel:* A single tract or parcel of land, no matter how legally described whether by metes and bounds, certificate of survey, and/or by lot or lots and block designation as in a recorded plat, which at the time of applying for a building permit is designated by its owner or developer as the tract to be used, developed or built upon as a unit of land under single ownership or control and assigned to the particular use for which the building permit is being secured and having frontage on or access to a public street over an easement approved by the city engineer.

*Passenger terminal:* Premises used for the boarding or discharge of people being transported.

*Pedestrianway:* A pathway designed for use by pedestrians; it can be located mid-block allowing pedestrian movement from one street to another without traveling along the block's perimeter.

*Pennant:* A piece of fabric, plastic or other flexible medium that may be in the shape of a triangle, rectangle or other shape, is typically mounted to a flexible cord or rope that is stretched across two points, is mounted in quantity and spaced along the cord or rope.

*Permanent sign:* A sign constructed of materials that are weather resistant for multiple years without significant deterioration from exposure to the elements or wear and tear.

*Permanent tree protection devices:* Structural measures, such as retaining walls or aeration devices that are designed to protect the tree and its root system throughout its lifetime.

*Personal service:* A use category for establishments providing non-medical services to individuals as a primary use.

*Pervious surface:* Also referred to as pervious material. A material or surface that allows for the absorption of water into the ground or plant material, such as permeable pavers or a vegetated roof.

*Parking, commercial:* A use category including the commercial assembly or standing of vehicles, either in a garage structure or on a surface lot.

*Personal self-service storage:* Real property designed and used for the purpose of renting or leasing individual storage space to tenants with access to such spaces for the purpose of storing and removing personal property.

*Pole-Mounted Small Cell Wireless Facility:* A small cell facility with antenna that are mounted and supported on an alternative tower structure, which includes a replacement pole.

*Pole sign:* A sign that is supported by one or more uprights, poles, or braces affixed to the ground, and not attached to a building or structure.

*Portable sign:* Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

*Premises:* An area 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.

*Primary public entrance:* An entrance to a business that is open to the public during its normal and customary hours of operations and the entrance is used as the primary ingress and egress to the business by the public.

*Principal building:*

1. A structure accommodating the principal use to which the property is devoted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings. A campus may also have more than one principal building or principal use. Campuses may include buildings or uses that would be principal if located off-campus, but which are accessory to the principal use of the campus.
2. The building in a multi-unit multifamily development located at the main access to the complex or where the office functions are provided for the complex.

*Principal building entrance:* A street-level primary point of public pedestrian access into a building. The phrase "principal building entrance" does not include doors used principally as emergency exits, or doors that provide restricted access (e.g., for employees or deliveries).

*Principal use:* The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

*Private:* In reference to a building, structure, utility, facility or use, "private" means owned by someone other than a unit of government, or an agency of a government, unless the context clearly indicates that "private" is being used in the broader sense of something not available to the general populace.

*Projected light sign:* Any image, text, or other content that is projected onto an outdoor surface (e.g., a building wall or sidewalk) by a laser projector, video projector, video mapping, or other comparable technology, in a location such that the image, text, or content is obviously visible from outside of the premises.

*Projecting sign:* A sign, other than a flat wall sign, that is attached to and projects from a building, wall or other structure not specifically designed to support the sign. Projecting signs include architectural blade signs.

*Proposed Facilities Modification (Wireless Communication Facilities):* A proposal submitted by an applicant to modify an eligible support structure which the applicant asserts is subject to review under Section 6409 of the Spectrum Act (minor modification), and involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

*Public:* In reference to a building, structure, utility, facility, or use, "public" means owned and/or operated by a unit of government or an agency of a unit of government, unless the context clearly indicates that "public" is being used in the broader sense of something available to the general populace.

*Public recreation facility:* Facilities or equipment that are used for public recreational or natural resource purposes that have a relatively low flood damage potential, and do not involve a structure. This includes, without limitation: bicycle, equestrian or pedestrian trails and paths, benches, ball fields, tennis and basketball courts, interpretive facilities, and golf courses.

*Public right-of-way width:* The perpendicular distance across a public street measured from property line to property line. When property lines on opposite sides of the public street are not parallel, the public right-of-way width shall be determined by the city engineer.

## Q. Q TERMS

[Reserved]

## R. R TERMS

*Radio Frequency Emissions Letter (Wireless Communication Facilities):* A letter from the applicant certifying all WCFs that are the subject of the application shall comply with federal standards for radio frequency emissions.

*Ranch:* A ranch is an area of land that usually serves as a place to raise grazing livestock including sheep, cattle, and lesser-known livestock such as ostrich, elk, American bison, or emu.

*Recreational vehicle:* A motor home, travel trailer, or camper, all as defined in MCA 61-1-101.

*Recreational vehicle park:* Any area or tract of land designed or used that contains two or more spaces that are available for rent to the general public for parking or placement of temporary recreational vehicles. This term does not include a parcel composed of individually platted lots.

*Recycling processing facility:* A facility that is not a junkyard and in which recoverable resources, such as newspaper, glassware and metal cans are collected, stored, flattened, crushed or bundled. This term does not include automobile or vehicle salvage or wrecking yards.

*Re-facing:* Any alteration to the face of a sign involving the replacement of materials. Re-facing does not refer to replacing the entire sign structure or the removal of the sign.

*Replacement Pole (Wireless Communication Facilities):* An alternative tower structure that is a newly constructed and permitted traffic signal, utility pole, street light, flagpole, electric distribution, or street light poles or other similar structure of proportions and of equal height or such other height that would not constitute a substantial change to a pre-existing pole or structure in order to support a WCF or small cell facility or micro cell facility or to accommodate collocation and replaces a pre-existing pole or structure.

*Research and testing laboratory:* A facility for conducting medical or scientific research, investigation, testing, or experimentation; however, this does not include facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. This definition includes electronic and telecommunications laboratories, including assembly.

*Residential treatment facility:* A facility operated for the primary purpose of providing residential psychiatric care to individuals under 21 years of age in accordance with the requirements of the Montana Department of Public Health and Human Services.

*Residential care facility:* An adult day-care center, an adult foster care home, an assisted living facility, or a retirement home.

*Restaurant:* An establishment where food and drinks are available to the general public, primarily for consumption within a structure on the premises where the total sales of food and non-alcoholic beverages exceeds the total sales of alcoholic beverages.

*Retail sales:* A use category for businesses involved in the sale, lease, or rental of new or used products to the general public. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging or repair of goods for on-site sale.

*Agricultural retail:* Retail outlets that sell farm, ranch, and agricultural supplies but may include other merchandise.

*General retail:* An establishment engaged in the sale of good to the public at retail and that have the potential to create impacts on surrounding residential areas due to the scale of the building, hours of operations, volumes of automobile or truck traffic, or other factors.

*Large-format retail:* A physically large retail store that is typically part of a retail chain. A large-format store is characterized by a large amount of floor space (generally more than 50,000 square feet) and a wide array of items available for sale, either as general merchandise or in a specialty category such as books or consumer electronics,

*Limited retail:* An establishment engaged in the retail sales of convenience goods and other goods serving the day to day needs of the immediate neighborhood within one half (1/2) mile of the site, and not including major purchase items, and that generally do not create significant impacts on surrounding residential areas due to the small size of the establishment and more limited automobile and/or truck traffic.

*Retirement home or village:* A building or buildings in which separate living accommodations are rented or leased to individuals who use those accommodations as their primary residence.

*Required sign:* A sign that is required by an applicable building code (e.g., address numbers) or health and safety regulations (e.g., the Occupational Safety and Health Act ("OSHA")) or other laws or regulations, whether such sign is temporary or permanent.

*Right-of-way:* A strip of land dedicated or acquired for use as a public way, or that is acquired through an easement.

*Rider (sign):* A subordinate sign panel that is attached to a swing sign, either above the horizontal member or below the principal sign face. To illustrate, but without limiting the range of messages that a rider may convey, if the swing sign is used to advertise a property as "for sale," a rider is often used to convey a related message such as "contract pending."

*Roof sign:* A sign erected, constructed and maintained upon, or connected to any roof of any building with the principal support on the roof structure. This definition excludes architectural blade signs.

1. Roof sign, above-peak: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
2. Roof sign, integral: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

*Runoff:* Water or liquid that is not absorbed by the soil or landscape to which it is applied and flows from the area.

## S. S TERMS

*Salvage yard:* A lot or portion of a lot where junk, waste, discarded or salvaged materials are bought, sold, exchanged, baled, stored, packed, disassembled or handled, including auto wrecking activities, building wrecking activities, used lumber places and places for storage of salvaged building materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building. This definition includes junkyard.

*Satellite dish antenna:* A device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition shall include but not be limited to what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), direct satellite systems (D.S.S.) and satellite microwave antennas.

*Satellite signal, usable:* That level of signal received via the satellite dish antenna, which will run the television and/or radio with a minimum level of distortion, a distortion level that is barely discernible to the naked eye and a picture quality consistent with other reception in the area.

*School, college or university:* A public or private institution for higher learning (beyond grade 12) providing instruction as approved by the Montana Department of Education or a national collegiate or university accreditation agency. This definition also includes higher learning facilities for religious institutions.

*School:* An institution of learning which offers instruction in the several branches of learning and study required to be taught in the schools by the Montana State Board of Education; includes public, private and parochial schools.

*School, trade, business, technology, or vocational:* A vocational / technical school, trade school, language school, business school, training center, beauty school, culinary school, and comparable advanced or continuing education facilities. The phrase does not include music schools, fitness centers, sports instruction, swimming instruction, or martial arts instruction

*Seasonal decorations:* Decorations and temporary signs that are clearly incidental, customary, and commonly associated with a holiday, birthday, anniversary, graduation or similar occasion.

*Semi-pervious surface (EBURD only):* Also referred to as semi-pervious material. A material that allows for at least 40 percent absorption of water into the ground or plant material, such as pervious pavers, permeable asphalt and concrete, or gravel.

*Shelter, Animal:* A facility that is used to house or contain animals and is owned, operated, or maintained by a nonprofit corporation for the purpose of providing temporary kenneling and care for the animals and finding permanent adoptive homes for them.

*Shopping center or mall:* A shopping center is a mix of retailing land and service uses offering both essential and nonessential goods and services, with at least 100,000 square feet of structure footprint, and that attracts consumers from a region-wide market area.

*Short-Term Rental:* The renting, or offer to make available, (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration, of residential property, a dwelling unit, or a portion thereof, for a period of less than 30 consecutive days to a transient guest or guests. See also Tourist Home.

*Short-Term Rental Unit:* A residential dwelling unit, or portion of such a unit, that is rented for compensation or consideration for less than 30 days at a time; does not include dwelling units owned by the federal government, state, or city, or any of their agencies, or facilities licensed by the state as health care facilities.

*Shrub:* A woody plant that usually remains low and produces shoots or stems from the base and is not usually tree-like or single stemmed.

*Sign:* Any writing (including letter, word or number), pictorial representation (including illustration or declaration), product, form (including shapes resembling any human, animal or product form), emblem (including any device, symbol, trademark, object or design which conveys a recognizable meaning, identity or distinction) or any other figure of similar character that is a structure or any part thereof, or is written, painted, projected upon, printed, designed into, constructed or otherwise placed on or near a building, board, plate, or upon any material object or device whatsoever, that by reason of its form, location, manner of display, color, working, stereotyped design or otherwise attracts or is designed to



attract attention to the subject or to the property upon which it is situated, or is used as a means of identification, advertisement, or announcement. The term sign shall not include the following:

- (1) Art that does not include commercial speech; or
- (2) Products, merchandise or other materials which are offered for sale or used in conducting a business, when such products, merchandise, or materials are kept or stored in a location which is designed and commonly used for the storage of such products, merchandise or materials.

*Sign administrator:* The zoning coordinator.

*Sign area:* The total dimensions of a sign surface used to display information including text, symbols, or images. The sign area includes nonstructural trim, but does not include the supporting structure, if any, unless the supporting structure is used for the display of text, symbols, or images. The sign area can be smaller than the sign face.

*Sign Face:* The surface area of the sign that is designed for the placement of text, symbols, or images. For the purposes of measurement, sign faces are defined as follows:

1. Single-sided sign: A sign with only one face plane.
2. Two-sided (also referred to as double-faced or “V” sign): A sign with back-to-back face planes that are parallel or within 30° of parallel.
3. Three-sided sign: A sign with three face planes.
4. Three-dimensional sign: A sign that is sculptural or three-dimensional in form.

*Sign structure(s):* The base, footer, support poles, framing, and all other parts and components onto which the copy area is resting or attached.

*Sign structure area:* The total surface area of the structure of a monument sign that supports its copy area and contains dimensional or material differences from the plane of the sign face. Architectural embellishments and decorative features that do not contain or support advertising copy shall not be included in the sign structure area.

*Sign walker:* A person who carries a sign that is worn, held, or balanced by that person and is not installed or attached to real property.

*Site (Wireless Communication Facilities):* (other than towers in the right-of-way and eligible support structures): The current boundaries of the leased or owned property surrounding the tower or eligible support structure and any access or utility easements currently related to the site. A site, for other alternative tower structures, base stations, micro cell facilities, and small cell facilities in the right-of-way, is further restricted to that area comprising the base of the structure and to other related accessory equipment already deployed on the ground.

*Small Cell Network (Wireless Communication Facilities):* A collection of interrelated small cell facilities designed to deliver personal wireless services.

*Small Cell Wireless Communication Facility:* A wireless communication facility where each antenna is located inside an enclosure of no more than three cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and primary equipment enclosures are no larger than seventeen cubic feet in volume. the following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch. Small cells may be attached to alternate

tower structures, replacement poles, and base stations. The definition of a small cell facility shall also include a micro cell or micro cell facility.

#### Solar Energy Facility (SEF) Standards

*Accessory Use* – An SEF designed primarily for serving on-site needs or a use that is related to the primary use of the property.

*Concentrated Solar Power (CSP)* –An SEF that uses mirrors to reflect and concentrate sunlight.

*Photovoltaic (PV)* – An SEF that converts sunlight into electricity through PV cells.

*Practicable* means it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

*Primary Use* - An SEF that is devoted to solar electric power generation primarily for use off-site.

*Secondary Use* – An SEF that is not the primary use of the property.

*Solar Energy Facility (SEF)* means a Solar Electric System that satisfies the parameters set out in Section 27-1009.

*Solar Electric System (SES)* means the components and subsystems that, in combination, convert solar energy into electric or thermal energy suitable for use, and may include other appurtenant structures and facilities. The term includes, but is not limited to, photovoltaic power systems, solar thermal systems, and solar hot water systems.

*Solar Thermal System* – Also known as solar hot water systems; an SEF that absorbs solar energy as heat which is then used to heat structures and water.

*Solar Reflectance Index (SRI) (EBURD only):* A measure of a constructed surface's ability to reflect solar heat, as shown by a small temperature rise. The measure utilizes a scale from zero (0) to one hundred (100) and is defined so that a standard black surface is zero (0) and a standard white surface is one hundred (100). To calculate for a given material, obtain the reflectance value and emittance value for the material; calculate the SRI according to ASTM E 1980-01 or the latest version.

*Solid waste facility:* A facility principally or solely used for the processing or disposal of solid waste and subject to compliance with all applicable federal, state, and local regulations including:

*Transfer Stations:* Facilities at which solid waste collected from any source is temporarily deposited to await transportation to another solid waste facility. All activities associated with a Transfer Station shall be done within an enclosed structure including but not limited to sorting, reducing, compressing, shredding, compacting, composting, and storage of waste materials, equipment or vehicles.

*Solid Waste Processing Facilities:* Facilities where solid waste is sorted, reduced, compressed, shredded, compacted or composted for purposes of volume reduction or preparation for burning or land-filling.

*Waste Burning Facilities:* Any incinerator, boiler, percolator or other solid waste facility at which solid waste, including previously processed solid waste is burned for the purposes of volume and weight reduction or steam heat, power or energy generation.

*Sanitary Landfills:* Facilities employing a method of disposing of solid wastes on or into land by various forms of excavation, placement, burial, compaction, or covering.

*Recycling Processing Facilities:* Facilities at which the primary function is to extract useful materials from the solid waste, and all processing activities are conducted within a completely enclosed building.

*Spectrum Act (Wireless Communication Facilities):* The “Middle Class Tax Relief and Job Creation Act of 2012” (Public Law 112-96; codified at 47 U.S.C. § 1455(a)).

*Stable, private:* A detached accessory building in which horses or other beasts of burden owned by the occupant of the premises are kept, and in which no such animals are kept for hire, remuneration or sale, and are kept for the owner's private use only.

*Stable, commercial:* A stable other than a private stable.

*Stay:* The act of temporarily stopping or suspending an action, such as the processing of a permit application.

*Stealth Communication Facility (Wireless Communication Facilities):* Any WCF that is integrated as an architectural feature of a structure or the landscape so that the facility and its purpose to provide wireless services is not visually apparent or prominent.

*Stormwater best management practices/techniques (EBURD only):* Conservation practices or systems of practices and management measures that control soil loss; reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment; and minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to chemical, physical, and biological characteristics of wetlands by natural means, including replicating natural systems.

*Stormwater Management Manual:* City of Billings Stormwater Management Manual.

*Streets:*

*Street:* A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or however otherwise designated which has been dedicated to or acquired for public use and which extends the full width between right-of-way lines, which includes areas acquired or prescribed through an easement.

*Alley:* A minor way that is used primarily for vehicular service access or for utility lines to the back or the side of properties otherwise abutting on a street.

*Arterial street:* A street which is intended to provide for high operating speeds, high levels of service and to serve longer trips through access management and the interconnection of major development areas such as the central business district, large commercial and industrial developments and major residential areas.

*Collector street:* A street that functions as a link between local streets and arterial streets and provides both access and movement functions within residential, commercial and industrial areas.

*Cul-de-sac:* A street that terminates in a vehicular turnaround.

*Local street:* A street whose primary function is access and whose movement function is incidental and involves traveling to and from a collector. In addition, local streets are characterized by short trip lengths, low traffic volumes, slow speeds and deliberately discouraging through traffic.

*Street face:* The facade of a building that faces a public or private street.

*Street Front Landscaping:* Required landscaping that is placed along the edge of a yard adjacent to a public street or right-of-way.

*Street type (EBURD only):* The permitted and regulated types of streets in this article. Refer to section 27-906, Street type standards for more information and a list of the permitted street types.



*Streetwall (EBURD only):* The vertical plane created by building facades along a street. A continuous streetwall occurs when buildings are located in a row next to the sidewalk without vacant lots or significant setbacks

*Structural canopy:* See canopy.

*Structure:* Anything constructed, erected, or placed with a more or less fixed location on the ground or attached or resting on something having a fixed location on the ground.

*Structure, principal:* A structure accommodating the principal use to which the property is devoted.

*Studio or instruction service:* A small-scale facility for the production of or education in a fine art, dance, fitness, or performance program. Examples of these facilities include individual and group instruction and training in the arts and production rehearsal, photography and the processing of photographs produced only by users of the studio facilities, martial arts training studios, and gymnastics instruction and fitness centers. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

*Support Structures (Wireless Communication Facilities):* A structure designed to support small cell wireless facilities including, but not limited to, monopoles, alternative tower structures, replacement poles, and other freestanding self-supporting pole structures.

*Suspended sign:* A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface. See also Under Canopy Sign.

*Swale:* A shallow channel with gently sloping sides that can be used to manage water runoff, filter pollutants, and increase storm water infiltration.

*Swing sign:* A type of temporary sign that is suspended from a horizontal swing post that is attached to a post that is staked into the ground. Swing signs may include riders that are mounted to the swing post or suspended under the sign panel.

## T. TERMS

*Telecommunications Facilities (Wireless Communication Facilities):* Any cables, wires, wave guides, antenna and any other equipment or facilities associated with the transmission or reception of communications services located or installed upon or near a tower or base station. Such communications services include, but are not limited to, cellular, personal communication services, specialized mobilized radio, enhanced specialized mobilized radio, paging and other similar services marketed to the commercial or residential consumers. Telecommunications facilities shall not include:

- (1) Any satellite earth station antenna two meters in diameter or less which is located in an area zoned commercial or industrial; and
- (2) Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.

*Temporary irrigation:* An irrigation system that is used to establish plants and is removed after the establishment period.

*Temporary sign:* A sign that is: (1) constructed of cloth, canvas, vinyl, paper, plywood, fabric or other lightweight material not well suited to provide a durable substrate; or (2) if made of some other material, is neither permanently installed in the ground, nor permanently affixed to a building or structure that is permanently installed.

*Temporary structure:* A structure established for a fixed period of time as established by this chapter.

*Temporary use:* A use established for a fixed period of time as established by this chapter.

*Tenant:* A single incorporated use of a premises for which a certificate of occupancy has been issued, which is separated from another business by demising walls and has a separate entrance.

*Theater:* A structure that is open to the public and is used for dramatic, operatic, musical, motion picture, or other performance or entertainment related activities, where admission is charged per performance or event, and where there is no audience participation other than as spectators.

*Toll and Tolling:* To delay, suspend, or hold off on the imposition of a deadline, statute of limitations, or time limit.

*Tourist Home* means a private home or condominium that is not occupied by an owner or manager and that is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis.

*Tower (Wireless Communication Facilities):* Any structure built for the sole or primary purpose of supporting one or more FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. The term includes self-supporting lattice towers, guy towers or monopole towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like.

*Townhome or townhouse:* Property that is owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units, but under which they may jointly own the common areas and facilities as provided in MCA Title 70.

*Towing service and storage yard:* Any lot, structure, or the use of any portion of such lot or structure for the temporary outdoor storage of towed vehicles that are to be claimed by the titleholders or their agents.

*Transient guest:* A guest for only a brief stay, such as the traveling public.

*Transition (sign):* The time interval between display changes of graphics, text, messages, or images on EMD signs.

*Transmission Equipment (Wireless Communication Facilities):* Equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, Antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

*Trash:* Something worth little or nothing.

*Travel trailer:* See Recreational Vehicle.

*Travel trailer park:* See Recreational Vehicle Park.

*Truck, RV, and heavy equipment rental, sales, and service:* A facility or area for the display, sale, and rental of tools, heavy machinery, dump trucks or commercial and heavy equipment not used in offices, such as used in building construction, farming, restaurant, or manufacturing. Sales may either be retail or wholesale.

*Truck stop:* Any occupancy that provides a service for highway travel directly or indirectly related to the servicing, repairing, and/or refueling of semi-trucks (also commonly known as tractors), semi-trailers, and

their components. A truck stop is a point at which semi-trucks may stop for refueling or where truck drivers can park their trucks, trailers and components and seek lodging and/or food services, as well as, other services related to highway trucking needs.

*Truck wash:* A building or area that provides facilities specifically designed for washing and cleaning semi-tractors and/or semi-trailers and recreational vehicles, which may use production line methods with a conveyor, blower or other mechanical devices. This term also includes facilities that require hand labor in the cleaning of the vehicle.

*Turf grass:* Continuous plant coverage consisting of grass species suited to growth in central Montana.

## U. U TERMS

*Under canopy sign:* A sign suspended below the ceiling or roof of a canopy.

*Unlawful sign:* A sign which contravenes this article or which the administrator may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment or a nonconforming sign for which a permit required under a previous sign code was not obtained.

*Urban agriculture:* The practice of cultivating, processing, and distributing food in or around urban areas.

*Usable open space:* That space on the same lot and contiguous to the principal building or buildings and which is either landscaped or developed and maintained for recreational purposes and excludes that portion of the lot which is utilized for off-street parking or loading space or for front yard setback requirements. Usable open spaces can be provided within a building or the roof top where facilities are provided for residents of the development.

*Use:* The purpose for which a building, lot, sign, or other structure is arranged, intended, designed, occupied or maintained.

*Used:* Includes the words intended, designated or arranged to be used.

*Utility:* A use category for the use of land for public or private lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and facilities for the generation of electricity.

*Utilities, major facilities/service yard* means infrastructure services that have substantial land use impacts on surrounding areas. Typical uses include, but are not limited to, water and wastewater treatment facilities, major water storage facilities and electric generation plants. This definition also includes service yards for utility providers.

*Utilities, minor facilities/office* means infrastructure facilities and services that need to be located in the area where the service is to be provided such as water and sewer pump stations, electrical transforming substations, wind energy conversion systems, solar collector systems, water conveyance systems or gas regulating stations.

*Utility, public:* A private business organization performing some public service and subject to special governmental regulations or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, gas and transportation for persons and freight.

## V. V TERMS

*Variance:* See Sections 27-1600, Administrative Procedures.

*Vegetation:* Organic plants, including trees, shrubs, vines, and flowers.

*Vehicle sales and rental:* A facility used primarily for the sale or rental of consumer-oriented motor vehicles, such as automobiles, pick-up trucks, and motorcycles.

*Vehicle maintenance and repair:*

*Major:* Vehicle repair consisting of assembly or disassembly of engine parts, body parts, transmission, chassis, axles, etc. and/or the process of painting or upholstering.

*Minor:* Repairs consisting of a minor nature, such as, tune up, oil change, chassis lubrication, tire change or repair, wheel alignment, muffler repair or installation that meet the following:

- i. Repairs are made in fully enclosed bays; and
- ii. Repairs are of a type that is typically completed in less than eight hours (e.g., oil changes, brake service, tire rotation and balancing, glass repair, tire replacement, fluid checks and replacement, muffler service, spark plug replacement, and comparable services); and
- iii. Vehicles are generally not stored on-site, and on the occasion when overnight storage is necessary, vehicles are stored indoors or an enclosed yard that has a sight-obscuring fence.

*Vehicular use area:* The area of a site devoted to vehicular parking and driving aisles.

*Veterinary services:* A facility, including an animal hospital for the diagnosis and treatment of pets and other large or small animals including, but not limited to, dogs, cats, birds, and horses; incidental grooming, boarding, or breeding of animals may also be provided.

*Video:* The display of a succession of single images at a rate greater than 29 frames per second.

*Vine:* A woody plant whose stem requires support and climbs by tendrils or twining or creeps along the ground.

## W. W TERMS

*Wall sign:* Any sign painted on, mounted on, attached to or erected against the wall of a building and approximately paralleled to the face of a principal building wall.

*Warehousing:* The storing of goods, wares, and merchandise, whether for the owner or others.

*Wholesale:* An establishment primarily engaged in the sale of goods and merchandise for resale instead of for direct consumption.

*Wind-driven sign:* Any sign consisting of one or a series of two or more banners, flags, pennants, ribbons, spinners, streamers, flutter flags, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

*Wind Energy Terms:*

**Aggregated Project** - Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included in the aggregated project.

**Blade Arc** - The arc created by the edge of the rotor blade that is farthest from the nacelle.

**Fall Zone** - The area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure. This area is no greater than the total height of the structure.

**Feeder Line** - Any power line that carries electrical power from one or more wind turbines or individual transformers associated with an individual wind turbine to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.

**Meteorological Tower** - For the purposes of this Wind Energy Conversation System Ordinance, meteorological towers are those towers that are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. Meteorological towers do not include towers and equipment used by airports, the Montana Department of Transportation, or other similar applications to monitor weather conditions.

**Micro-WECS** - Micro-WECS are WECS of five (5) kW nameplate generating capacity or less mounted on a tower.

**Non-Participating** - Any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.

**Project Site** – The geographic area of an aggregated site or wind farm project that includes location of all turbines.

**Property Line** - The boundary line of the area over which the entity applying for WECS permit has legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.

**Rated Power Output** – the electric power output of a WECS at a constant hub height and wind speed of 25 mph.

**Rotor Diameter** - The diameter of the circle described by the moving rotor blades.

**Shadow Flicker** – Alternating changes in light intensity caused by the movement of Wind Turbine blades casting shadow on the ground or a nearby stationary object.

**Significant Shadow Flicker** – More than 30 hours per year of shadow flicker on adjacent property.

**Substations** - Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than (35,000 KV) for interconnection with high voltage transmission lines shall be located outside of the road right of way.



*Total Height* - The highest point, above ground level, reached by a rotor tip or any other part of the WECS.

*Transmission Line* - Those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

*Tower* - Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.

*Tower Height* - The total height of the WECS exclusive of the rotor blades.

*WECS* - Wind Energy Conversion System (WECS) - An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to, power lines, transformers, and substations that operate by converting the kinetic energy of wind into electrical energy. The energy maybe used on-site or distributed into the electrical grid.

*Wind Turbine* - A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy by airfoils or similar devices to capture the wind.

*Window*: An opening in a wall, door, or roof of a building that allows the passage of light, sound, and sometimes air. An individual window is defined by an architecturally distinct opening. Individual windows may be further divided by muntins, mullions, or decorative elements such as grilles.

*Window sign*: Any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

*Winery*: A bonded winery facility licensed pursuant to MCA Section 16-4-107 comprising the building or buildings used to convert fruit juices (all or part of which are produced on the property) to wine, and to age, bottle, store, distribute and sell said wine. A winery, for the purposes of this section, includes crushing, fermenting and refermenting, bottling, blending, bulk and bottle storage, aging, shipping, receiving, laboratory equipment and maintenance facilities, sales, and administrative office functions, and may include tasting and promotional events.

*Wireless communication facility*: A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the code. A WCF includes an antenna or antennas, base stations, support equipment, alternative tower structures, and towers. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand-held radios/telephones and their associated transmitting Antennas, nor does it include other facilities specifically excluded from the coverage of Section 16-4-7.

*Wireless communication facility antenna or tower farm*: An antenna or tower farm is a tract of land that contains no more than three antenna support structures within 750 linear feet of each other. No antenna support structures located in tower farms shall exceed 250 feet in height. Legal tracts must be adjacent to each other to be included in this definition.

## X. X TERMS

*Xeriscape*: Landscape methods that conserve water by drought-tolerant plants and planting techniques.



**Y. Y TERMS**

*Yard, service or storage:* Any land or buildings used primarily for the storage of equipment, vehicles, machinery, or materials.

*Yard sign:* A type of temporary sign that is constructed of paper, vinyl, plastic, wood, metal or other comparable material, which is mounted on a stake or a frame structure (often made from wire) that includes one or more stakes.

*Youth foster home:* See Community residential facilities.

*Youth group home:* See Community residential facilities.

**Z. Z TERMS**

*Zoning coordinator:* The person designated by the planning director to oversee the administration of this Zoning Code, and his or her designee.

**SECTION 27-1801 TERMS, CONSTRUCTION, AND INTERPRETATION****A. TERM INCLUSIONS**

1. The term “person” includes a firm, association, organization, partnership, trust, company or corporation, as well as, an individual.
2. The term “used” or “occupied” includes the words “intended, designated, or arranged to be used or occupied.”
3. The term “lot” includes the words “plot,” “tract,” or “parcel.”
4. The term “building” includes the term “structure.”
5. The term zone means zone or zoning district.
6. The term County means Yellowstone County, Montana.

**B. RULES OF CONSTRUCTION**

The following words, terms and phrases, when used in this Zoning Code, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning.

**1. Meanings and Intent**

All provisions, terms, phrases, and expressions contained in this Zoning Code shall be construed according to this Zoning Code's stated purpose and intent. All provisions, terms, phrases, and expressions contained in this Zoning Code shall be construed according to the general and specific purpose statements set forth throughout this Zoning Code. When, in a specific section of this Zoning Code, a different meaning is given for a term defined for general purposes in this chapter, the specific section's meaning and application of the term shall control.

**2. Headings, Illustrations, and Text**

In the event of a conflict or inconsistency between the text of this Zoning Code and any heading, caption, figure, illustration, table, or map, the text shall control.

**3. Lists and Examples**

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and shall not be interpreted as exhaustive lists of all possibilities.

**4. Computation of Time**

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the County, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the County. References to days are calendar days unless otherwise stated.

**5. References to Other Regulations/Publications**

Whenever reference is made to a resolution, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, statute, regulation, or document, unless otherwise specifically stated.



**6. Delegation of Authority**

Any act authorized by this Zoning Code to be carried out by a specific official or staff member may be carried out by a designee of such official. For example, the planning director may delegate the preparation of a staff report to a member of the planning division staff.

**7. Technical and Nontechnical Terms**

Words and phrases not otherwise defined in this Zoning Code shall be construed according to the common and approved usage of the language, but technical words and phrases not otherwise defined in this Zoning Code that may have acquired a particular and appropriate meaning in law shall be construed and understood according to such meaning.

**C. RULES OF INTERPRETATION****1. Mandatory and Discretionary Terms**

The words "shall," "must," or "will" are always mandatory, and the words "may" or "should" are always discretionary.

**2. Conjunctions**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (a) "And" indicates that all connected items, conditions, provisions, or events shall apply; and
- (b) "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.

**3. Tenses and Plurals**

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

**4. Interpretation**

The planning director has authority to determine the interpretation or usage of terms used in this Zoning Code. Appeal of an interpretation made by the planning director shall be to the Board of Adjustment.

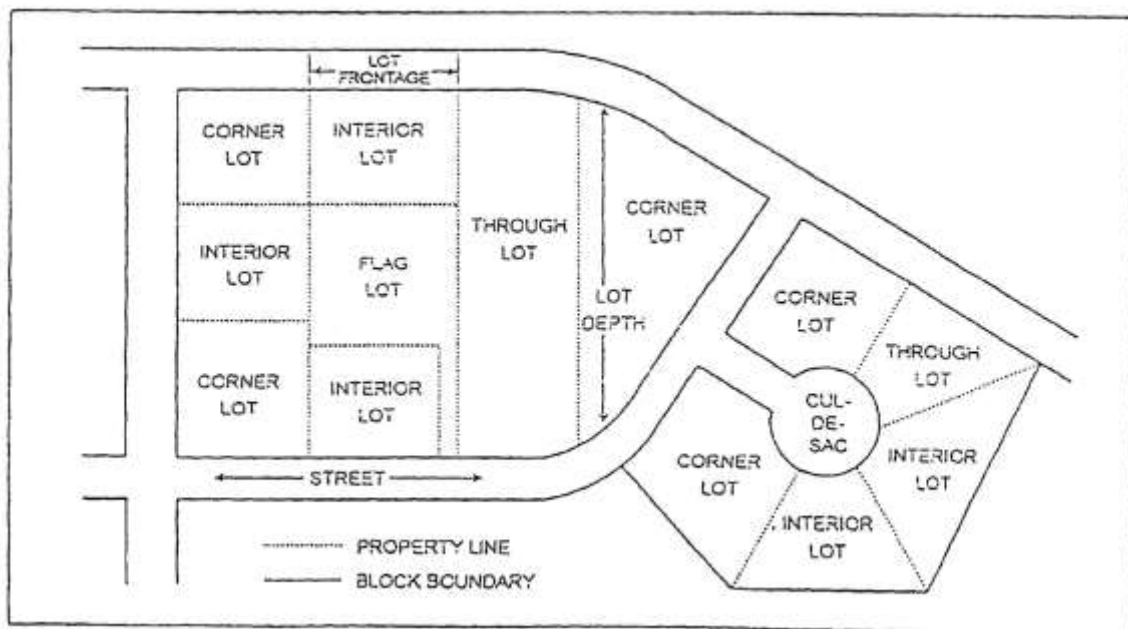
**5. Undefined Terms**

The planning director has the authority to provide the definition for a term where it is not defined in this Zoning Code. Appeal of a definition provided by the planning director shall be to the Board of Adjustment.

## SECTION 27-1802 MEASUREMENTS AND ASSOCIATED TERMS

## A. LOT AND STREET MEASUREMENTS AND TERMS

1. Lot: A tract of land, no matter how legally described whether by metes and bounds, Certificate of Survey and/or by lots and block designation as in a recorded plat.
2. Lot area: The total area circumscribed by the boundaries of a lot, except that when the legal instrument creating a lot extends into a public street right-of-way and/or easement, then the lot boundary for purposes of computing the lot area shall be the street right-of-way.
3. Lot line: A line of record bounding a lot which divides one lot from another lot or from a public or private street, alley or other public space.
  - (a) Front Lot Line: The lot line abutting a public or private front street.
  - (b) Rear Lot Line: The lot line not intersecting a front lot line that is most distant from and most clearly parallel to the front lot line.
  - (c) Side Lot Line: Any lot line that is not a front, street-side, or a rear lot line abutting an interior lot.
  - (d) Street-Side Lot Line: The lot line abutting a public or private side or non-front street.
4. Lot types:
  - (a) Corner Lot: A lot located at the intersection of two or more streets.
  - (b) Interior Lot: A lot other than a corner lot with only one frontage on a street other than an alley.
  - (c) Through Lot or Double Frontage Lot: A lot other than a corner lot with frontage on more than one street other than an alley.



5. Lot Width: Lot widths are measured along the minimum setback or minimum build-to line.

6. *Street*. A dedicated public or a private right-of-way (or portion thereof) intended for general public use to provide access through the area and to buildings and sites within the area. For the purposes of this zoning code, an alley is not a street.
  - (a) *Street, Front*. On interior lots, the street abutting the lot; on corner lots, the street with more front doors and/or buildings fronting the street. Front streets are typically the streets along the longer faces of a block with multiple front entrances. Front streets receive priority over other streets in terms of setting front lot lines and locating building entrances.
  - (b) *Street, Side or Non-Front*. The street abutting a lot that is not considered a front street.
7. *Yard*: An open space about a building, other than a courtyard, unoccupied and unobstructed from the ground to the sky, except as otherwise specifically provided in this zoning code.
  - (a) *Front Yard*: A yard extending along the full length of the front lot line or lines and which is situated between a principal building and the front lot line or lines.
  - (b) *Rear Yard*: A yard extending from the rear building facade to the rear lot line between the side yards or, on a corner lot, the street-side and side yards.
  - (c) *Side Yard*: A yard extending from the side building facade along a side lot line between the front lot line and rear lot line. Also called an interior side yard.
  - (d) *Yard, Street-Side*: A yard extending from the building facade along a side street lot line between the front yard and rear lot line.

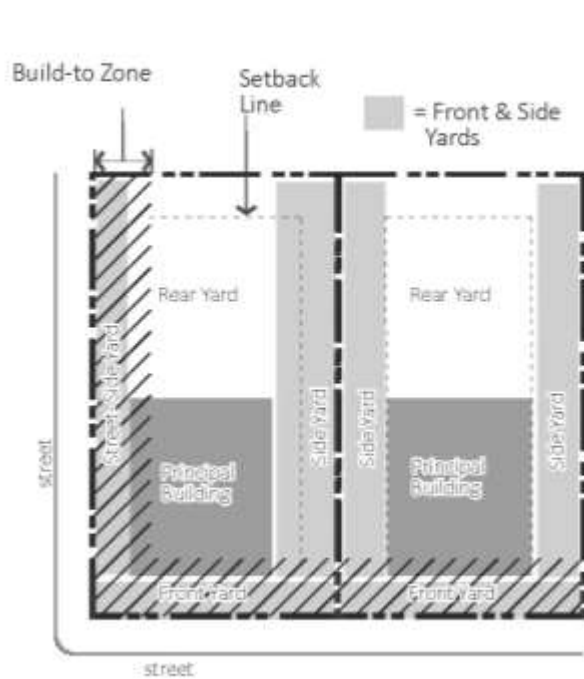


Figure 27-1800-2: Illustration of Yards

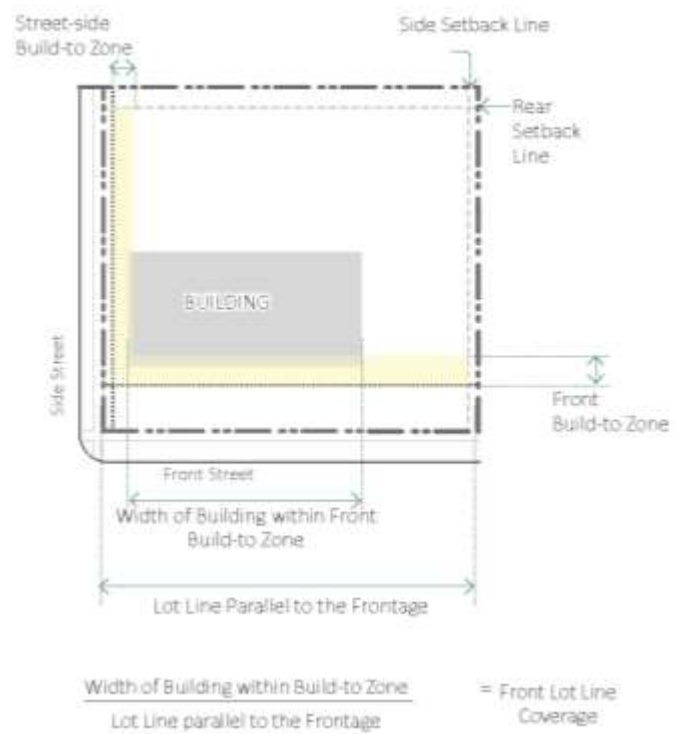


Figure 27-1800-4: Measuring Front Lot Line



Figure 27-1800-3: Illustration of Build-to Zones

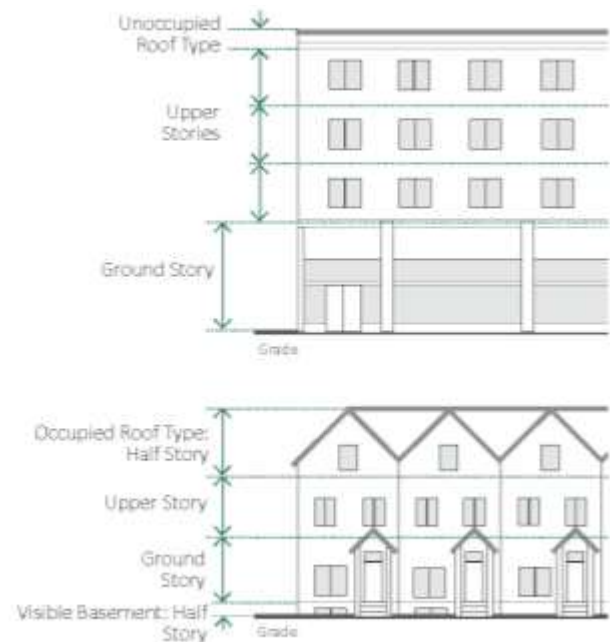


Figure 27-1800-5: Measuring Building Height

**B. BUILDING AND PARKING SITING MEASUREMENTS AND TERMS****1. Building Coverage, Maximum**

The maximum percentage of a yard or lot permitted to be covered by building and any other structures with a roof.

**2. Build to Corner**

Buildings are required to be located within the intersection of the front and street-side build-to zones at street corners.

**3. Build-to Zones**

The build-to zone, when required, is designated separately for each street frontage, front and street-side, in the site and structure regulations table for each district.

(a) Definition: An area in which the front or street side facade of a building shall be placed; it may or may not be located directly adjacent to a lot line. The zone dictates the minimum and maximum distance a structure may be placed from a lot line. Refer to Figure 27-1800-3.

(b) Measurement. The build-to zone for all frontages is measured from the lot line parallel to the frontage, unless otherwise stated in the building and site regulations. When additional streetscape area is required per the building and site regulations, the build-to zone is measured from the edge of the required streetscape onto the site.

(c) Height. The building located in the build-to zone must meet the minimum building heights. For example, if the minimum height of the building is two stories, then, at a minimum, the first 2 stories of the building from the ground up must be located within the build-to zone on the same vertical plane.

(d) Build-to Zone (BTZ) Averaging. The front setback average shall be calculated as follows:

(1) Measurement. The average of the front setbacks of the next two lots on each side of the lot on the same side of the street. If any applicable lots are vacant, the minimum front setback or build-to zone from the site and structure regulations of the district shall be used in the calculation.

(2) Corner Lots. For corner lots, the average of the front setbacks of the next two lots adjacent to the lot with the same street frontage as the lot in question. If any applicable lots are vacant, the minimum front build-to zone shall be used in the calculation.

**4. Front Lot Line Coverage, Minimum.**

(a) Definition. The minimum percentage of building facade along the front of a lot as designated in the site and structure regulations table for each district.

(b) Measurement. The width of the principal building, as measured within the build-to zone along the front lot line, is divided by the length of the frontage parallel to the front lot. Side yard and street-side yards are not included in the build-to zone area. Refer to Figure 27-1800-4. Minimum Front Lot Line Coverage.

(c) Courtyards. Where noted in the site and structure regulations for each district, courtyards, maximum of 30% of facade width or 30 feet wide, whichever is less, may count towards the minimum front lot line coverage. The courtyard must be treated with landscape, patio, or sidewalk; no vehicular access or motor vehicle parking area is permitted in any courtyard.

- (d) **Parking and Driveways.** Parking and driveways do not count towards the minimum front lot line coverage, unless otherwise stated.

**5. Setback**

- (a) **Definition.** That distance measured from the lot or property line to a supporting point(s) or wall(s) of a structure or building.
- (b) **Encroachment or Projection.** The distance any part of a structure extends beyond a building setback or a build-to zone. See Section 27-303 for a list of permitted encroachments in neighborhood districts.

**6. Occupied Building Space**

Interior building space regularly occupied by the building users; does not include storage areas, utility space, or parking.

**7. Separation Between Buildings**

Building separation is measured as the horizontal distance between buildings, measured along the shortest line that can be drawn between the exterior walls.

**8. Surface or Accessory Parking Yard Locations**

Surface parking lots and accessory parking structures or buildings are allowed in different yards per the site and structure regulations for each district. Limited parking for different yards is defined as follows:

- (a) **Limited Side Yard Parking.** Where allowed, limited side yard parking is one double-loaded aisle of surface parking, perpendicular to the front lot line, with a maximum paving width of 65 feet, located in the side yard of the lot.
- (b) **Limited Front Yard Parking.** Where allowed, limited front yard parking is one single-loaded aisle of surface parking, parallel to the front lot line, with a maximum paving depth of 40 feet, located in the front yard of the lot. The parking must be located on the building side of the drive and curbed sidewalk is required between the parking and the building.
- (c) **Internal Parking Yard.** Where multiple principal structures are located on a lot, the area between the buildings in the front portion of the lot and the buildings in the rear portion of the lot is referred to as the “internal yard” for the purposes of locating surface parking.

**C. BUILDING HEIGHT MEASUREMENTS AND TERMS**

**1. General Terms**

- (a) **Grade (adjacent ground elevation):** The lowest point of elevation of the finished surface of the ground, or the lowest point of elevation of the finished surface of the ground between the exterior wall of the building and the property line, if it is less than five feet distance from the wall. In cases where walls are parallel to and within 20 feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley, or public way.
- (b) **Story:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.
  - (1) **Story, ground:** Also referred to as ground floor. The first floor of a building that is a full story typically level to or elevated above the finished grade on the front and corner facades and excluding basements and half stories.

- (2) Story, half: An occupied story either in a visible basement of the building or an occupied story fully within the roof structure.
- (3) Story, upper: Also referred to as upper floor. The floors located above the ground story of a building.
- (c) Basement: If the finished floor level directly above a basement, cellar or unused under-floor space is more than six (6) feet above grade as defined herein for more than 50% of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar or unused under-floor space shall be considered a story. Refer to Figure 27-1800-6.
- (d) Visible Basement. A basement that is between 3.5 feet and 6 feet exposed above adjacent finished grade along any street facade. Windows are required for visible basements on street facades. With more than 6 feet exposed, the space shall be considered a story per item (c), above.

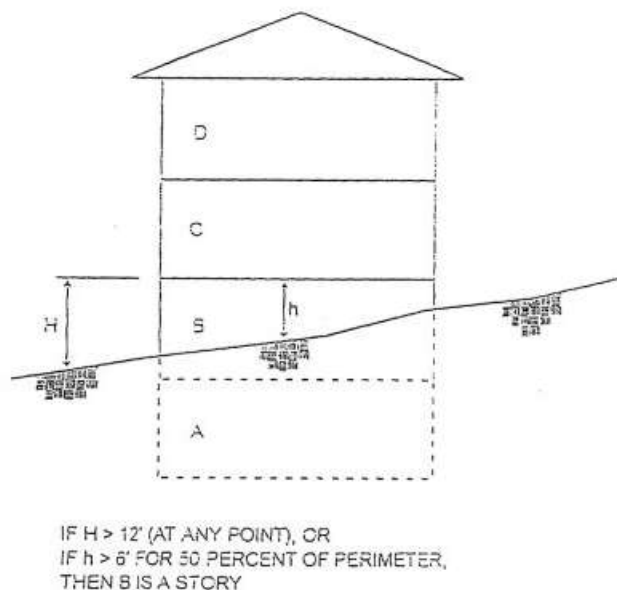


Figure 27-1800-6: Illustration of Basement

## 2. Overall Building Height

Refer to Figure 27-1800-5 Measuring Building Height in Stories and Stories with Floor-to-Floor Height.

- (a) Minimum Overall Height. Minimum heights require a minimum number of stories on the front facades of the building. The building must meet the minimum required height for the first 20 feet of occupied building space measured from the front facade into the building.
- (b) Maximum Overall Height. Maximum heights are specified in number of stories and/or a maximum dimension.
  - (1) This requirement applies to the entire building.
  - (2) Maximum overall height in feet is measured from grade vertically to the highest point of the structure, excluding any permissible height exceptions per this zoning code.



(3) Towers. Where allowed, towers may exceed the overall maximum height per 27-1803.E. .

(c) Roof Types. Roof heights are measured per 27-1803.E, and are additional to the allowable stories and floor to floor heights.

(d) Two Half Stories. A building incorporating both a half story within the roof and a visible basement shall count the height of the two half stories as one full story.

### 3. Story Heights

Where defined in the site and structure regulations tables per district, stories are measured with a range of permitted floor-to-floor heights. Refer to Figure 27-1800-5. Measuring Stories with Floor-to-Floor Height.

(a) Measurement. Story height is measured in feet between the subfloor of a story to the subfloor of the story above it. Minimum and maximum floor-to-floor heights are required to be met on floors along all front facades. See 27-1803.C.3(d), below, allowance for taller heights for such spaces as stairwells, mezzanines, and lobbies.

(b) Top Floor Measurement. For the uppermost story of a multiple story building, floor-to-floor height shall be one foot less than noted per site and structure regulations of the district and measured from the floor of the story to the ceiling, e.g. if the permitted floor-to-floor heights of an upper story range between 9 feet and 14 feet, the range for the topmost story of the building is 8 feet to 13 feet.

(c) Mezzanines. Mezzanines may be included within the floor-to-floor height of any story, included in the calculation of stories. Mezzanines occupying more than 30 percent of the floor area below and extending above the story's allowable floor-to-floor height shall count as an additional story.

(d) Taller Spaces. With the exception of stair and elevator spaces, spaces exceeding the allowable floor-to-floor heights of the building are not permitted on front facades. These spaces are unlimited on interior facades and non-front facades, but shall be counted as the number of stories that would fit within their height.



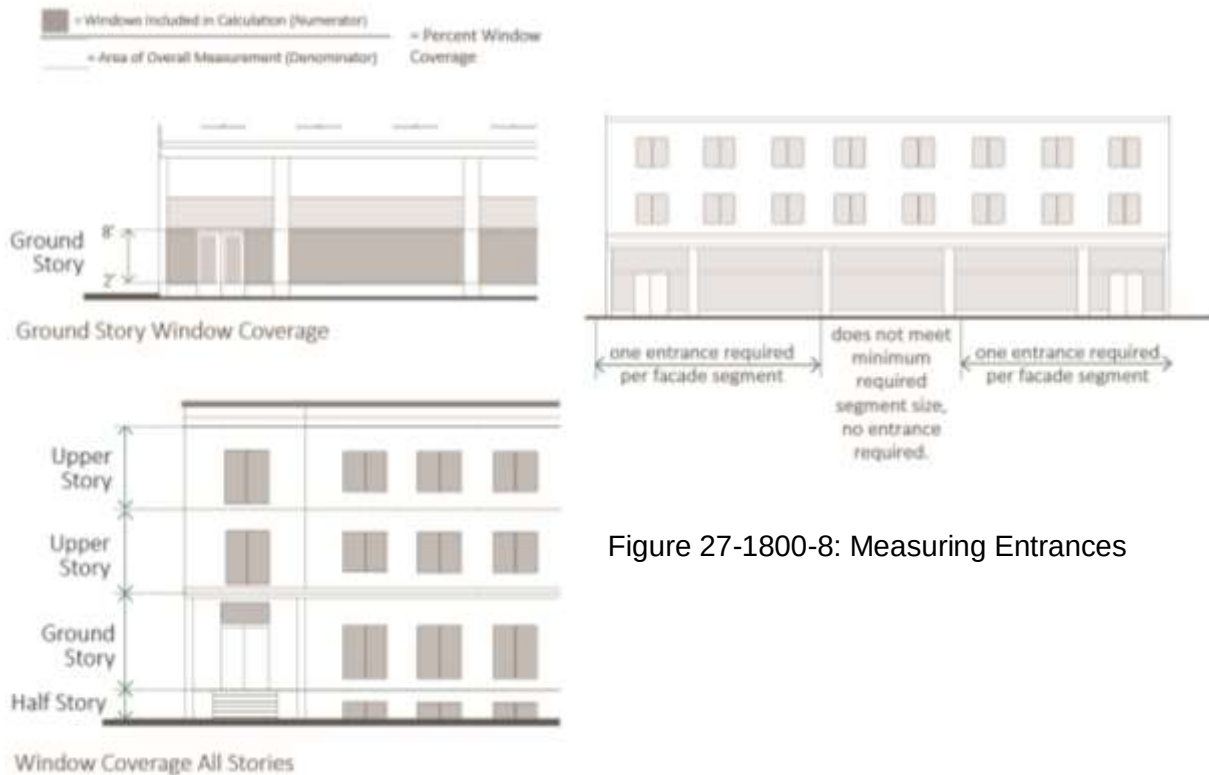


Figure 27-1800-8: Measuring Entrances

Figure 27-1800-7: Measuring Window Coverage

#### D. WINDOWS AND DOOR MEASUREMENTS & TERMS

##### 1. Window & Door Coverage

The site and structure regulations for each district may define a minimum amount of window and door coverage required for designated facades and stories.

- (a) **Measurement.** Minimum window and door coverage is measured from floor-to-floor of each story separately. Refer to Figure 27-1800-7. Measuring Window Coverage. Window and door coverage includes the area of any gross opening in the façade for a window or doors, but shall not include trim.
- (b) **Blank Wall Segments.** The building regulations designate facades where blank wall limitations apply. Blank wall limitations means no facade section more than 15-foot in width, measured horizontally, and more than 30 percent of any story shall be without windows.
  - (1) **Exception.** When a facade of any story is located within 3 feet of a parallel building facade, no minimum transparency is required for that story.
- (c) **Minimum Ground Story Window and Door Coverage.** When required separately by the site and structure regulations, ground story window and door coverage shall be measured between 2 feet and 8 feet from the average grade at the base of the facade. Minimum ground story window and door coverage supersedes the overall minimum window coverage required in the site and structure regulations.

- (d) Half Stories. For all mixed-use districts in 27-400, all half stories located within a roof structure or visible basements are required to meet the minimum window and door coverage.

**2. Doors**

Per the site and structure regulations of the districts, where a minimum number of required entrances must be spaced along a façade, the measurement shall be consistent with Figure 27-1800-8 Number of Required Entrances.

- (a) Principal Entrance. A principal entrance is a public entrance, where the general public, residents, visitors, or the like may enter the space; as opposed to a delivery or service entrance where the public is not permitted.
- (b) Entrances-per-Façade-Segment Measurement. When an entrance is required per an increment of façade segment, that façade segment increment must be met before an entrance is required. For example, one principal entrance per every 60 feet of façade, means that a façade that is 230 feet in length requires only three entrances (one per each of three 60-foot façade segments, and none required for the remaining 50 feet of façade).



Example of a Parapet e



Example of a Flat Roof



Parallel Pitched

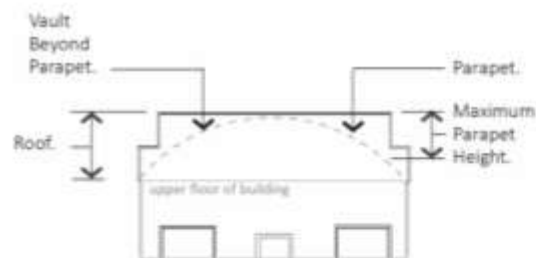


Pitched Gable Roof

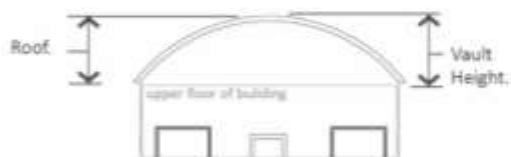
Examples of Pitched Roof



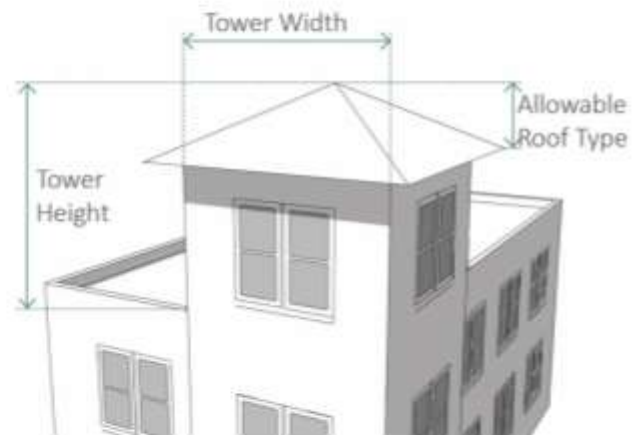
Low Pitched Roof (Hip Roof)



Barrel Roof with parapet.



Barrel Roof without parapet.



Example of a Tower

Figure 27-1800-9: Examples of Roof Types

**E. ROOF MEASUREMENTS AND TERMS**

As required by the site and structure regulations for each district, the major components of any roof shall meet one of the allowed roof types defined below. The roof type is required where the roof is visible from any street. Roofs for bay or bow windows, entrance canopies, and dormers are not required to meet a roof type.

**1. Parapet Roof**

A parapet is a low wall projecting above a building's roof along the perimeter of the building. Refer to Figure 27-1800-9 Example of a Parapet.

- (a) Parapet Height. Height is measured from the top of the upper story to the top of the parapet. Minimum height is 2 feet with a maximum height of 6 feet.
- (b) Occupied Building Space. Space within a parapet roof shall not be enclosed, occupied building space, but any open-air or canopied roof-top spaces are allowed.
- (c) Rooftop Appurtenances. With the exception of solar panels, any rooftop appurtenances shall be located towards the rear or interior of the parapet roof. The parapet shall screen the mechanicals from the elevation of the sidewalk across the street.

**2. Flat Roof**

A flat roof is a visibly flat (may be sloped for drainage) roof with overhanging eaves on all street frontages. Refer to Figure 27-1800-9 Example of a Flat Roof.

- (a) Eaves. Eave depth is measured from the building facade to the outside edge of the eave and shall have a depth of at least 14 inches. Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave and shall be a minimum of 6 inches.
- (b) Occupied Building Space. Space within a parapet roof shall not be enclosed, occupied building space, but any open-air or canopied roof-top spaces are allowed.
- (c) Rooftop Appurtenances. With the exception of solar panels, any rooftop appurtenances shall be located a minimum of 20 feet from any street façade and screened from the street per the director.

**3. Pitched Roof**

A sloped or pitched roof, where slope is measured with the vertical rise divided by the horizontal span or run. Refer to Figure 27-1800-9 Example of a Pitched Roof.

- (a) Pitch Measure. The roof may not be sloped less than a 3:12 (rise:run) or more than 14:12.
- (b) Configurations.
  - (1) Hipped, gabled, and combination of hips and gables with or without dormers are permitted.
  - (2) Butterfly (inverted gable roof) and shed roofs are permitted with a maximum height of 8 feet, inclusive of overhang.
  - (3) Gambrel and mansard roofs are permitted in the N districts. Minimum slopes apply to the topmost pitch of these roof types. Lower portions of these roof types must be sloped and not vertical. Space below these roofs counts as a full story.
- (c) Parallel Ridge Line. A gabled end or perpendicular ridge line shall occur at least every 100 feet of roof when the ridge line runs parallel to the primary frontage.

- (d) **Roof Height.** Roofs without occupied building space and/or dormers shall have a maximum height on primary and non-primary frontage facades equal to no more than 1.5 times the upper story floor to floor height utilized on the building.
- (e) **Occupied Building Space.** Space may be incorporated within this roof. See definition of half story.
- (f) **Rooftop Appurtenances.** With the exception of solar panels, any rooftop appurtenances shall be recessed within the pitched roof with no visibility on any street.

**4. Barrel Roof**

A barrel vaulted roof; may have a parapet on one or more facades. Refer to Figure 27-1800-8 Example of a Barrel Roof.

- (a) **Configuration.** The barrel vault of the roof shall run perpendicular to the front facade. Eaves may or may not be utilized.
- (b) **Vault Height.** The vault height shall not exceed half the vault width.
- (c) **Parapet.** When a parapet wall screens the vault from the street, the parapet shall not extend more than six feet above the barrel vault.
- (d) **Occupied Space.** Space may be incorporated behind this roof. See definition of half story.

**5. Other Roof Types**

Special roof designs otherwise not defined in this section may be approved through the Administrative Relief process per 27-1600 with the following requirements:

- (a) The roof shall not create additional occupied space beyond that permitted by the site and structure regulations.
- (b) The scale and type of the roof shall be consistent with the character of County and the area within which it is located.
- (c) The shape of the roof shall be different from those defined in this section 27-1803.E, such as a dome, spire, or vault, and not a gabled roof, hipped roof, butterfly roof, gambrel roof, mansard roof, roof with parapet, or flat roof.

**6. Towers**

A tower is a rectilinear or cylindrical, vertical element, that must be used with other roof types.

- (a) **Quantity.** One tower is permitted per building in any N district. In all other districts, unless otherwise stated, a maximum of one tower is allowed within the first 30 feet of the front façade. Additional towers may be allowed with Administrative Relief per 27-1600.
- (b) **Tower Height.** Maximum height, measured from the top of the parapet or eave to the top of the tower, is the equivalent of the height of one upper floor of the building to which the tower is applied.
- (c) **Tower Width.** Maximum width along all facades is one-third the width of the front facade or thirty (30) feet, whichever is less.
- (d) **Occupied Space.** Towers may be occupied by the same uses allowed in upper stories of the Frontage Type to which it is applied.
- (e) **Application.** May be combined with all other Roof Types.
- (f) **Tower Cap.** The tower may be capped by the parapet, pitched, low pitched, or flat roof Roof Types, or the spire may cap the tower.

**7. Spire**

A spire is a long, tapering design element that can be attached to a tower or other Roof Type.

- (a) Permitted Location. Spires are permitted only on civic and institutional buildings.
- (b) Spire Height. Spire height is not limited.
- (c) Spire Width. Maximum width, measured at the spire base is one-sixth (1/6) the width of the front facade or fifteen (15) feet, whichever is less. A wider spire base, proportionate in height, is subject to the approval the Zoning Coordinator.
- (d) Occupied Space. Occupied space is not permitted within the spire.
- (e) Application. May be combined with any other roof type.

**F. OTHER GENERAL STRUCTURE MEASUREMENTS & TERMS**

*Antenna support structure height:* The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including any attached antennae. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

*Gross floor area:* The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

**G. USE AND PROPERTY SEPARATIONS MEASUREMENTS****1. Separation Between Uses**

- (a) Use separation is measured from the nearest point of a structure or part of a multiple use structure occupied by the use requiring separation to the nearest property line occupied by a use from which the separation is to be effected or established.
- (b) Only when a significant part of the use is operated outside of a completely enclosed structure shall a separation be measured from the nearest point of the zone lot occupied by the use requiring separation to the nearest property line occupied by a use from which the separation is to be effected or established.

**2. Separation Between Properties**

- (a) Property separation is measured as the horizontal distance between property lines, measured along the shortest line that can be drawn between the subject property lines.
- (b) Property separation along the street is measured as the horizontal distance between property lines, measured along the shortest route that follows the centerline of the street right-of-way between the nearest property lines of the subject properties.

**H. VISIBILITY AT INTERSECTIONS****1. Definition of Clear Vision Area**

- (a) Design. Where a clear vision area is required by this section, no fence, hedge, wall, shrub, structure, or vision impediment over 30 inches in height shall be located within the required clear vision triangle except:
  - (1) Approved advertising signs, and public use controls and systems may be permitted in clear vision areas.

- (2) Trees with a maximum trunk diameter of one foot measured four feet above the ground line, provided they are trimmed of all branches between the ground line and eight feet in height.
- (b) Measurements and Exceptions. The following measurements shall apply unless provided otherwise in this section:
  - (1) The clear vision triangle shall be formed by the intersecting lines measured along the property lines.
  - (2) Height shall be measured above an established top-of-curb grade.
  - (3) Where there is a curve coming into the intersection or the street alignment near the intersection deviates by more than five degrees from tangent, the site may be subject to increased (additional) restrictions based on technical review by County Public Works

## 2. Clear Vision Areas at Intersections Outside of CBD

- (a) Controlled Intersections. On corner lots at intersections where one or more approaches are controlled by a stop sign, yield sign, or a traffic signal, a triangular clear vision area shall be provided as defined in Table 27-1802.1.

**Table 27-1802.1: Clear Vision Areas at Controlled Intersections**

| Intersection Type       | Clear Vision Area Required                                                                                                              | Illustrated in Figure(s) |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| <b>Controlled [1]</b>   |                                                                                                                                         |                          |
| Minor Street Stop [2,3] | Entering a Local Street—10' × 55' (along property lines)                                                                                | 2a                       |
|                         | Entering Collector Street—10' × 75' (along property lines)                                                                              |                          |
|                         | Entering Arterial Street—10' × 95' (along property lines)                                                                               |                          |
| All-Way Stop            | 20' × 20' along property lines                                                                                                          | 2b                       |
| Yield                   | 25' × 60' along property lines                                                                                                          | 2c                       |
| Traffic Signal          | Same as minor street stop looking toward approaching traffic in nearest travel lanes<br>Same as all-way stop looking opposite direction | 2d                       |
| <b>Notes</b>            |                                                                                                                                         |                          |

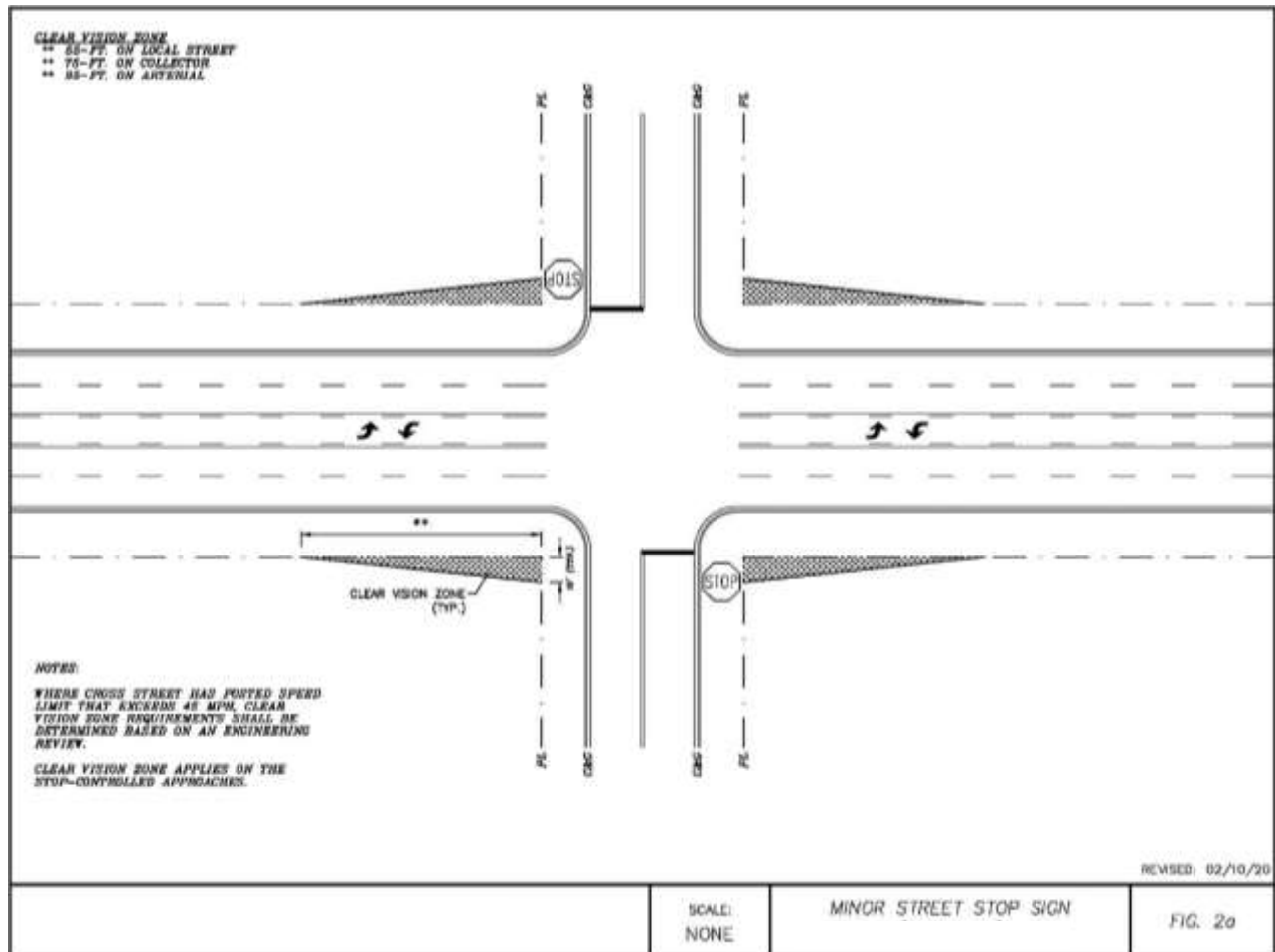
[1] Along private streets where there is no property line, controlled intersection areas shall be measured as though there is a property line 12 feet behind the curbline of the private street.

[2] For minor street stop (case 2a) entering a street with a posted speed limit greater than 45 mph, the required clear vision area will be based on an engineering review subject to approval by County Public Works.

[3] Along arterial and collector streets where the "major" street curbline is more than 20 feet from the property line, the clear vision area may be reduced to that provided for a stop controlled local street intersection.

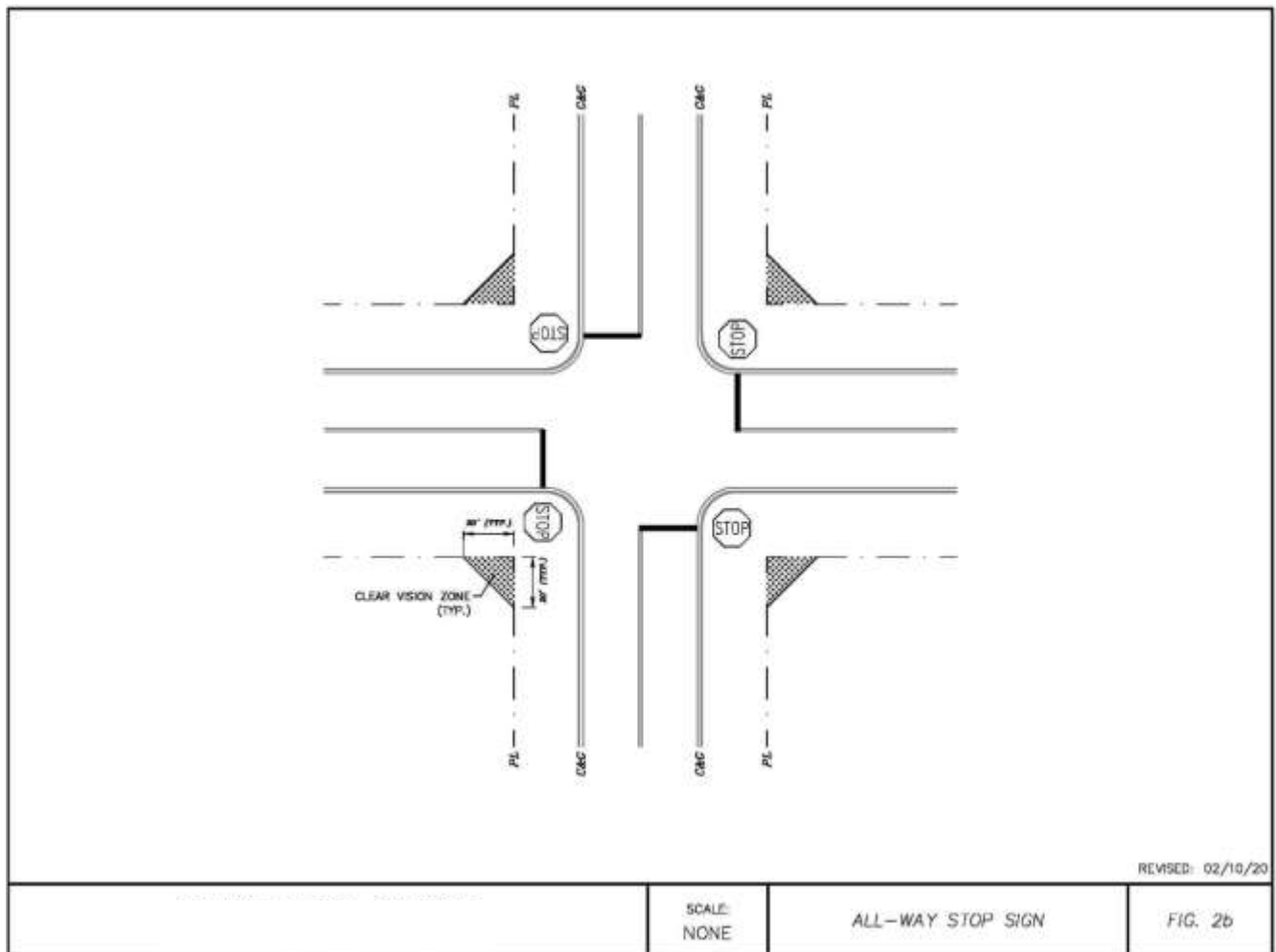
## (b) Controlled intersection types and figures:

- (1) Minor Street Stop Control. Any intersection where one or more approaches is controlled by a stop sign. See Figure 2a

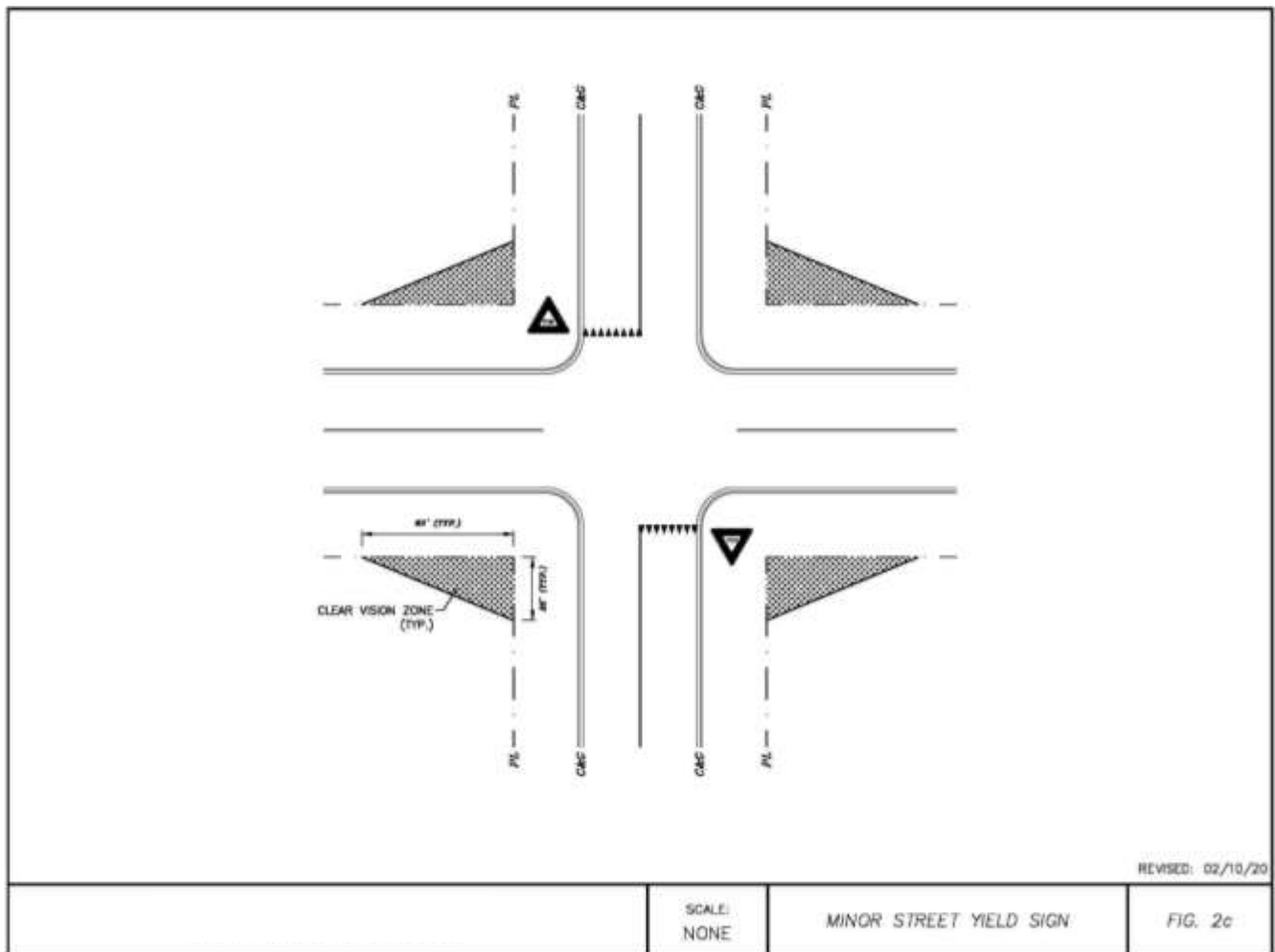




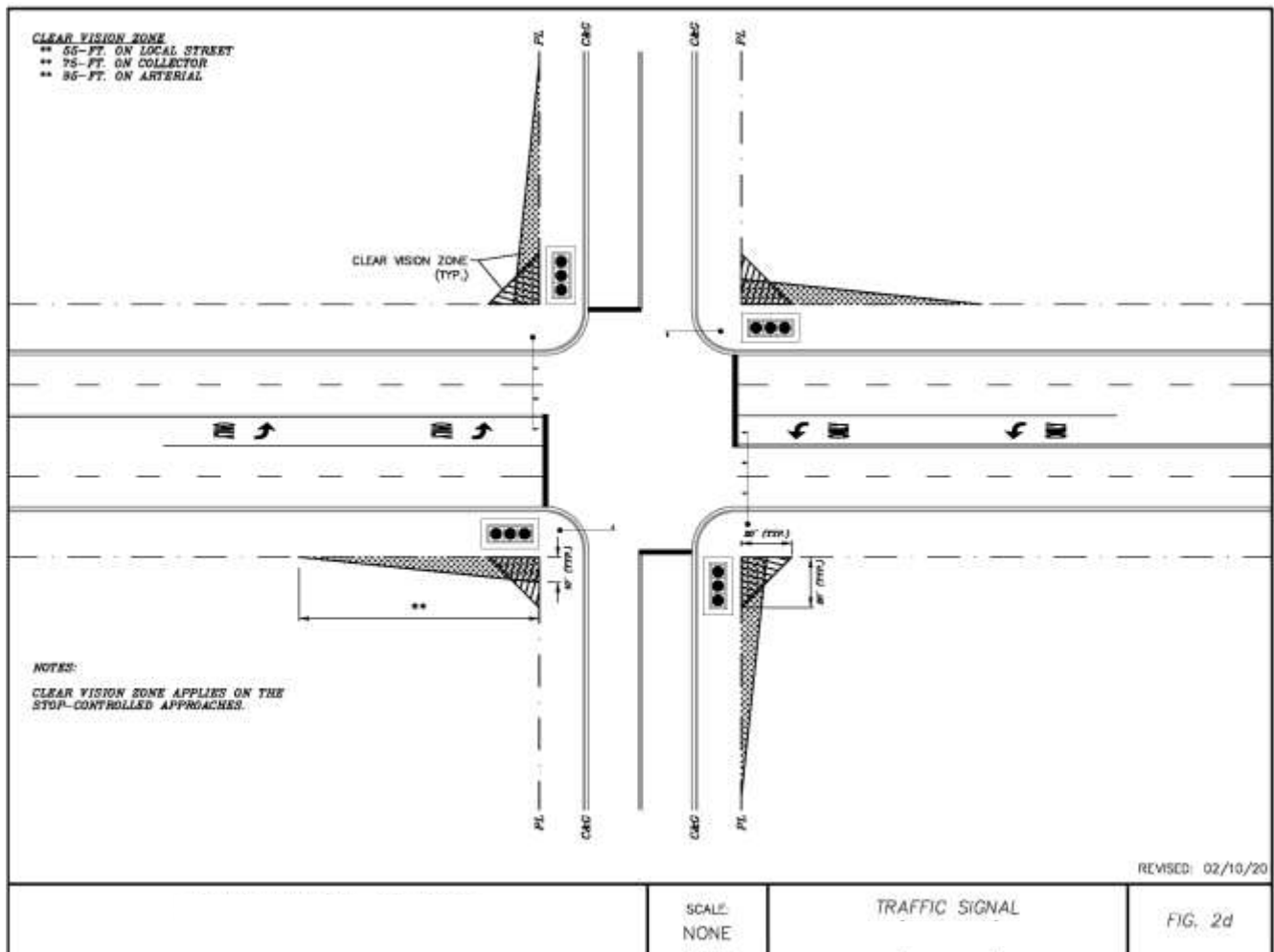
- (2) All Way Stop Control. Any intersection where all approaches are controlled by stop signs. See Figure 2b.



- (3) Yield Control. Any intersection where one or more approaches is controlled by a yield sign. See Figure 2c.



- (4) Traffic Signal Control. Any intersection where traffic is controlled by traffic signals. See Figure 2d.



### 3. Uncontrolled Intersections

On corner lots at the intersection of all streets not regulated by Section 27-1802.H.2, a triangular clear vision area shall be provided as defined in Table 27-1802.2.

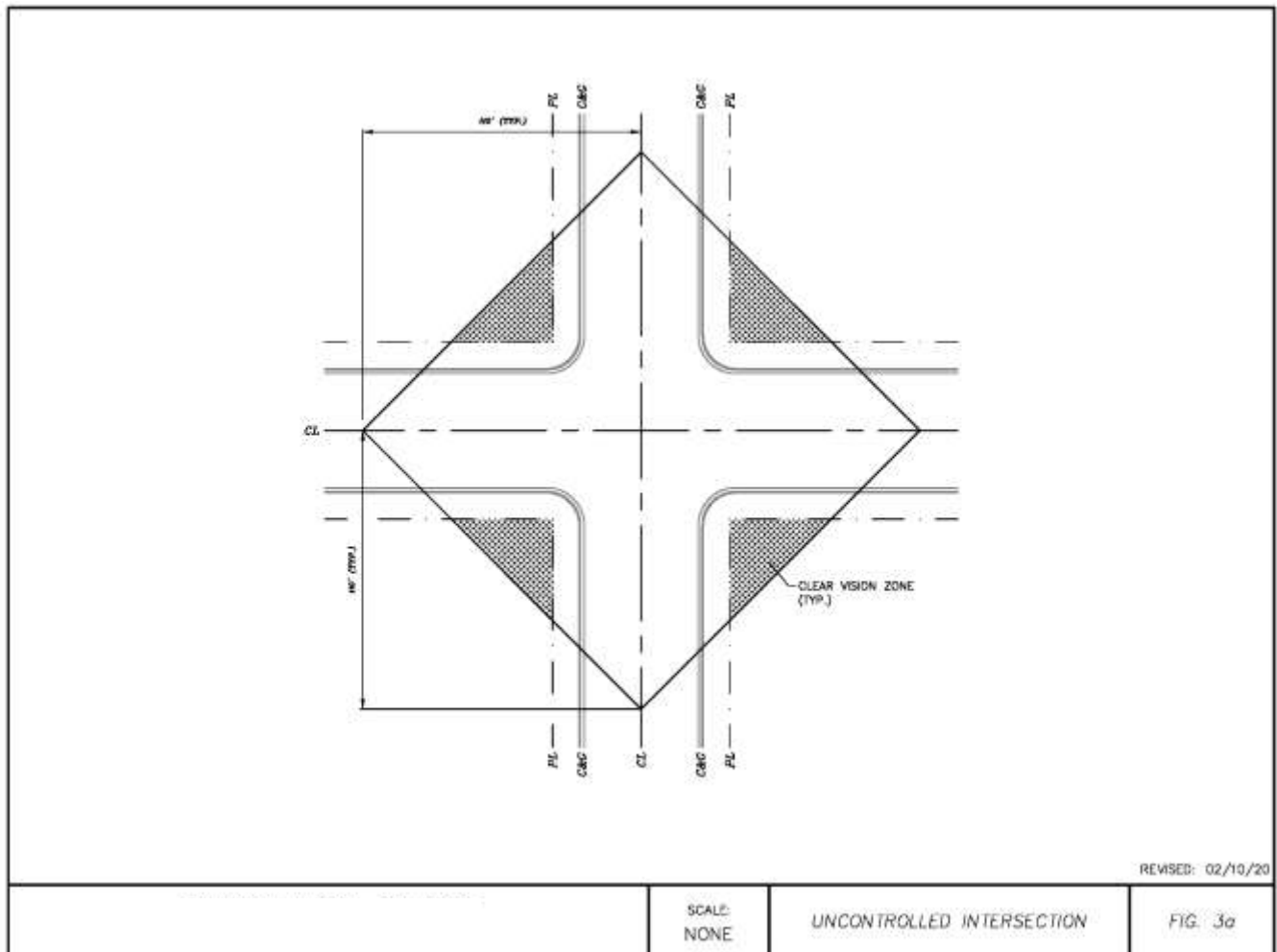
**Table 27-1802.2: Clear Vision Areas at Uncontrolled Intersections**

| Intersection Type          | Clear Vision Area Required                                          | Illustrated in Figure(s) |
|----------------------------|---------------------------------------------------------------------|--------------------------|
| <b>Uncontrolled (Open)</b> |                                                                     |                          |
| 4-Legged                   | 110' × 110' along street centerline                                 | 3a                       |
| 2-legged                   | 80' × 80' along street centerlines (extended)                       | 3b                       |
| "T" intersection           | 25' along stem × 60' along top of "T" measured along property lines | 3c                       |
| <b>Notes</b>               |                                                                     |                          |

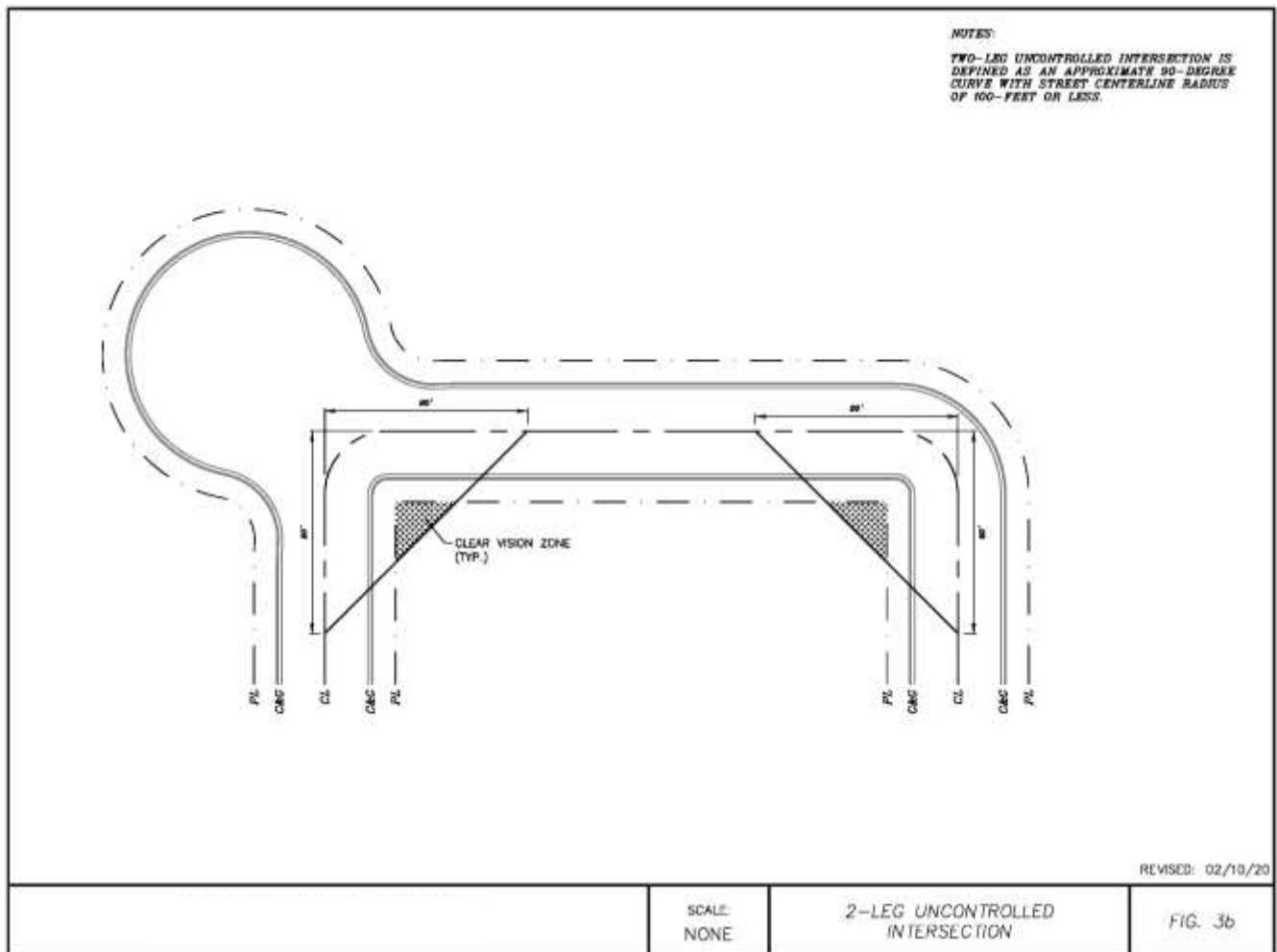
- (a) The clear vision triangle shall be formed by the intersecting street centerlines and a straight line joining such intersecting lines at points measured back from the point where the centerlines or the extension of the centerlines intersect a distance as established in Table 27-1802.2.

## (b) Uncontrolled intersection types and figures:

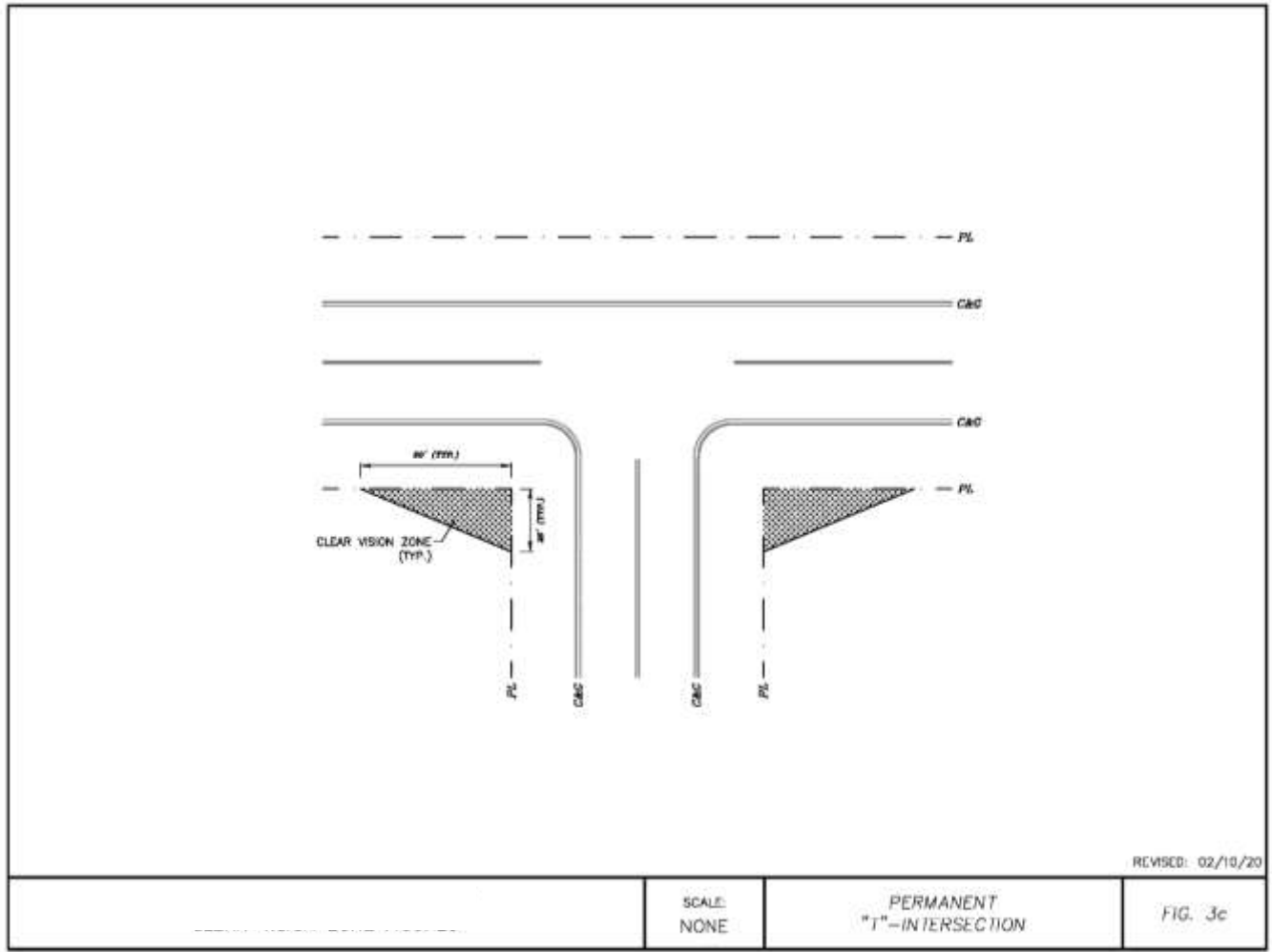
- (1) Uncontrolled 4-Legged Intersection. Any intersection where none of the approaches are controlled by a stop sign, yield sign or traffic signal. See Figure 3a.



- (2) Uncontrolled 2-Legged Intersection. Any intersection with a right angle curve with street centerline radius of 100 feet or less. See Figure 3b.



- (3) Uncontrolled "T" Intersection. See Figure 3c. Only applies to "permanent" T-intersections where there is no chance of the street extending through. Intersections where the property along the top of the "T" is not subdivided or is split into lots significantly larger than the majority of lots in the subdivision, or where there is a private street extending into the adjacent property opposite the stem of the "T" will be treated as a four-legged intersection.



#### 4. Clear Vision Area at Driveways and Alley Approaches

- (a) At the intersection of any alley or any driveway and a public street, the illustrated clear vision area shall be maintained as defined in Table 27-1802.3.
- (b) If no sidewalk exists, all measurements shall be made from and along the property line.

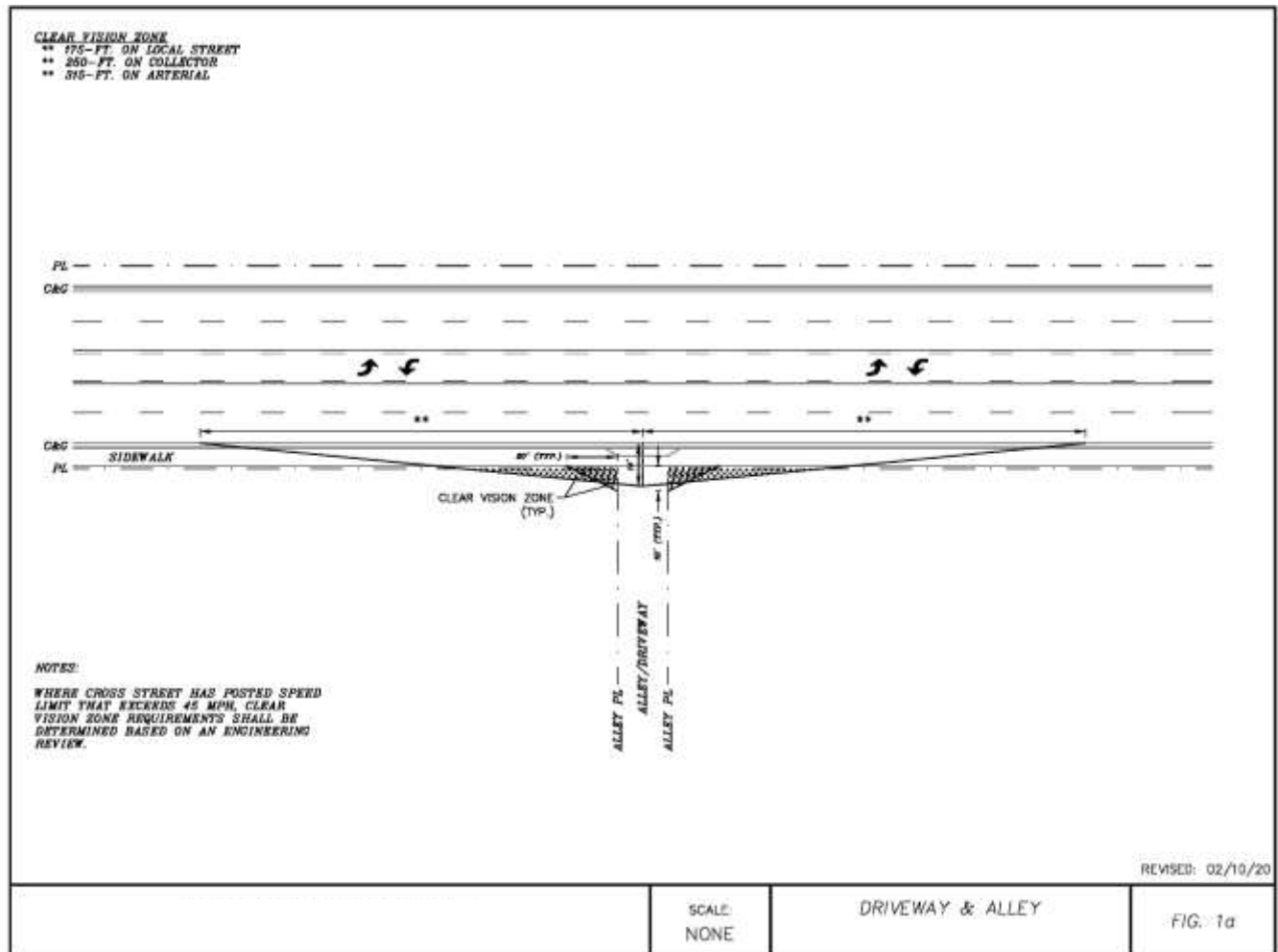
**Table 27-1802.3: Clear Vision Areas at Driveways and Alleys**

| Clear Vision Area for: | Clear Vision Area Required                                                                                                                                                                                    | Illustrated in Figure(s) |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| Vehicular Traffic      | Entering local street —Triangle measured along centerline of the driveway or alley 14 feet from back of curb by 175 feet along the curb line or the extension of the curb line on the cross street.           | 1a                       |
|                        | Entering collector street —Triangle measured along centerline of the driveway or alley 14 feet from back of curb by 250 feet along the curb line or the extension of the curb line on the cross street.       |                          |
|                        | Entering arterial street —Triangle measured along centerline of the driveway or alley 14 feet from back of curb by 315 feet along the curb line or the extension of the curb line on the cross street.<br>[1] |                          |
|                        | For driveways entering a street with a posted speed limit greater than 45 mph, the required clear vision area will be based on an engineering review subject to approval by the County Public Works           |                          |
| Pedestrian Traffic     | Triangle 10 feet from back of walk into property measured along the edge of the drive, and 20 feet along the back of sidewalk measured from the edge of the driveway.                                         | 1a                       |
| <b>Notes</b>           |                                                                                                                                                                                                               |                          |

[1] For commercial driveways the point of reference for "centerline" shall be the actual marked centerline separating inbound and outbound traffic when there are two or more exit lanes.



## (1) Clear vision area figure(s):



## SECTION 27-1803 DEFINITIONS

## A. A TERMS

*AM*: Amplitude-modulated broadcasting in the frequency band 535-1, 705 Kilohertz.

*Abandoned antenna support structures*: Any antennae or antenna support structures that are not used for the provision of wireless communications services for a continuous period of six months shall be considered abandoned.

*Abandoned Sign*: A sign that meets the criteria for abandonment in Section 27-910.

*Abut (or Abutting)*: To touch or share a contiguous boundary or border.

*Adjacent*: Lying near or in the immediate vicinity, e.g. across a street or alley, or diagonally across from.

*Access Point Sign*: A sign located at a motor vehicle access point to a property.

*Accessory*: A use, building, or structure, part of a building or other structure, which is subordinate to, and the use of which is incidental to that of the main building, structure or use on the same lot, including a private garage.

*Attached accessory structure*: Any structure or building which has any roof or wall in common with the principal structure. For purposes of zoning, an attached accessory structure is considered part of the principal structure.

*Detached accessory structure*: Any structure or building which does not have any roof or wall in common with any principal structure or building. For purposes of zoning, a detached accessory structure must maintain a minimum distance of six feet from any other building or structure.

*Accessory dwelling unit*: A residential unit that is located on the same lot as a primary residential dwelling unit, either internal to or attached to the primary residential dwelling unit or in a detached structure.

*Accessory Equipment (Wireless Communication Facilities)*: Any equipment serving or being used in conjunction with a WCF, including, but not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

*Adult day care center*: An adult day care center is a facility that provides the staff assistance to clients that each requires for activities of daily living, including but not limited to eating, walking, and grooming in accordance with the requirements of the Montana Department of Public Health and Human Services.

*Adult foster family care home*: See Community residential facilities.

*Adult Entertainment Terms*:

Adult arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult book store or adult video store means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, video reproductions, slides, or other visual representations which are characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

Adult motel means a hotel, motel, or similar commercial establishment which:

Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;

Offers a sleeping room for rent for a period of time that is less than 10 hours; or

Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."

Religious assembly means a building which is used primarily for religious worship and related religious activities, including but not limited to churches, convents, monasteries, shrines, and temples.

County means Yellowstone County, Montana.

Establishment means and includes any of the following:

The opening or commencement of any sexually oriented business as a new business;

The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

The additions of any sexually oriented business to any other existing sexually oriented business; or

The relocation of any sexually oriented business.

Nudity or a state of nudity means:

The appearance of a human bare buttock, anus, genitals, areola or nipple of the female breast, or

A state of dress which fails to opaquely and fully cover human buttocks, anus, genitals, pubic region, or areola or nipple of the female breast.

Sexually oriented business means an adult bookstore, adult theater, adult motel, adult massage parlor, adult sauna, adult entertainment center, adult cabaret, adult health/sport club, adult steam room/bathhouse facility and/or nude dancing establishment.

Specified anatomical area means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

Specified sexual activities means and includes any of the following:

- (a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (b) Sex acts, whether actual or simulated, including: intercourse, oral copulation, or sodomy;
- (c) Masturbation, actual or simulated; or
- (d) Excretory functions as part of or in connection with any of the activities set forth in subsections a. through c.

Transfer of ownership or control of sexually oriented business means and includes any of the following:

The sale, lease, or sublease of the business;

The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or

The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Viewing room/booth/adult arcade means a room or booth of less than 150 square feet of floor space to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."

*Agricultural use:* The use of a tract of land for the production of plants, animals or horticultural products for commercial purposes, including but not limited to: forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep and swine; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products. Agriculture use shall not include commercial greenhouses and those lands which are used for recreational purposes, suburban residential acreages, rural home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition. This definition shall include equipment and/or facilities necessary to prepare agricultural products for transport to market but shall not include equipment and/or facilities for the processing of a raw agricultural product into a value-added agricultural product.

*Air transportation courier and freight services:* facilities for handling freight, with or without storage and maintenance facilities.

*Alterations:* A change or rearrangement of the structural parts of existing facilities, or an enlargement by extending the sides or increasing the height or depth or the moving from one location to another. In buildings for business, commercial, industrial or similar uses, the installation or rearrangement of partitions affecting more than one third of a single floor area shall be considered an alteration.

*Alternative financial services:* The use of a site for the provision of alternative financial services such as vehicle title loans, check-cashing, payday advance/payday loan, or money transfer as defined below. An alternative financial services establishment does not include state or federally chartered banks, savings and loans, and credit unions. An alternative financial establishment does not include an establishment that provides financial services that are accessory to another main use.

*Check cashing business.* An establishment that provides one or more of the following:

- a. An amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction;
- b. An agreement not to cash a check or execute an electronic transfer of money for a specified period of time; or
- c. The cashing of checks, warrants, drafts, money orders, or other commercial paper for compensation by any person or entity for a fee.

*Payday advance/loan business.* An establishment that makes small consumer loans, usually backed by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term, or until a customer's next payday, and then cashed unless the customer repays the loan to reclaim such person's check. Such establishments may charge a flat fee or other service charge and/or a fee or interest rate based on the size of the loan amount.

*Money transfer business.* An establishment that transfers funds for a fee.

*Vehicle title loan business.* An establishment that makes small consumer loans that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. Failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle.

*Amateur radio antenna:* A ground-, building- or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, 49 CFR § 97 and as designated by the Federal Communications Commission (FCC).

*Amateur radio antenna support structure:* Any structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing amateur radio antennae. The term includes the structure and any support thereto.

*Ambient light monitor:* A device that is attached to an electronic message display that measures on a continuous basis the brightness of light surrounding the sign. The monitor is connected to the system that controls the brightness of the electronic message display. The brightness is then automatically adjusted based on the measured ambient light.

*Amusement, indoor:* Uses that provide commercial recreation or amusement indoors (except adult entertainment), including but not limited to: bowling alleys and pool rooms; indoor sports arenas, movie theaters and live theaters; indoor skating rinks (ice or roller); video arcades; and shooting arcades

*Amusement, outdoor:* Uses that provide commercial recreation or amusement outdoors (except adult entertainment), including but not limited to: drive-in movie theater; amusement park or theme park; fairgrounds; miniature golf establishments; golf driving ranges; water slides; and batting cages.

*Antenna (Wireless Communication Facilities):* Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennae, such as, but not limited to, panels antennas, reflecting discs, microwaves dishes, and satellite dishes, and omni-directional antennae, such as whip antennae, or other similar devices and configurations, and exterior apparatus

designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals, but not including satellite earth stations.

*Animated display sign:* A sign that employs the illusion of motion or light and/or color changes achieved through electronic means. Video display is not included in the activities that create animation.

*Apartment house:* See Dwelling, multiple-family.

*Applicant:* A person who formally requests action pursuant to this Zoning Code. Where the term applicant is used, the applicant's legal agent is also included. For the purposes of wireless communication facilities, applicant means any person that submits an application to the County to site, install, construct, collocate, modify, and/or operate a wireless communications facility.

*Arboretum/botanic gardens/zoo:* a group of uses that provide educational and cultural services to the public as part of their scientific collection and study of the subject that is the purpose of the establishment.

*Area of sign:* The total dimensions of a sign surface used to display information, copy, and/or symbols. See Section 27-1405 for sign measurement regulations.

*Assembly:* A room or place such as a ballroom, auditorium, party room, gaming room, or convention hall that is intended or used to accommodate people in a group and is further divided into the following types:

*Civic:* A building or structure, or group of buildings or structures, that by design and construction are primarily intended for the conducting of organized meetings, or other activities and accessory uses associated therewith, for non-commercial purposes.

*Entertainment and Trade:* A building or portion thereof used for groups of people to gather for an event, or regularly scheduled program. General assembly uses include arenas, auditoriums, banquet facilities, conference and reception centers, concert halls and theaters.

*Religious:* A facility or area for people to gather together for public worship, religious training, or other religious activities including a church, temple, mosque, synagogue, convent, monastery, or other structure, together with its accessory structures, including a parsonage or rectory. This use does not include home meetings or other religious activities conducted in a privately occupied residence. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions. Schools and other child care services are not accessory uses and shall require approval as separate principal uses.

*Attached sign:* A sign that is attached or affixed to a building, including: awning signs, canopy signs, marquee signs, projecting signs, roof signs, wall signs, and window signs.

*Auction house:* An establishment where the real or personal property of others is sold by a broker or auctioneer to persons who attend scheduled sales or events.

*Automobile or vehicle salvage or wrecking yard:* The dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled, or partially dismantled, obsolete, or wrecked vehicles or their parts or any establishment or place of business which is maintained or used for the storage, keeping, buying or selling of wrecked, scrapped or dismantled motor vehicles or motor parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been removed for reuse or sale, shall constitute a salvage or wrecking yard.



*Awning:* A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

*Awning sign:* Any sign that is a part of or attached to any awning.

## B. B TERMS

*Banner sign:* Any sign made of cloth, paper, or fabric of any kind that is attached any structure, staff, pole, rope, wire, or framing that is anchored on two or more edges or at all four corners. Banners are temporary signs that are used to attract attention, whether or not imprinted with words or characters. Banners do not include flags.

*Bars, taverns:* An establishment where alcoholic beverages are served on the premises and where the total sales of alcohol exceeds the total sales of food.

*Base Station (Wireless Communication Facilities):* A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of base station does not include or encompass a tower as defined herein or any equipment associated with a tower. Base station does include, without limitation:

1. Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the County and has been reviewed and approved under the applicable zoning or siting process or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support; and
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks) that, at the time the relevant application is filed with the County, has been reviewed and approved under the applicable zoning or siting process or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

The definition of base station does not include any structure that, at the time the relevant application is filed with the County does not support or house equipment described in paragraphs 1 and 2 above.

*Beacon:* Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

*Bed and breakfast inn:* means a private, owner- or manager-occupied residence that is used as a private residence but in which: (a) breakfast is served and is included in the charge for a guest room; and (b) the number of daily guests served does not exceed 18.

*Billboard sign:* A freestanding pole sign with a sign area of 70 square feet or larger that typically advertises products or services not sold or distributed on the premises on which the sign is located.

*Board:* The Board of Adjustment of Yellowstone County.

*Boarding, animal:* The feeding, housing, and exercising of animals not owned by the owner of the property and for which the property owner may receive compensation.

*Boarding or lodging house:* Buildings in which separate sleeping rooms are rented that provide sleeping accommodations for three or more persons on a weekly, semimonthly, monthly, or permanent basis,

whether or not meals or central kitchens are provided but without separated cooking facilities or kitchens within each room, and whose occupants do not need professional nursing or personal-care services provided by the facility. This definition shall also exclude "Bed and Breakfast Inns".

*Boat sales area:* See Vehicle sales area.

*Broadcast antenna:* A ground-, building- or tower-mounted antenna operated as a land mobile radio service or as a broadcast radio and/or television service as defined by the Federal Communications Commission (FCC) under Code of Federal Regulations and subsequent title amendments:

- (a) Title 47, PART 90 (47 CFR § 90)—Private Land Mobile Radio Services;
- (b) Title 47, PART 73 (47 CFR § 73) Radio Broadcast Services, which includes AM, FM, and Television Services; and
- (c) Title 47, PART 74 (47 CFR § 74) Experimental Radio, Auxiliary, and Special Broadcast and Other Program Distributional Services.

*Broadcast antenna support structure:* Any structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing antennae. Antenna support structures may include, but are not limited to, self-supporting lattice towers, guyed towers, or monopole towers. In this section, the term applies to land mobile radio service and broadcast radio and television transmission antenna support structures. The term includes the structure and any support thereto.

*Broadcast antenna or tower farm:* A tract of land that contains three (3) or more broadcast or land mobile radio service antenna support structures, any two (2) are spaced no more than seven hundred fifty (750) linear feet of each other. Legal tracts must be adjacent to each other to be included in this definition. The term is inclusive of all antenna support structures, equipment enclosures, buildings and any additions thereto.

*Broadcast facilities:* An unstaffed facility for the transmission and/or reception of radio signals for communications purposes, typically consisting of an equipment building or enclosure, an antenna support structure and one (1) or more antennae. This definition applies exclusively to land mobile radio fixed systems, and radio and television broadcast transmission facilities.

*Broadcasting stations or studios:* A building or portion of a building used as a place to create radio, television, or other electronic media programming. A broadcasting studio may contain studios, stages, editing facilities, post-production facilities, and equipment for program distribution via satellite, wire, or fiber optic cable. A broadcasting station or studio does not include a tower.

*Building:* Any structure having a roof, but excluding all forms of vehicles or shipping containers even though immobilized. When a use is required to be within a building, or where special authority granted pursuant to this chapter requires that a use shall be within an entirely enclosed building then the term "building" means one so designed and constructed from the ground to the roof line, and shall contain no openings except for windows and doors which are designed so that they may be closed.

*Building, principal:* The primary building(s) on a lot that accommodates the principal use(s) to which the premises are devoted.

*Bufferyard:* A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen uses from one another.

*Bulletin board sign:* A sign composed of a cork, letter board, white board, or comparable surface that is within a secured, weather-resistant enclosure and is used for the display of temporary messages.



*Bus or taxi maintenance and parking shed:* a facility where buses, taxis, and similar modes of transportation are stored and maintained.

*Business service:* Services such as building repair and maintenance, the installation of plumbing, electrical, air conditioning and heating equipment, janitorial services, and exterminating services. The retail sale of supplies is permitted as an accessory use.

### C. C TERMS

*Cabinet sign:* Sign composed of a frame or external structure with a box-like design that encloses a sign face and other functional elements of the sign, including electrical components.

*Caliper:* A standard for trunk measurement of plant nursery stock.

*Campground, public and private:* Any area or tract of land used or designed to accommodate two or more camping parties, including cabins, tents, travel trailers, recreational vehicles, and other camping outfits.

*Camouflage, Concealment, or Camouflage Design Techniques (Wireless Communication Facilities):* The designing of a WCF to alter its appearance in such a manner as to substantially integrate it into surrounding building designs and/or natural settings to minimize the visual impacts of the facility on the surrounding uses and ensure the facility is compatible with the environment in which it is located. A wireless communication facility utilizes camouflage design techniques when it: (i) is integrated as an architectural feature of an existing structure such as a cupola, or (ii) is integrated in an outdoor fixture such as a utility tower, or (iii) uses a design which mimics and is consistent with the nearby natural or architectural features (such as a clock tower) or is incorporated into (including without limitation, being attached to the exterior of such facilities and painted to match it) or replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not readily apparent.

*Canopy:* An attached or detached structure, open on at least one side, which is designed to provide overhead shelter from the sun or weather. Canopies include, but are not limited to, service station canopies, carports, porte-cochères, arcades, and pergolas. A canopy is different from an awning in that a canopy is not covered with fabric or flexible material. Permanent, freestanding canopies such as service station canopies are referred to as structural canopies for the purposes of sign regulation.

*Canopy sign:* Any sign that is a part of or attached to a canopy.

*Canopy tree:* A species of tree which normally bears crown foliage no lower than six feet above ground level upon maturity.

*Carport:* A structure to house or to protect motor vehicles owned or operated by the occupants of the main building which is open on at least one side.

*Car wash:* A building or area that provides facilities for washing and cleaning motor vehicles, excluding semi-tractors and/or semi-trailers, which may use production line methods with a conveyor, blower, other mechanical devices, or hand labor in the cleaning of the vehicle.

*Card game table:* A live card game table as defined in MCA Section 23-5-112.

*Casino:* An establishment where legal gambling is authorized pursuant to MCA Title 23, Chapter 5, Part 1 et seq., either in the form of gambling machines (video poker, keno, etc.), card games or other licensed gambling activity. A casino may have beverage and restaurant facilities as accessory uses. Casinos are classified as follows:

*Accessory Limited:* 1 to 3 gaming machines and one table game located in the structure or on the site.

*Accessory Small:* 4 to 9 gaming machines and one table game located in the structure or on the site.

*Primary/Large:* 10 or more gaming machines and/or more than one table game located in the structure or on the site.

*Cemetery/Crematorium:* A facility or area used or intended to be used for the burial of the dead, including crematories, mausoleums, and mortuaries when operated in conjunction with, and within the boundaries of such cemetery.

*Changeable copy sign:* A sign whose informational content can be manually changed or altered.

*Channel letter:* a three-dimensional letter than may include a light source.

*Chemical dependency facility:* A facility whose function is the treatment, rehabilitation, and prevention of the use of any chemical substance, including alcohol, that creates behavioral or health problems and endangers the health, interpersonal relationships, or economic function of an individual or the public health, welfare, or safety in accordance with the requirements of the Montana Department of Public Health and Human Services.

*Cidery:* A place where alcoholic cider is manufactured, stored, and sold.

*Clearance:* the distance from the bottom of an elevated sign face and the grade below.

*Co-location (Wireless Communication Facilities):* The mounting or installation of transmission equipment on an existing tower or base station; provided that for eligible facilities requests, "co-location" means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and /or receiving radio frequency signals for communications purposes.

*Commercial speech:* Expression by a speaker for the purposes of commerce, where the intended audience is actual or potential consumers, and where the content of the message is commercial in character. Commercial speech typically advertises a business or business activity or proposes a commercial transaction.

*Commercial wireless communications services (Wireless Communication Facilities):* Licensed commercial wireless telecommunication services including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

*Community garden:* An area managed and maintained by a group of individuals to grow and harvest food crops, or non-food crops, for personal or group consumption, for donation, or for sale that is incidental in nature

*Community group home:* See Community residential facilities.

*Community residential facilities:* Residential occupancy by persons other than a household in any of the following organizations:

*Adult foster family care home:* A private home licensed by the Montana Department of Public Health and Human Services owned by one or more persons 18 years of age or older which offers light personal care or custodial care to disabled adults who are not related to the owner by blood or marriage or which offers light personal care or custodial care to aged persons. The number of aged persons or disabled adults in an adult foster family care home may total no more than four.

*Community group home:* A family-oriented residence or home licensed by the appropriate state agency designed to provide residential services and facilities for developmentally, severely disabled or mentally disabled persons, but does not provide skilled or intermediate nursing care.

*Halfway house:* A place operated in accordance with the regulations of the Montana Department of Public Health and Human Services for the rehabilitation of alcohol or drug dependent persons.

*Youth foster home:* A youth care facility licensed by the Montana Department of Public Health and Human Services in which substitute care is provided to one to six foster children or youths, other than the foster parents' own children, stepchildren or wards.

*Youth group home:* A youth care facility licensed by the Montana Department of Public Health and Human Services in which substitute care is provided to seven to 12 children or youth.

*Assisted living facility:* An assisted living facility licensed by the Montana Department of Public Health and Human Services in a congregate residential setting that provides or coordinates personal care, 24-hour supervision and assistance, both scheduled and unscheduled, and activities and health-related services for persons 18 years old or older.

*Condominium:* Property that is owned as single units with common elements located on property submitted to the provisions of MCA Title 70 Chapter 23. This term does not include a townhome or townhouse.

*Coniferous:* A plant with foliage that persists and remains green year-round.

*Consumer maintenance and repair:* A use category that includes uses that provide the repair and maintenance of a wide variety of consumer products.

*Convenience store:* A retail store that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract, and depends upon, a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by the "7-11" and "Kwik-Way" chains. These stores may also include pumps and/or storage tanks from which fuels are dispensed at retail. No servicing, maintenance or repair work shall be conducted on the business premises. This definition shall exclude truck stops.

*Copy:* The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

*Copy Change:* The replacement or alteration of any portion of a sign that includes copy. This includes any change that alters the script, size, color, or arrangement of copy on a sign face or replacement of a sign face. This does not include any change to manual changeable copy or changes on EMD signs.

*Correctional Facility:* A facility for the judicially required detention or incarceration of people, where inmates and detainees are under 24-hour supervision by professionals, except when on approved leave.

*Courtyard:* An outdoor area enclosed by a building or buildings on at least three sides for at least 75 percent of the length of each side, and open to the sky.

*Craft Alcohol:* The production of small batches of wine, hard cider, beer, or distilled alcoholic beverage as licensed by Montana law.

*Cutoff:* The point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated at a specific angle above the ground.

*Cutoff angle:* The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

*Cutoff-type luminaire:* A luminaire with elements such as shields reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than 90 degrees.

#### D. D TERMS

*Dangerous sign:* A sign constituting a hazard to public safety because it no longer complies with some or all requirements of the building code or electrical code.

*Day care:* (or "child care") means care for children provided by an adult, other than a parent of the children or other person living with the children as a parent, on a regular or irregular basis, as applicable, for daily periods of less than 24 hours, whether that care is for daytime or nighttime hours. The term does not include a place where day care is provided if a parent of a child for whom day care is provided remains on the premises.

*Day care facility:* A person, association, or place, incorporated or unincorporated, that provides day care on a regular basis or a place licensed or registered to provide day care on an irregular basis or for children suffering from illness. The term includes a family day-care home, a day-care center, a group day-care home, or a facility providing care in a child's home for the purpose of meeting registration requirements for the receipt of payments. The term does not include: (a) a person who limits care to children who are related to the person by blood or marriage or under the person's legal guardianship, unless registration or licensure as a day-care facility is required to receive payments; or (b) any group facility established chiefly for educational purposes that limits its services to children who are 3 years of age or older.

*Day-care center:* An out-of-home place in which day care is provided to 13 or more children on a regular or irregular basis and which is licensed by the Montana Department of Public Health and Human Services.

*Family day-care home:* A private residence in which day care is provided to three to six children on a regular basis. Such day care home shall be licensed by the Montana Department of Public Health and Human Services.

*Group day-care home:* A private residence or other structure in which day care is provided to 7 to 12 children on a regular basis and which is licensed by the Montana Department of Public Health and Human Services.

*School-age care:* An adult-supervised program that is provided for school-age children during non-school hours.

*Deciduous:* A plant with foliage that is shed annually.

*Director:* The Director of Planning & Community Services and his or her designee.

*Distributed Antenna System (Wireless Communication Facilities):* A network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.

*Drive-in service:* A use whose character is dependent on a driveway approach, a drive-through and/or parking space for motor vehicles so as to either serve customers while in the vehicle or permit consumption of food or beverages in a vehicle obtained on the premises.

*Dripline:* A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

*Drive-through (thru)*: The use of land, buildings, or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant, window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. This definition does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or a service station.

*Drought avoidance*: The ability of a plant, once established, to withstand drought without showing signs of stress.

*Drought tolerance*: The ability of a plant, once established, to withstand drought without dying.

*Duplex*: See Dwelling, two-unit.

*Dwelling*: A building designed exclusively for residential purposes, including single-unit, two-unit, and multiple-unit dwellings, but not including hotels or motel units, bed and breakfast guest rooms, boarding or lodging houses, tourist home, or travel trailers and/or vehicles.

*Dwelling, attached*: A structure where the dwelling units share a common separation such as a ceiling, wall, etc. (including, without limitation, the wall of an attached garage or porch) and where access cannot be gained between the units through an internal doorway.

*Dwelling, detached*: A dwelling that is free of any shared walls and stands alone

*Dwelling, single-unit*: A building constructed and designed for one dwelling unit.

*Dwelling, two-unit (duplex)*: A building constructed and designed for two attached dwelling units,

*Dwelling, multiple-unit*: A building constructed and designed for three or more dwelling units, where the dwelling units share a common separation such as a ceiling, wall, etc. (including, without limitation, the wall of an attached garage or porch) and where access cannot be gained between the units through an internal doorway, excluding common hallways.

*Dwelling unit*: One or more rooms designed for or occupied exclusively by one household.

## E. E TERMS

*Eave*. The edge of a pitched or flat roof; it typically overhangs beyond the side of a building.

*Educational Facility*: A use category for public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or trade or business schools that provide educational instruction to students.

*Electric vehicle charging station*: An electric vehicle charging station is a public or private parking space(s) that is (are) served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle, and is classified based on the following levels:

Level 1 is considered slow charging, and operates on a fifteen to twenty amp breaker on a one hundred twenty volt AC circuit.

Level 2 is considered medium charging, and operated on a forty to one hundred amp breaker on a two hundred forty volt AC circuit.

Level 3 is considered fast or rapid charging, and operated on a sixty amp or higher breaker on a four hundred eighty volt or higher three phase circuit with special grounding equipment. Level 3 stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

*Electronic message display (EMD):* A sign with a display surface composed of light-emitting diodes (LEDs) or similar light sources that is capable of displaying varying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means.

*Eligible Support Structure (Wireless Communication Facilities):* Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the County.

*Enclosed structure:* A building that protects the contents thereof from the elements, including sight obscuring walls on all sides and a roof.

*Equipment enclosure (Wireless Communication Facilities):* A structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies, and emergency generators.

*Existing (Wireless Communication Facilities):* For purpose of wireless communication facilities and as applied to a tower or base station, existing means and refers to a constructed tower or base station that has been reviewed and approved under the applicable zoning or siting process of the County, or under another State, county or local regulatory review process.

## F. F TERMS

*FAA:* Federal Aviation Administration

*FCC:* Federal Communications Commission

*Facade.* The exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements. The front facade is any building face adjacent to the front lot line.

*Family day care home:* See Child care facilities.

*Farm stand:* A temporary structure not permanently affixed to the ground and is readily removable in its entirety, which is used solely for the display or sale of agricultural products.

*Fence:* A barrier composed of posts connected by boards, rails, panels or wire for the purpose of enclosing space to separate parcels of land. This term also includes a masonry wall.

*Financial institution:* Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. Accessory uses may include automatic teller machines, offices, and parking. The use may or may not be allowed to have a drive-through facility, depending on the zone district.

*Fireworks:* Those substances and/or articles which are more specifically defined in M.C.A. 50-37-101 through 50-37-103.

*Fireworks stand:* A structure from which fireworks are sold, displayed or offered for sale. A fireworks stand is specifically limited to an approved temporary structure, as regulated in Section 27-1010.

*Fireworks storage building:* A structure used for the storage of fireworks.

*Flag:* A flexible piece of fabric, that is attached along one edge to a straight, rigid flagpole (directly or with rope), and which is designed to move when the wind blows. Flags are typically (but not necessarily) rectangular in shape, and often (but not always) include printed or embroidered insignia that symbolizes a nation, state, or organization, or that display a graphic or message.



*Flashing sign:* An electronic message display, portion thereof, or non-EMD lighting that changes light intensity in a brief, brilliant, or sudden and transient outburst of light causing a steady on and off, glittering, sparkling, or scintillating pattern. Neon and incandescent lamps may flash in the following ways.

1. Alternating: One section comes on as another goes off.
2. Scintillating: Random sections go on and off with part of the lighting on at all times.
3. Chasing: One section comes on at a time and is followed by one section going off at a time. Part of the sign is on at all times.
4. Sweeping (filling): The lighting sections individually go on until all of the sections are on, then the entire group goes off and then the process is repeated.
5. On-off action: Lighting that goes all on and then all off.

*Flutter flags:* A piece of cloth or other similar material, varying in size, color, and design, that is attached to a flexible pole or staff, and may be in the shape of a vertically-oriented rectangle, teardrop, or similar, where typically the cloth or material is supported by wire to maintain the shape of the flag. Also called wind blade, blade, feather, or teardrop flags.

*Fraternity/sorority house:* A dwelling or dwelling unit occupied by and maintained exclusively for fraternity or sorority members, their guests or visitors and affiliated with and acknowledged as a fraternity/sorority house by an academic or professional college or university or other recognized institution of higher learning.

*Freestanding sign:* Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure, including monument and pole signs.

*Fuel sales:* A facility engaged in the storage, distribution, and retail sales of vehicle fuels for personal vehicles, fleet vehicles, and/or trucks.

*Funeral home:* A building or part thereof used for human funeral services. Such building may contain space and facilities for: (a) embalming and the performance of other services used in the preparation of the deceased for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns and other related funeral supplies; (d) the storage of funeral vehicles, and (e) facilities for cremation.

## G. G TERMS

*Gambling device:* See MCA Section 23-5-112: A mechanical, electromechanical, or electronic device, machine, slot machine, instrument, apparatus, contrivance, scheme, or system used or intended for use in any gambling activity.

*Gambling:* See MCA Section 23-5-112: Risking any money, credit, deposit, check, property, or other thing of value for a gain that is contingent in whole or in part upon lot, chance, or the operation of a gambling device or gambling enterprise. The term does not mean conducting or participating in a promotional game of chance and does not include amusement games regulated by Title 23, chapter 6, part 1. The term does not include social card games of bridge, cribbage, hearts, pinochle, pitch, rummy, solo, and whist played solely for prizes of minimal value, as defined by Montana Gambling Control Division rule.

*Garage, residential:* An accessory building or an accessory portion of the main building, enclosed on more than three sides and designed or primarily used only for the shelter or storage of vehicles owned and operated by the occupants of the buildings.

*Ghost signs:* A sign painted on an exterior building wall, which has been weathered and faded to the extent that it has lost its original brightness of color and visibility, most commonly located on masonry facades and served as advertising of the business within or as a leased area to other businesses.

*Golf course:* A tract of land laid out for at least nine holes for playing the game of golf that may include a clubhouse, golf schools, driving ranges, and accessory uses such as restaurants/bars, pro shops, and related facilities.

*Government offices and buildings:* An office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to: employment offices, public assistance offices, motor vehicle licensing, and registration services.

*Government sign:* Any temporary or permanent sign erected and maintained by the city, county, state, or federal government.

*Grain elevator:* A building for elevating, storing, discharging, and sometimes processing grain.

*Greenhouse:* A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of fragile or out-of-season plants for subsequent sale or for personal enjoyment.

*Ground cover:* Material planted or placed directly on the horizontal area of a lot at grade to completely open ground. Ground cover is specified as either organic or inorganic landscaping material.

*Ground level (signs):* the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the sign and property line or, when the property line is more than five feet from the sign, between the sign and a line five feet from the sign.

*Group day care home:* See Child care facilities.

#### H. H TERMS

*Halfway house:* See Community residential facilities.

*Hazard (sign):* Whenever any portion, support structure, or appurtenance of a sign is likely to fail or to become detached, dislodge, or collapse.

*Heliport:* Any facility whose primary purpose is for the landing or taking off of helicopters. This would include any accessory uses or structures related to the principal use as a heliport, such as maintenance and overhaul, fueling, service, storage, tie-down areas and hangars.

*Hobby farm:* A small holding or farm maintained without expectation of profit or as a primary source of income. For purposes of these regulations, this definition shall exclude residential structures.

*Home occupation:* An occupation carried on by an occupant of a dwelling, which is located in a residential zoning district, as an accessory and incidental activity to the main residential use of the building.

*Hospice:* A facility where palliative and supportive care are provided to meet the needs of a terminally ill patient and the patient's family according to the requirements of the Montana Department of Public Health and Human Services.

*Hospital* A facility providing, by or under the supervision of licensed physicians, services for medical diagnosis, treatment, rehabilitation, and care of injured, disabled, or sick individuals. Except as otherwise provided by law, services provided must include medical personnel available to provide emergency care onsite 24 hours a day and may include any other service allowed by state licensing authority. A hospital has an organized medical staff that is on call and available within 20 minutes, 24 hours a day, 7 days a



week, and provides 24-hour nursing care by licensed registered nurses. The term includes: (i) hospitals specializing in providing health services for psychiatric, developmentally disabled, and tubercular patients; and (ii) specialty hospitals.

*Hotel:* A building, or portion thereof, designed or used for temporary lodging, being less than 30 days, where lodging with or without meals is provided for compensation. A central dining room, banquet meeting hall, kitchen, plus accessory shops and services catering to the general public can be provided.

Household:

1. A family, including any foster children, plus any number of unrelated persons living together in a single, not-for-profit housekeeping unit sharing one common kitchen facility; or
2. One or more persons occupying a dwelling unit as a single housekeeping unit, subject to a limit of not more than two adult persons per bedroom; or
3. Any group of individuals and caretakers recognized as a household by Montana law.

## I. I TERMS

*Individual business:* One business on one parcel provided that the parcel is not part of a multiple business complex; and also provided the parcel is not part of a group of multiple contiguous parcels under the same ownership. See also Tenant.

*Industrial sales and service:* A use category of firms that are engaged in the sale, repair, or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Contractors and similar users perform services off-site. Few customers come to the site. Accessory activities may include sales, offices, parking, and storage.

*Inflatable sign:* A sign that is constructed from or attached to an envelope flexible material that is given shape and / or movement by inflation. The phrase inflatable sign does not include balloons that are less than 18 inches in all dimensions. Inflatable signs do not include hot-air balloons use for air travel.

*Inoperable vehicle:* Any vehicle incapable of immediate operation under its own power safely and in concurrence with governing and applicable traffic statutes or any vehicle not having current license plates lawfully affixed thereto.

*Interstate corridor:* The area of the County which is within 660 feet of the nearest edge of the right-of-way of a designated interstate highway and which area is not in a neighborhood residential zone or used for residential purposes.

*Invasive Species:* An alien (non-naturalized) species whose introduction does or is likely to cause economic or environmental harm or harm to human health and which tends to disrupt natural ecosystems by displacing naturalized species.

*Irrigation system:* An artificial watering system designed to transport and distribute water to plants.

## J. J TERMS

*Junk:* Any worn out cast off or discarded article or material which is ready for destruction or has been collected or stored as salvage, for conversion to some other use or for reduction into components. Junk includes but is not limited to old or scrap brass, rope, rags, batteries, paper, tires, rubber debris or waste, iron, steel and other old or scrap ferrous or non-ferrous material.

*Junkyard:* An open area where wastes, or used or secondhand materials are bought, sold, exchanged, stored, processed or handled, which are not intended to be recycled. Materials shall include, but are not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles.

**K. K TERMS**

*Kennel, commercial:* Any lot, building, structure or premises where more than two dogs or cats over the age of six months, other than those owned by the kennel owner are kept or maintained for boarding, training, breeding or selling, exclusive of medical care or for quarantine purposes in excess of 24 hours. Female dogs bred for the sole purpose of the sale of puppies for profit, and female dogs numbering more than three constitute a Commercial Kennel.

*Kennel, noncommercial:* A kennel at, in, or adjoining a private residence where more than two dogs or cats are kept for the hobby of the householder in using them in shows or obedience trials, personal pleasure or for the guarding or protecting of the householder's property. The occasional raising of a litter of puppies or kittens at the kennel and the occasional sale of puppies or kittens by the keeper of a noncommercial kennel should in no way change the character of the residential property.

**L. L TERMS**

*Land mobile radio service (LMRS):* A mobile service between base stations and land mobile stations or between land mobile stations as defined in Title 47, PART 90 (47 CFR § 90)—Private Land Mobile Radio Services.

*Landscape architect:* A person who holds a license to practice landscape architecture in the State of Montana.

*Landscaping:* To change the natural features of a plot of ground by combination of organic and inorganic elements, as further described in sections 27-1201, et seq.

*Landscaping material, inorganic:* Material such as rock, stone, flower tubs, fountains, outdoor plazas or other amenities.

*Landscaping material, organic:* Any material that is or is derived from living plants, such as trees, shrubs, vines, turf, and flowerbeds, bark chips, or mulch.

*Livestock and fowl:* Livestock shall include all animals of the equine, bovine and swine class, including goats, sheep, mules, horses, hogs, cattle and other grazing animals. Fowl shall include chickens, geese, ducks, turkeys and other poultry.

*Long-term care facility:* a facility or part of a facility that provides skilled nursing care, residential care, intermediate nursing care, or intermediate developmental disability care to a total of two or more individuals or that provides personal care in accordance with the requirements of the Montana Department of Public Health and Human Services.

*Long-Term Tenant:* A person who occupies land or property rented from a property owner for 30 days or longer.

*Luminaire:* A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

**M. M TERMS**

*Maintenance (sign):* The cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the structure of the sign. Replacement of a static sign with an EMD is considered a sign change that requires a permit.

*Manufactured home:* (MCA 15-1-101(m)) A home built on a non-removable steel chassis or frame. Each transportable unit of a manufactured home has a red certification label on the exterior section and is built according to the Manufactured Home Construction and Safety Standards (HUD Code). A manufactured

home does not include a mobile home or housetrailer constructed before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976. Manufactured homes are classified as Type 1, homes that were certified on or after January 1, 1990; and Type 2, homes that were certified prior to January 1, 1990.

*Manufactured home park:* A residential use in which more than one manufactured home is located on a single lot. Manufactured home parks must comply with the County subdivision regulations

This term does not include a parcel composed of individually platted lots, each lot of which is filed with the Yellowstone County clerk and recorder, which contain only one manufactured home per lot.

*Manufacturing:* Establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, such activity is a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory activities may include retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters.

*Artisan:* Spaces used by artists for the creation of art or the practice of their artistic endeavors.

*Limited:* The creation of a unique or customized product, such as hats, boots, or knives, in fulfillment of a customer order.

*Light:* An establishment engaged in fabrication, assembly, processing, or manufacturing that generally do not create significant impacts on surrounding areas.

*Heavy:* An establishment engaged in fabrication, assembly, processing, or manufacturing that have the potential to create significant impacts on surrounding areas due to the types of materials used, byproducts created, hours of operations, volumes of heavy truck or rail traffic, or other factors.

*Marquee:* A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a façade of a building.

*Marquee sign:* A sign attached to a marquee.

*Mechanical motion sign:* Signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced mean.

*Medical Structures:* any structure on a P3 Medical Campus that is used for the provision or support of healthcare services and/or patient care (including, but not limited to, a hospital, clinic, medical building, emergency room, trauma center, urgent care facility, surgery center, dialysis or infusion center, medical research center, home oxygen service, pharmacy) and any parking associated with and/or used by the occupants of or visitors to those structures. All other structures on a P3 Medical Campus and their associated parking are considered non-medical.

*Mental health center:* a facility providing services for the prevention or diagnosis of mental illness, the care and treatment of mentally ill patients, the rehabilitation of mentally ill individuals, or any combination of these services in accordance with the requirements of the Montana Department of Public Health and Human Services.

*Merchandise:* All items of movable personal property offered for sale to the public for which no title is required to be registered with or issued by the state.

*Message hold time:* The time interval a static message must remain on display before transitioning to another message.

*Micro Cell Facility (Wireless Communication Facilities):* A small wireless facility that is no larger than 24 inches in length, 15 inches in width, 12 inches in height, and that has an exterior antenna, if any, that is no more than eleven inches in length.

*Microbrewery (craft brewery, brew pub):* A facility for the production and packaging of up to 10,000 barrels a year of malt beverages of alcoholic content for on or off premises distribution, retail or wholesale in conformance with Montana State law. The facilities typically include a tasting room and may include accessory food preparation and sales, as well as sales of promotional merchandise such as growlers, T-shirts, and hats.

*Microdistillery:* A facility for the limited production of distilled spirits, making up to 25,000 gallons per year, for on or off premises distribution, retail, or wholesale in conformance with Montana State law. The facilities typically include a tasting room and may include accessory food preparation and sales, as well as sales of promotional merchandise such as T-shirts and hats.

*Micro-irrigation:* The frequent application of small quantities of water directly on or beneath the soil surface, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along the lateral water delivery pipes. Micro-irrigation includes drip, subsurface, bubbler, and spray irrigation and may also be referred to as trickle irrigation, low volume, or low flow irrigation.

*Mobile home:* (MCA 15-1-101(o)) Forms of housing known as "trailers", "housetrainers", or "trailer coaches" exceeding 8 feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, housetrailer, or trailer coach up to 8 feet in width or 45 feet in length used as a principal residence.

*Modular home:* (See ARM 42.4.201(14)) A home built in a factory setting in units, transported to the home site, placed on a permanent foundation, and joined. Modular homes are required to meet the Building Code adopted by the State of Montana.

*Monopole (Wireless Communication Facilities):* A single, freestanding pole-type structure supporting one or more antennas.

*Monument sign:* A sign and supporting structure constructed as a solid structure or one that gives the appearance of a continuous, non-hollow, unbroken mass. A multitenant monument sign is a monument sign permitted for a property with three or more tenants, as identified by individual tenant addresses.

*Motor vehicle:* A two or more wheeled or track vehicle designed to transport one or more persons or properties from one location to another including without limitation: trucks, buses, cars, motorcycles, scooters, farm and industrial equipment.

*Moving billboard sign:* A sign attached in any way to a vehicle operating in the public right-of-way, that is used for the primary purpose of advertising, and where the vehicle is either: (1) not used primarily for the transportation of passengers for hire or goods, or (2) is not designed for the transportation of passengers for hire or goods.

*Multiple businesses (signs):* Businesses that may be located in a single building or in multiple buildings on a single site.

*Multi-unit developments:*

- (1) Condominium, townhome, townhouse or commercial development projects that include common, private facilities shared by two or more buildings or lots.
- (2) Residential developments that have more than two dwelling units and include common, private facilities shared by two or more buildings or lots.

**N. N TERMS**

*Native plant:* Plant species occurring naturally and native to a given ecosystem or plant community that is suited to the soil, topography, hydrology, and wildfire risk of a particular site.

*Naturalized plant:* A plant species that has become established in an area where it is not native.

*Neighborhood watch sign:* A sign obtained through the local law enforcement agency as part of a neighborhood watch program.

*New Wireless Communication Facility:* The establishment of a telecommunications facility on a tower, building or other support structure where no such facility presently exists.

**O. O TERMS**

*Occupied:* Includes the words intended, designated or arranged to be occupied.

*Occupied space:* Interior building space occupied by the building users. It does not include storage areas, utility space, or parking.

*Off-premises sign:* A sign or billboard that is used or intended for use to advertise, identify, direct or attract the attention of the public to a business, institution, product, organization, event or location offered or existing elsewhere than upon the same lot, tract or parcel of land where such sign or billboard is displayed.

*Office, business and professional:* A category of establishments in which services are performed involving administrative, professional, business, or clerical operations. This use includes contractors and others who perform services off-site only if major equipment and materials are not stored at the site and fabrication or similar work is not carried out on the site.

*On-premises sign:* means any sign identifying or advertising a business, activity, goods, products or services located on the premises where the sign is installed and maintained.

*On-vehicle sign:* Any magnetic sign(s), signs painted or wrapped on, adhesive vinyl film affixed to a window, or sign attached by other temporary or permanent means to a vehicle, where the vehicle is owned by the business, is operable and properly licensed, and the vehicle is regularly and consistently used in the normal daily conduct of the business, such as delivering or transporting goods or providing services related to the business.

*Open storage:* The storage for a period of five consecutive days or more of junk, salvage, trash, inoperable vehicles and/or merchandise outside of an enclosed structure.

*Opencut mining:* mining operation permitted pursuant to MCA Title 82.

*Outdoor sales lot:* use of land for retail product sales where the majority of the goods are stored or displayed outside during both business and non-business hours. Outdoor sales lots include automobile and truck sales and rental; boat and recreational vehicle sales and rental; and manufactured home dealerships.

*Outpatient center for surgical services:* clinic, infirmary, or other institution or organization that is specifically designed and operated to provide surgical services to patients not requiring hospitalization

and that may include recovery care beds in accordance with the requirements of the Montana Department of Public Health and Human Services.

*Over the Air Receiving Device:* An antenna used to receive video programming from direct broadcast satellites, broadband radio services and television broadcast stations, but shall not include antennas used for AM/FM radio, amateur (“ham”) radio, CB radio, digital audio radio services or antennas used as part of a hub to relay signals among multiple locations.

*Owner:* A person recorded as such on official records and including duly authorized agent.

*Owner-occupied:* For the purposes of short-term rentals, a residence that is lived in by the owner or a long-term tenant for the majority of a calendar year.

## P. P TERMS

*Parcel:* A single tract or parcel of land, no matter how legally described whether by metes and bounds, certificate of survey, and/or by lot or lots and block designation as in a recorded plat, which at the time of applying for a building permit is designated by its owner or developer as the tract to be used, developed or built upon as a unit of land under single ownership or control and assigned to the particular use for which the building permit is being secured and having frontage on or access to a public street over an easement approved by County Public Works.

*Passenger terminal:* Premises used for the boarding or discharge of people being transported.

*Pedestrianway:* A pathway designed for use by pedestrians; it can be located mid-block allowing pedestrian movement from one street to another without traveling along the block's perimeter.

*Pennant:* A piece of fabric, plastic or other flexible medium that may be in the shape of a triangle, rectangle or other shape, is typically mounted to a flexible cord or rope that is stretched across two points, is mounted in quantity and spaced along the cord or rope.

*Permanent sign:* A sign constructed of materials that are weather resistant for multiple years without significant deterioration from exposure to the elements or wear and tear.

*Permanent tree protection devices:* Structural measures, such as retaining walls or aeration devices that are designed to protect the tree and its root system throughout its lifetime.

*Personal service:* A use category for establishments providing non-medical services to individuals as a primary use.

*Pervious surface:* Also referred to as pervious material. A material or surface that allows for the absorption of water into the ground or plant material, such as permeable pavers or a vegetated roof.

*Parking, commercial:* A use category including the commercial assembly or standing of vehicles, either in a garage structure or on a surface lot.

*Personal self-service storage:* Real property designed and used for the purpose of renting or leasing individual storage space to tenants with access to such spaces for the purpose of storing and removing personal property.

*Pole-Mounted Small Cell Wireless Facility:* A small cell facility with antenna that are mounted and supported on an alternative tower structure, which includes a replacement pole.

*Pole sign:* A sign that is supported by one or more uprights, poles, or braces affixed to the ground, and not attached to a building or structure.



*Portable sign:* Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

*Premises:* An area 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.

*Primary public entrance:* An entrance to a business that is open to the public during its normal and customary hours of operations and the entrance is used as the primary ingress and egress to the business by the public.

*Principal building:*

1. A structure accommodating the principal use to which the property is devoted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings. A campus may also have more than one principal building or principal use. Campuses may include buildings or uses that would be principal if located off-campus, but which are accessory to the principal use of the campus.
2. The building in a multi-unit multifamily development located at the main access to the complex or where the office functions are provided for the complex.

*Principal building entrance:* A street-level primary point of public pedestrian access into a building. The phrase "principal building entrance" does not include doors used principally as emergency exits, or doors that provide restricted access (e.g., for employees or deliveries).

*Principal use:* The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

*Private:* In reference to a building, structure, utility, facility or use, "private" means owned by someone other than a unit of government, or an agency of a government, unless the context clearly indicates that "private" is being used in the broader sense of something not available to the general populace.

*Project animal:* An animal raised exclusively for educational purposes and/or for participation in programs such as F.F.A., 4-H, or other similar types of programs.

*Projected light sign:* Any image, text, or other content that is projected onto an outdoor surface (e.g., a building wall or sidewalk) by a laser projector, video projector, video mapping, or other comparable technology, in a location such that the image, text, or content is obviously visible from outside of the premises.

*Projecting sign:* A sign, other than a flat wall sign, that is attached to and projects from a building, wall or other structure not specifically designed to support the sign. Projecting signs include architectural blade signs.

*Proposed Facilities Modification (Wireless Communication Facilities):* A proposal submitted by an applicant to modify an eligible support structure which the applicant asserts is subject to review under Section 6409 of the Spectrum Act (minor modification), and involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

*Public:* In reference to a building, structure, utility, facility, or use, "public" means owned and/or operated by a unit of government or an agency of a unit of government, unless the context clearly indicates that "public" is being used in the broader sense of something available to the general populace.

*Public recreation facility:* Facilities or equipment that are used for public recreational or natural resource purposes that have a relatively low flood damage potential, and do not involve a structure. This includes, without limitation: bicycle, equestrian or pedestrian trails and paths, benches, ball fields, tennis and basketball courts, interpretive facilities, and golf courses.

*Public right-of-way width:* The perpendicular distance across a public street measured from property line to property line. When property lines on opposite sides of the public street are not parallel, the public right-of-way width shall be determined by County Public Works.

#### Q. Q TERMS

[Reserved]

#### R. R TERMS

*Radio Frequency Emissions Letter (Wireless Communication Facilities):* A letter from the applicant certifying all WCFs that are the subject of the application shall comply with federal standards for radio frequency emissions.

*Ranch:* A ranch is an area of land that usually serves as a place to raise grazing livestock including sheep, cattle, and lesser-known livestock such as ostrich, elk, American bison, or emu.

*Recreational vehicle:* A motor home, travel trailer, or camper, all as defined in MCA 61-1-101.

*Recreational vehicle park:* Any area or tract of land designed or used that contains two or more spaces which are available for rent to the general public for parking or placement of temporary recreational vehicles. This term does not include a parcel composed of individually platted lots.

*Recycling processing facility:* A facility that is not a junkyard and in which recoverable resources, such as newspaper, glassware and metal cans are collected, stored, flattened, crushed or bundled. This term does not include automobile or vehicle salvage or wrecking yards.

*Refacing:* Any alteration to the face of a sign involving the replacement of materials. Refacing does not refer to replacing the entire sign structure or the removal of the sign.

*Replacement Pole (Wireless Communication Facilities):* An alternative tower structure that is a newly constructed and permitted traffic signal, utility pole, street light, flagpole, electric distribution, or street light poles or other similar structure of proportions and of equal height or such other height that would not constitute a substantial change to a pre-existing pole or structure in order to support a WCF or small cell facility or micro cell facility or to accommodate collocation and replaces a pre-existing pole or structure.

*Research and testing laboratory:* A facility for conducting medical or scientific research, investigation, testing, or experimentation; however, this does not include facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. This definition includes electronic and telecommunications laboratories, including assembly.

*Residential treatment facility:* a facility operated for the primary purpose of providing residential psychiatric care to individuals under 21 years of age in accordance with the requirements of the Montana Department of Public Health and Human Services.

*Residential care facility:* an adult day-care center, an adult foster care home, an assisted living facility, or a retirement home.



*Restaurant:* an establishment where food and drinks are available to the general public, primarily for consumption within a structure on the premises where the total sales of food and non-alcoholic beverages exceeds the total sales of alcoholic beverages.

*Retail sales:* A use category for businesses involved in the sale, lease, or rental of new or used products to the general public. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging or repair of goods for on-site sale.

*Agricultural retail:* Retail outlets that sell farm, ranch, and agricultural supplies but may include other merchandise.

*General retail:* An establishment engaged in the sale of good to the public at retail and that have the potential to create impacts on surrounding residential areas due to the scale of the building, hours of operations, volumes of automobile or truck traffic, or other factors.

*Large-format retail:* A physically large retail store that is typically part of a retail chain. A large-format store is characterized by a large amount of floor space (generally more than 50,000 square feet) and a wide array of items available for sale, either as general merchandise or in a specialty category such as books or consumer electronics,

*Limited retail:* An establishment engaged in the retail sales of convenience goods and other goods serving the day to day needs of the immediate neighborhood within one half (1/2) mile of the site, and not including major purchase items, and that generally do not create significant impacts on surrounding residential areas due to the small size of the establishment and more limited automobile and/or truck traffic.

*Retirement home or village:* a building or buildings in which separate living accommodations are rented or leased to individuals who use those accommodations as their primary residence.

*Required sign:* A sign that is required by an applicable building code (e.g., address numbers) or health and safety regulations (e.g., the Occupational Safety and Health Act ("OSHA")) or other laws or regulations, whether such sign is temporary or permanent.

*Right-of-way:* A strip of land dedicated or acquired for use as a public way, or that is acquired through an easement.

*Rider (sign):* A subordinate sign panel that is attached to a swing sign, either above the horizontal member or below the principal sign face. To illustrate, but without limiting the range of messages that a rider may convey, if the swing sign is used to advertise a property as "for sale," a rider is often used to convey a related message such as "contract pending."

*Roof sign:* A sign erected, constructed and maintained upon, or connected to any roof of any building with the principal support on the roof structure. This definition excludes architectural blade signs.

1. Roof sign, above-peak: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
2. Roof sign, integral: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

*Runoff:* Water or liquid that is not absorbed by the soil or landscape to which it is applied and flows from the area.

## S. S TERMS

*Salvage yard:* A lot or portion of a lot where junk, waste, discarded or salvaged materials are bought, sold, exchanged, baled, stored, packed, disassembled or handled, including auto wrecking activities, building wrecking activities, used lumber places and places for storage of salvaged building materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building. This definition includes junkyard.

*Satellite dish antenna:* A device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition shall include but not be limited to what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), direct satellite systems (D.S.S.) and satellite microwave antennas.

*Satellite signal, usable:* That level of signal received via the satellite dish antenna which will run the television and/or radio with a minimum level of distortion, a distortion level that is barely discernible to the naked eye and a picture quality consistent with other reception in the area.

*School, college or university:* A public or private institution for higher learning (beyond grade 12) providing instruction as approved by the Montana Department of Education or a national collegiate or university accreditation agency. This definition also includes higher learning facilities for religious institutions.

*School:* An institution of learning which offers instruction in the several branches of learning and study required to be taught in the schools by the Montana State Board of Education; includes public, private and parochial schools.

*School, trade, business, technology, or vocational:* A vocational / technical school, trade school, language school, business school, training center, beauty school, culinary school, and comparable advanced or continuing education facilities. The phrase does not include music schools, fitness centers, sports instruction, swimming instruction, or martial arts instruction

*Seasonal decorations:* Decorations and temporary signs that are clearly incidental, customary, and commonly associated with a holiday, birthday, anniversary, graduation or similar occasion.

*Shelter, Animal:* A facility that is used to house or contain animals and is owned, operated, or maintained by a nonprofit corporation for the purpose of providing temporary kenneling and care for the animals and finding permanent adoptive homes for them.

*Shopping center or mall:* A shopping center is a mix of retailing land and service uses offering both essential and nonessential goods and services, with at least 100,000 square feet of structure footprint, and that attracts consumers from a region-wide market area.

*Short-Term Rental:* The renting, or offer to make available, (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration, of residential property, a dwelling unit, or a portion thereof, for a period of less than 30 consecutive days to a transient guest or guests. See also Tourist Home.

*Short-Term Rental Unit:* A residential dwelling unit, or portion of such a unit, that is rented for compensation or consideration for less than 30 days at a time; does not include dwelling units owned by the federal government, state, or county, or any of their agencies, or facilities licensed by the state as health care facilities.

*Shrub:* A woody plant that usually remains low and produces shoots or stems from the base and is not usually tree-like or single stemmed.

*Sign:* Any writing (including letter, word or number), pictorial representation (including illustration or declaration), product, form (including shapes resembling any human, animal or product form), emblem (including any device, symbol, trademark, object or design which conveys a recognizable meaning, identity or distinction) or any other figure of similar character that is a structure or any part thereof, or is written, painted, projected upon, printed, designed into, constructed or otherwise placed on or near a building, board, plate, or upon any material object or device whatsoever, that by reason of its form, location, manner of display, color, working, stereotyped design or otherwise attracts or is designed to attract attention to the subject or to the property upon which it is situated, or is used as a means of identification, advertisement, or announcement. The term sign shall not include the following:

- (1) Art that does not include commercial speech; or
- (2) Products, merchandise or other materials which are offered for sale or used in conducting a business, when such products, merchandise, or materials are kept or stored in a location which is designed and commonly used for the storage of such products, merchandise or materials.

*Sign administrator:* The zoning coordinator.

*Sign area:* The total dimensions of a sign surface used to display information including text, symbols, or images. The sign area includes nonstructural trim, but does not include the supporting structure, if any, unless the supporting structure is used for the display of text, symbols, or images. The sign area can be smaller than the sign face.

*Sign Face:* The surface area of the sign that is designed for the placement of text, symbols, or images. For the purposes of measurement, sign faces are defined as follows:

1. Single-sided sign: A sign with only one face plane.
2. Two-sided (also referred to as double-faced or “V” sign): A sign with back-to-back face planes that are parallel or within 30° of parallel.
3. Three-sided sign: A sign with three face planes.
4. Three-dimensional sign: A sign that is sculptural or three-dimensional in form.

*Sign structure(s):* The base, footer, support poles, framing, and all other parts and components onto which the copy area is resting or attached.

*Sign structure area:* The total surface area of the structure of a monument sign that supports its copy area and contains dimensional or material differences from the plane of the sign face. Architectural embellishments and decorative features that do not contain or support advertising copy and are not lighted shall not be included in the sign structure area.

*Sign walker:* A person who carries a sign that is worn, held, or balanced by that person and is not installed or attached to real property.

*Site (Wireless Communication Facilities):* (other than towers in the right-of-way and eligible support structures): The current boundaries of the leased or owned property surrounding the tower or eligible support structure and any access or utility easements currently related to the site. A site, for other alternative tower structures, base stations, micro cell facilities, and small cell facilities in the right-of-way, is further restricted to that area comprising the base of the structure and to other related accessory equipment already deployed on the ground.

*Small Cell Network (Wireless Communication Facilities):* A collection of interrelated small cell facilities designed to deliver personal wireless services.

*Small Cell Wireless Communication Facility:* A wireless communication facility where each antenna is located inside an enclosure of no more than three cubic feet in volume, or, in the case of an antenna that

has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and primary equipment enclosures are no larger than seventeen cubic feet in volume. the following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch. Small cells may be attached to alternate tower structures, replacement poles, and base stations. The definition of a small cell facility shall also include a micro cell or micro cell facility.

#### Solar Energy Facility Standards

*Accessory Use* – an SEF designed primarily for serving on-site needs or a use that is related to the primary use of the property.

*Concentrated Solar Power (CSP)* – an SES that uses mirrors to reflect and concentrate sunlight.

*Photovoltaic (PV)* – an SEF that converts sunlight into electricity through PV cells.

*Practicable* means it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

*Primary Use* - a SEF that is devoted to solar electric power generation primarily for use off-site.

*Secondary Use* – an SEF that is not the primary use of the property.

*Solar Energy Facility (SEF)* means a Solar Electric System that satisfies the parameters set out in Section 27-1009.

*Solar Electric System (SES)* means the components and subsystems that, in combination, convert solar energy into electric or thermal energy suitable for use, and may include other appurtenant structures and facilities. The term includes, but is not limited to, photovoltaic power systems, solar thermal systems, and solar hot water systems.

*Solar Thermal System* – also known as solar hot water systems; an SEF that absorbs solar energy as heat which is then used to heat structures and water.

*Solid waste facility:* A facility principally or solely used for the processing or disposal of solid waste and subject to compliance with all applicable federal, state, and local regulations including:

*Transfer Stations:* Facilities at which solid waste collected from any source is temporarily deposited to await transportation to another solid waste facility. All activities associated with a Transfer Station shall be done within an enclosed structure including but not limited to sorting, reducing, compressing, shredding, compacting, composting, and storage of waste materials, equipment or vehicles.

*Solid Waste Processing Facilities:* Facilities at which solid waste is sorted, reduced, compressed, shredded, compacted or composted for purposes of volume reduction or preparation for burning or land-filling.

*Waste Burning Facilities:* Any incinerator, boiler, percolator or other solid waste facility at which solid waste, including previously processed solid waste is burned for the purposes of volume and weight reduction or steam heat, power or energy generation.

*Sanitary Landfills:* Facilities employing a method of disposing of solid wastes on or into land by various forms of excavation, placement, burial, compaction, or covering.

*Recycling Processing Facilities:* Facilities at which the primary function is to extract useful materials from the solid waste, and all processing activities are conducted within a completely enclosed building.

*Spectrum Act (Wireless Communication Facilities):* The “Middle Class Tax Relief and Job Creation Act of 2012” (Public Law 112-96; codified at 47 U.S.C. § 1455(a)).

*Stable, private:* A detached accessory building in which horses or other beasts of burden owned by the occupant of the premises are kept, and in which no such animals are kept for hire, remuneration or sale, and are kept for the owner's private use only.

*Stable, commercial:* A stable other than a private stable.

*Stay:* The act of temporarily stopping or suspending an action, such as the processing of a permit application.

*Stealth Communication Facility (Wireless Communication Facilities):* Any WCF that is integrated as an architectural feature of a structure or the landscape so that the facility and its purpose to provide wireless services is not visually apparent or prominent.

*Streets:*

*Street:* A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or however otherwise designated which has been dedicated to or acquired for public use and which extends the full width between right-of-way lines, which includes areas acquired or prescribed through an easement.

*Alley:* A minor way which is used primarily for vehicular service access or for utility lines to the back or the side of properties otherwise abutting on a street.

*Arterial street:* A street which is intended to provide for high operating speeds, high levels of service and to serve longer trips through access management and the interconnection of major development areas such as the central business district, large commercial and industrial developments and major residential areas.

*Collector street:* A street that functions as a link between local streets and arterial streets and provides both access and movement functions within residential, commercial and industrial areas.

*Cul-de-sac:* A street that terminates in a vehicular turnaround.

*Local street:* A street whose primary function is access and whose movement function is incidental and involves traveling to and from a collector. In addition, local streets are characterized by short trip lengths, low traffic volumes, slow speeds and deliberately discouraging through traffic.

*Street face:* The facade of a building that faces a public or private street.

*Street Front Landscaping:* Required landscaping that is placed along the edge of a yard adjacent to a public street or right-of-way.

*Structural canopy:* See canopy.

*Structure:* Anything constructed, erected, or placed with a more or less fixed location on the ground or attached or resting on something having a fixed location on the ground.

*Structure, principal:* A structure accommodating the principal use to which the property is devoted.

*Studio or instruction service:* A small-scale facility for the production of or education in a fine art, dance, fitness, or performance program. Examples of these facilities include: individual and group instruction and training in the arts and production rehearsal, photography and the processing of photographs produced only by users of the studio facilities, martial arts training studios, and gymnastics instruction and fitness centers. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

*Support Structures (Wireless Communication Facilities):* A structure designed to support small cell wireless facilities including, but not limited to, monopoles, alternative tower structures, replacement poles, and other freestanding self-supporting pole structures.

*Suspended sign:* A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface. See also Under Canopy Sign.

*Swale:* A shallow channel with gently sloping sides that can be used to manage water runoff, filter pollutants, and increase storm water infiltration.

*Swing sign:* A type of temporary sign that is suspended from a horizontal swing post that is attached to a post that is staked into the ground. Swing signs may include riders that are mounted to the swing post or suspended under the sign panel.

## T. TERMS

*Telecommunications Facilities (Wireless Communication Facilities):* Any cables, wires, wave guides, antenna and any other equipment or facilities associated with the transmission or reception of communications services located or installed upon or near a tower or base station. Such communications services include, but are not limited to, cellular, personal communication services, specialized mobilized radio, enhanced specialized mobilized radio, paging and other similar services marketed to the commercial or residential consumers. Telecommunications facilities shall not include:

- (1) Any satellite earth station antenna two meters in diameter or less which is located in an area zoned commercial or industrial; and
- (2) Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.

*Temporary irrigation:* An irrigation system that is used to establish plants and is removed after the establishment period.

*Temporary sign:* A sign that is: (1) constructed of cloth, canvas, vinyl, paper, plywood, fabric or other lightweight material not well suited to provide a durable substrate; or (2) if made of some other material, is neither permanently installed in the ground, nor permanently affixed to a building or structure that is permanently installed.

*Temporary structure:* A structure established for a fixed period of time as established by this chapter.

*Temporary use:* A use established for a fixed period of time as established by this chapter.

*Tenant:* A single incorporated use of a premises for which a certificate of occupancy has been issued, which is separated from another business by demising walls and has a separate entrance.

*Theater:* A structure that is open to the public and is used for dramatic, operatic, musical, motion picture, or other performance or entertainment related activities, where admission is charged per performance or event, and where there is no audience participation other than as spectators.



*Toll and Tolling:* To delay, suspend, or hold off on the imposition of a deadline, statute of limitations, or time limit.

*Tourist Home* means a private home or condominium that is not occupied by an owner or manager and that is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis.

*Tower (Wireless Communication Facilities):* Any structure built for the sole or primary purpose of supporting one or more FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. The term includes self-supporting lattice towers, guy towers or monopole towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like.

*Townhome or townhouse:* Property that is owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units, but under which they may jointly own the common areas and facilities as provided in MCA Title 70.

*Towing service and storage yard:* Any lot, structure, or the use of any portion of such lot or structure for the temporary outdoor storage of towed vehicles that are to be claimed by the titleholders or their agents.

*Transient guest:* A guest for only a brief stay, such as the traveling public.

*Transition (sign):* The time interval between display changes of graphics, text, messages, or images on EMD signs.

*Transmission Equipment (Wireless Communication Facilities):* Equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, Antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

*Trash:* Something worth little or nothing.

*Travel trailer:* See Recreational Vehicle.

*Travel trailer park:* See Recreational Vehicle Park.

*Truck, RV, and heavy equipment rental, sales, and service:* A facility or area for the display, sale, and rental of tools, heavy machinery, dump trucks or commercial and heavy equipment not used in offices, such as used in building construction, farming, restaurant, or manufacturing. Sales may either be retail or wholesale.

*Truck stop:* Any occupancy which provides a service for highway travel directly or indirectly related to the servicing, repairing, and/or refueling of semi-trucks (also commonly known as tractors), semi-trailers, and their components. A truck stop is a point at which semi-trucks may stop for refueling or where truck drivers can park their trucks, trailers and components and seek lodging and/or food services, as well as, other services related to highway trucking needs.

*Truck wash:* A building or area that provides facilities specifically designed for washing and cleaning semi-tractors and/or semi-trailers and recreational vehicles, which may use production line methods with a conveyor, blower or other mechanical devices. This term also includes facilities which require hand labor in the cleaning of the vehicle.

*Turf grass:* Continuous plant coverage consisting of grass species suited to growth in central Montana.

## U. U TERMS

*Under canopy sign:* A sign suspended below the ceiling or roof of a canopy.

*Unlawful sign:* A sign which contravenes this article or which the administrator may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment or a nonconforming sign for which a permit required under a previous sign code was not obtained.

*Urban agriculture:* The practice of cultivating, processing, and distributing food in or around urban areas.

*Usable open space:* That space on the same lot and contiguous to the principal building or buildings and which is either landscaped or developed and maintained for recreational purposes and excludes that portion of the lot which is utilized for off-street parking or loading space or for front yard setback requirements. Usable open spaces can be provided within a building or the roof top where facilities are provided for residents of the development.

*Use:* The purpose for which a building, lot, sign, or other structure is arranged, intended, designed, occupied or maintained.

*Used:* Includes the words intended, designated or arranged to be used.

*Utility:* A use category for the use of land for public or private lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and facilities for the generation of electricity.

*Utilities, major facilities/service yard* means infrastructure services that have substantial land use impacts on surrounding areas. Typical uses include, but are not limited to, water and wastewater treatment facilities, major water storage facilities and electric generation plants. This definition also includes service yards for utility providers.

*Utilities, minor facilities/office* means infrastructure facilities and services that need to be located in the area where the service is to be provided such as water and sewer pump stations, electrical transforming substations, wind energy conversion systems, solar collector systems, water conveyance systems or gas regulating stations.

*Utility, public:* A private business organization performing some public service and subject to special governmental regulations or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, gas and transportation for persons and freight.

## V. V TERMS

*Variance:* See BMCC Sections 27-1600, et seq.

*Vegetation:* Organic plants, including trees, shrubs, vines, and flowers.

*Vehicle sales and rental:* A facility used primarily for the sale or rental of consumer-oriented motor vehicles, such as automobiles, pick-up trucks, and motorcycles.

*Vehicle maintenance and repair:*

*Major:* Vehicle repair consisting of assembly or disassembly of engine parts, body parts, transmission, chassis, axles, etc. and/or the process of painting or upholstering.



*Minor:* Repairs consisting of a minor nature, such as: tune up, oil change, chassis lubrication, tire change or repair, wheel alignment, muffler repair or installation that meet the following:

- i. Repairs are made in fully enclosed bays;
- ii. Repairs are of a type that is typically completed in less than eight hours (e.g., oil changes, brake service, tire rotation and balancing, glass repair, tire replacement, fluid checks and replacement, muffler service, spark plug replacement, and comparable services); and
- iii. Vehicles are generally not stored on-site, and on the occasion when overnight storage is necessary, vehicles are stored indoors.

*Vehicular use area:* The area of a site devoted to vehicular parking and driving aisles.

*Veterinary services:* A facility, including an animal hospital for the diagnosis and treatment of pets and other large or small animals including, but not limited to, dogs, cats, birds, and horses; incidental grooming, boarding, or breeding of animals may also be provided.

*Video:* The display of a succession of single images at a rate of greater than 29 frames per second.

*Vine:* A woody plant whose stem requires support and climbs by tendrils or twining or creeps along the ground.

#### **W. W TERMS**

*Wall sign:* Any sign painted on, mounted on, attached to or erected against the wall of a building and approximately paralleled to the face of a principal building wall.

*Warehousing:* The storing of goods, wares, and merchandise, whether for the owner or others.

*Wholesale:* An establishment primarily engaged in the sale of goods and merchandise for resale instead of for direct consumption.

*Wind-driven sign:* Any sign consisting of one or a series of two or more banners, flags, pennants, ribbons, spinners, streamers, flutter flags, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

*Wind Energy Terms:*

**Aggregated Project** - Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included in the aggregated project.

**Blade Arc** - The arc created by the edge of the rotor blade that is farthest from the nacelle.

**Fall Zone** - The area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure. This area is no greater than the total height of the structure.

**Feeder Line** - Any power line that carries electrical power from one or more wind turbines or individual transformers associated with an individual wind turbine to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.

**Meteorological Tower** - For the purposes of this Wind Energy Conversation System Regulation, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. Meteorological towers do not include towers and equipment used by airports, the Montana Department of Transportation, or other similar applications to monitor weather conditions.

**Micro-WECS** - Micro-WECS are WECS of five (5) kW nameplate generating capacity or less mounted on a tower.

**Non-Participating** - Any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.

**Project Site** – The geographic area of an aggregated site or wind farm project that includes location of all turbines.

**Property Line** - The boundary line of the area over which the entity applying for WECS permit has legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.

**Rated Power Output** – the electric power output of a WECS at a constant hub height and wind speed of 25 mph.

**Rotor Diameter** - The diameter of the circle described by the moving rotor blades.

**Shadow Flicker** – Alternating changes in light intensity caused by the movement of Wind Turbine blades casting shadow on the ground or a nearby stationary object.

**Significant Shadow Flicker** – More than 30 hours per year of shadow flicker on adjacent property.

**Substations** - Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than (35,000 KV) for interconnection with high voltage transmission lines shall be located outside of the road right of way.



*Total Height* - The highest point, above ground level, reached by a rotor tip or any other part of the WECS.

*Transmission Line* - Those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

*Tower* - Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.

*Tower Height* - The total height of the WECS exclusive of the rotor blades.

*WECS* - Wind Energy Conversion System (WECS) - An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, and substations that operate by converting the kinetic energy of wind into electrical energy. The energy maybe used on-site or distributed into the electrical grid.

*Wind Turbine* - A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

*Window*: An opening in a wall, door, or roof of a building that allows the passage of light, sound, and sometimes air. An individual window is defined by an architecturally distinct opening. Individual windows may be further divided by muntins, mullions, or decorative elements such as grilles.

*Window sign*: Any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

*Winery*: A bonded winery facility licensed pursuant to MCA Section 16-4-107 comprising the building or buildings used to convert fruit juices (all or part of which are produced on the property) to wine, and to age, bottle, store, distribute and sell said wine. A winery, for the purposes of this section, includes crushing, fermenting and refermenting, bottling, blending, bulk and bottle storage, aging, shipping, receiving, laboratory equipment and maintenance facilities, sales, and administrative office functions, and may include tasting and promotional events.

*Wireless communication facility*: A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the code. A WCF includes an antenna or antennas, base stations, support equipment, alternative tower structures, and towers. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand-held radios/telephones and their associated transmitting Antennas, nor does it include other facilities specifically excluded from the coverage of Section 16-4-7.

*Wireless communication facility antenna or tower farm*: An antenna or tower farm is a tract of land that contains no more than three antenna support structures within 750 linear feet of each other. No antenna support structures located in tower farms shall exceed 250 feet in height. Legal tracts must be adjacent to each other to be included in this definition.

## X. X TERMS

*Xeriscape*: Landscape methods which conserve water through the use of drought-tolerant plants and planting techniques.

#### Y. Y TERMS

*Yard, service or storage*: Any land or buildings used primarily for the storage of equipment, vehicles, machinery, or materials.

*Yard sign*: A type of temporary sign that is constructed of paper, vinyl, plastic, wood, metal or other comparable material, which is mounted on a stake or a frame structure (often made from wire) that includes one or more stakes.

*Youth foster home*: See Community residential facilities.

*Youth group home*: See Community residential facilities.

#### Z. Z TERMS

*Zoning coordinator*: The person designated by the planning director to oversee the administration of this Zoning Code, and his or her designee.

**MONTANA AVENUE  
&  
OLD TOWN  
HISTORIC DISTRICTS**

**Official Map**



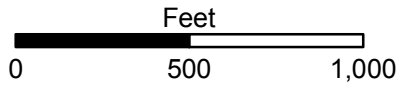
Montana Ave Historic District



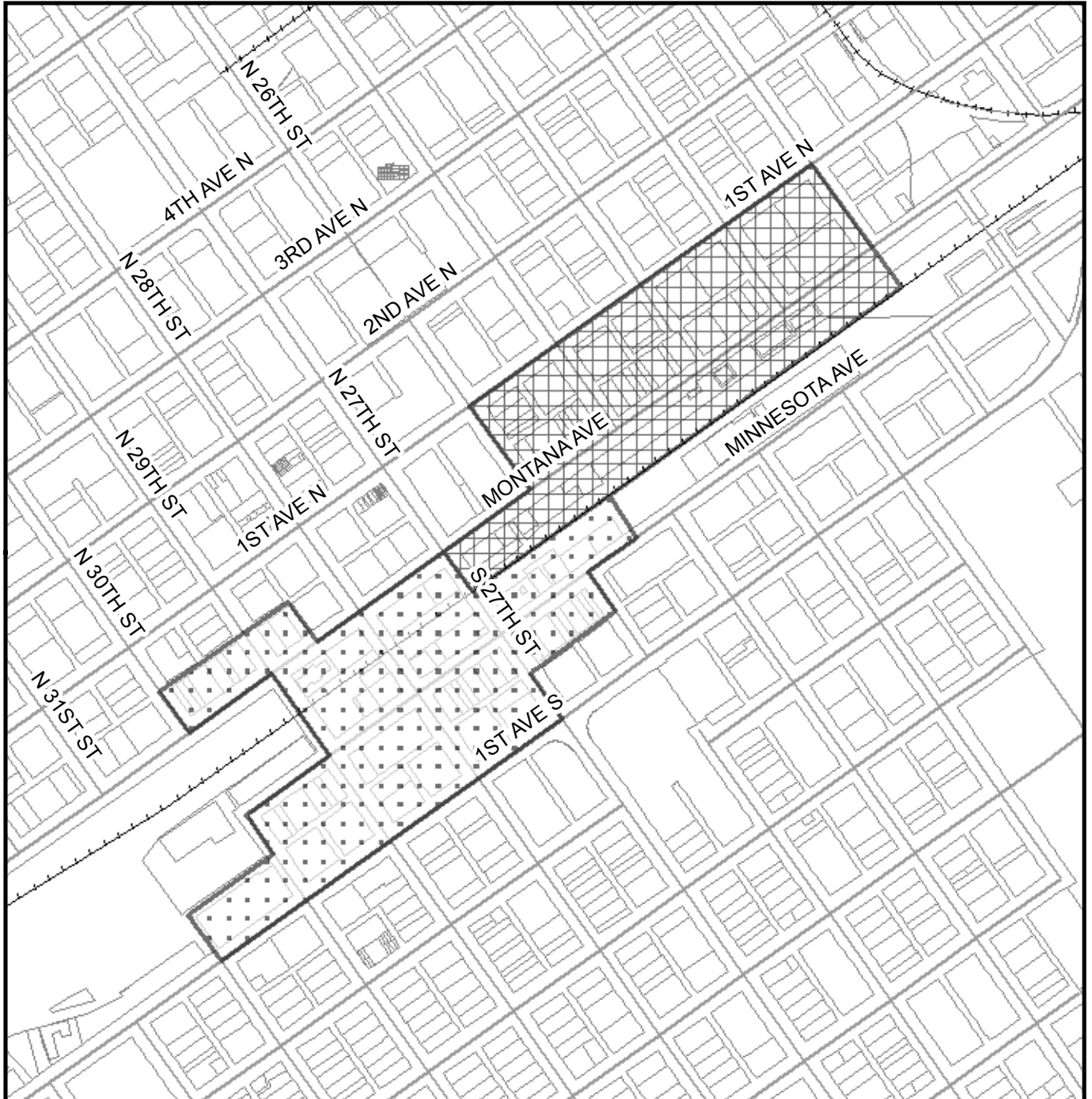
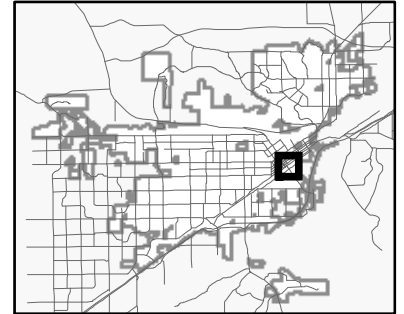
Old Town Historic District



Parcel Boundary



**District Location**



NORTH ELEVATION

HISTORIC DISTRICT

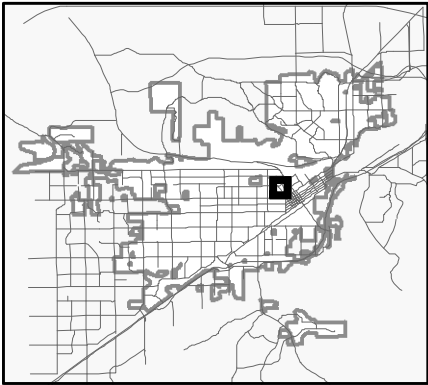
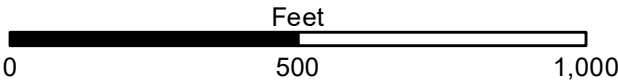
District Location

Official Map



Updated 3-12-2019

- City Street
- North Elevation Historic District
- Parcel Boundary



## Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

## SUPREME COURT OF THE UNITED STATES

## Syllabus

REED ET AL. *v.* TOWN OF GILBERT, ARIZONA, ET AL.CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR  
THE NINTH CIRCUIT

No. 13–502. Argued January 12, 2015—Decided June 18, 2015

Gilbert, Arizona (Town), has a comprehensive code (Sign Code or Code) that prohibits the display of outdoor signs without a permit, but exempts 23 categories of signs, including three relevant here. “Ideological Signs,” defined as signs “communicating a message or ideas” that do not fit in any other Sign Code category, may be up to 20 square feet and have no placement or time restrictions. “Political Signs,” defined as signs “designed to influence the outcome of an election,” may be up to 32 square feet and may only be displayed during an election season. “Temporary Directional Signs,” defined as signs directing the public to a church or other “qualifying event,” have even greater restrictions: No more than four of the signs, limited to six square feet, may be on a single property at any time, and signs may be displayed no more than 12 hours before the “qualifying event” and 1 hour after.

Petitioners, Good News Community Church (Church) and its pastor, Clyde Reed, whose Sunday church services are held at various temporary locations in and near the Town, posted signs early each Saturday bearing the Church name and the time and location of the next service and did not remove the signs until around midday Sunday. The Church was cited for exceeding the time limits for displaying temporary directional signs and for failing to include an event date on the signs. Unable to reach an accommodation with the Town, petitioners filed suit, claiming that the Code abridged their freedom of speech. The District Court denied their motion for a preliminary injunction, and the Ninth Circuit affirmed, ultimately concluding that the Code’s sign categories were content neutral, and that the Code satisfied the intermediate scrutiny accorded to content-neutral regulations of speech.

*Held:* The Sign Code’s provisions are content-based regulations of



## Syllabus

speech that do not survive strict scrutiny. Pp. 6–17.

(a) Because content-based laws target speech based on its communicative content, they are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. *E.g.*, *R. A. V. v. St. Paul*, 505 U. S. 377, 395. Speech regulation is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. *E.g.*, *Sorrell v. IMS Health, Inc.*, 564 U. S. \_\_\_, \_\_\_–\_\_\_. And courts are required to consider whether a regulation of speech “on its face” draws distinctions based on the message a speaker conveys. *Id.*, at \_\_\_. Whether laws define regulated speech by particular subject matter or by its function or purpose, they are subject to strict scrutiny. The same is true for laws that, though facially content neutral, cannot be “‘justified without reference to the content of the regulated speech,’” or were adopted by the government “because of disagreement with the message” conveyed. *Ward v. Rock Against Racism*, 491 U. S. 781, 791. Pp. 6–7.

(b) The Sign Code is content based on its face. It defines the categories of temporary, political, and ideological signs on the basis of their messages and then subjects each category to different restrictions. The restrictions applied thus depend entirely on the sign’s communicative content. Because the Code, on its face, is a content-based regulation of speech, there is no need to consider the government’s justifications or purposes for enacting the Code to determine whether it is subject to strict scrutiny. Pp. 7.

(c) None of the Ninth Circuit’s theories for its contrary holding is persuasive. Its conclusion that the Town’s regulation was not based on a disagreement with the message conveyed skips the crucial first step in the content-neutrality analysis: determining whether the law is content neutral on its face. A law that is content based on its face is subject to strict scrutiny regardless of the government’s benign motive, content-neutral justification, or lack of “animus toward the ideas contained” in the regulated speech. *Cincinnati v. Discovery Network, Inc.*, 507 U. S. 410, 429. Thus, an innocuous justification cannot transform a facially content-based law into one that is content neutral. A court must evaluate each question—whether a law is content based on its face and whether the purpose and justification for the law are content based—before concluding that a law is content neutral. *Ward* does not require otherwise, for its framework applies only to a content-neutral statute.

The Ninth Circuit’s conclusion that the Sign Code does not single out any idea or viewpoint for discrimination conflates two distinct but related limitations that the First Amendment places on government regulation of speech. Government discrimination among viewpoints



## Syllabus

is a “more blatant” and “egregious form of content discrimination,” *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829, but “[t]he First Amendment’s hostility to content-based regulation [also] extends . . . to prohibition of public discussion of an entire topic,” *Consolidated Edison Co. of N. Y. v. Public Serv. Comm’n of N. Y.*, 447 U. S. 530, 537. The Sign Code, a paradigmatic example of content-based discrimination, singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter.

The Ninth Circuit also erred in concluding that the Sign Code was not content based because it made only speaker-based and event-based distinctions. The Code’s categories are not speaker-based—the restrictions for political, ideological, and temporary event signs apply equally no matter who sponsors them. And even if the sign categories were speaker based, that would not automatically render the law content neutral. Rather, “laws favoring some speakers over others demand strict scrutiny when the legislature’s speaker preference reflects a content preference.” *Turner Broadcasting System, Inc. v. FCC*, 512 U. S. 622, 658. This same analysis applies to event-based distinctions. Pp. 8–14.

(d) The Sign Code’s content-based restrictions do not survive strict scrutiny because the Town has not demonstrated that the Code’s differentiation between temporary directional signs and other types of signs furthers a compelling governmental interest and is narrowly tailored to that end. See *Arizona Free Enterprise Club’s Freedom Club PAC v. Bennett*, 564 U. S. \_\_\_, \_\_\_. Assuming that the Town has a compelling interest in preserving its aesthetic appeal and traffic safety, the Code’s distinctions are highly underinclusive. The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town when other types of signs create the same problem. See *Discovery Network, supra*, at 425. Nor has it shown that temporary directional signs pose a greater threat to public safety than ideological or political signs. Pp. 14–15.

(e) This decision will not prevent governments from enacting effective sign laws. The Town has ample content-neutral options available to resolve problems with safety and aesthetics, including regulating size, building materials, lighting, moving parts, and portability. And the Town may be able to forbid postings on public property, so long as it does so in an evenhanded, content-neutral manner. See *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U. S. 789, 817. An ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—e.g., warning signs marking hazards on private property or signs directing traffic—might also survive strict scrutiny. Pp. 16–17.

## Syllabus

707 F. 3d 1057, reversed and remanded.

THOMAS, J., delivered the opinion of the Court, in which ROBERTS, C. J., and SCALIA, KENNEDY, ALITO, and SOTOMAYOR, JJ., joined. ALITO, J., filed a concurring opinion, in which KENNEDY and SOTOMAYOR, JJ., joined. BREYER, J., filed an opinion concurring in the judgment. KAGAN, J., filed an opinion concurring in the judgment, in which GINSBURG and BREYER, JJ., joined

Opinion of the Court

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

**SUPREME COURT OF THE UNITED STATES**

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No. 13–502

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CLYDE REED, ET AL., PETITIONERS *v.* TOWN OF  
GILBERT, ARIZONA, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE NINTH CIRCUIT

[June 18, 2015]

JUSTICE THOMAS delivered the opinion of the Court.

The town of Gilbert, Arizona (or Town), has adopted a comprehensive code governing the manner in which people may display outdoor signs. Gilbert, Ariz., Land Development Code (Sign Code or Code), ch. 1, §4.402 (2005).<sup>1</sup> The Sign Code identifies various categories of signs based on the type of information they convey, then subjects each category to different restrictions. One of the categories is “Temporary Directional Signs Relating to a Qualifying Event,” loosely defined as signs directing the public to a meeting of a nonprofit group. §4.402(P). The Code imposes more stringent restrictions on these signs than it does on signs conveying other messages. We hold that these provisions are content-based regulations of speech that cannot survive strict scrutiny.

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<sup>1</sup>The Town’s Sign Code is available online at <http://www.gilbertaz.gov/departments/development-service/planning-development/land-development-code> (as visited June 16, 2015, and available in Clerk of Court’s case file).

## Opinion of the Court

## I

## A

The Sign Code prohibits the display of outdoor signs anywhere within the Town without a permit, but it then exempts 23 categories of signs from that requirement. These exemptions include everything from bazaar signs to flying banners. Three categories of exempt signs are particularly relevant here.

The first is “Ideological Sign[s].” This category includes any “sign communicating a message or ideas for noncommercial purposes that is not a Construction Sign, Directional Sign, Temporary Directional Sign Relating to a Qualifying Event, Political Sign, Garage Sale Sign, or a sign owned or required by a governmental agency.” Sign Code, Glossary of General Terms (Glossary), p. 23 (emphasis deleted). Of the three categories discussed here, the Code treats ideological signs most favorably, allowing them to be up to 20 square feet in area and to be placed in all “zoning districts” without time limits. §4.402(J).

The second category is “Political Sign[s].” This includes any “temporary sign designed to influence the outcome of an election called by a public body.” Glossary 23.<sup>2</sup> The Code treats these signs less favorably than ideological signs. The Code allows the placement of political signs up to 16 square feet on residential property and up to 32 square feet on nonresidential property, undeveloped municipal property, and “rights-of-way.” §4.402(I).<sup>3</sup> These signs may be displayed up to 60 days before a primary election and up to 15 days following a general election. *Ibid.*

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<sup>2</sup>A “Temporary Sign” is a “sign not permanently attached to the ground, a wall or a building, and not designed or intended for permanent display.” Glossary 25.

<sup>3</sup>The Code defines “Right-of-Way” as a “strip of publicly owned land occupied by or planned for a street, utilities, landscaping, sidewalks, trails, and similar facilities.” *Id.*, at 18.

## Opinion of the Court

The third category is “Temporary Directional Signs Relating to a Qualifying Event.” This includes any “Temporary Sign intended to direct pedestrians, motorists, and other passersby to a ‘qualifying event.’” Glossary 25 (emphasis deleted). A “qualifying event” is defined as any “assembly, gathering, activity, or meeting sponsored, arranged, or promoted by a religious, charitable, community service, educational, or other similar non-profit organization.” *Ibid.* The Code treats temporary directional signs even less favorably than political signs.<sup>4</sup> Temporary directional signs may be no larger than six square feet. §4.402(P). They may be placed on private property or on a public right-of-way, but no more than four signs may be placed on a single property at any time. *Ibid.* And, they may be displayed no more than 12 hours before the “qualifying event” and no more than 1 hour afterward. *Ibid.*

## B

Petitioners Good News Community Church (Church) and its pastor, Clyde Reed, wish to advertise the time and location of their Sunday church services. The Church is a small, cash-strapped entity that owns no building, so it holds its services at elementary schools or other locations in or near the Town. In order to inform the public about its services, which are held in a variety of different loca-

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<sup>4</sup>The Sign Code has been amended twice during the pendency of this case. When litigation began in 2007, the Code defined the signs at issue as “Religious Assembly Temporary Direction Signs.” App. 75. The Code entirely prohibited placement of those signs in the public right-of-way, and it forbade posting them in any location for more than two hours before the religious assembly or more than one hour afterward. *Id.*, at 75–76. In 2008, the Town redefined the category as “Temporary Directional Signs Related to a Qualifying Event,” and it expanded the time limit to 12 hours before and 1 hour after the “qualifying event.” *Ibid.* In 2011, the Town amended the Code to authorize placement of temporary directional signs in the public right-of-way. *Id.*, at 89.

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tions, the Church began placing 15 to 20 temporary signs around the Town, frequently in the public right-of-way abutting the street. The signs typically displayed the Church's name, along with the time and location of the upcoming service. Church members would post the signs early in the day on Saturday and then remove them around midday on Sunday. The display of these signs requires little money and manpower, and thus has proved to be an economical and effective way for the Church to let the community know where its services are being held each week.

This practice caught the attention of the Town's Sign Code compliance manager, who twice cited the Church for violating the Code. The first citation noted that the Church exceeded the time limits for displaying its temporary directional signs. The second citation referred to the same problem, along with the Church's failure to include the date of the event on the signs. Town officials even confiscated one of the Church's signs, which Reed had to retrieve from the municipal offices.

Reed contacted the Sign Code Compliance Department in an attempt to reach an accommodation. His efforts proved unsuccessful. The Town's Code compliance manager informed the Church that there would be "no leniency under the Code" and promised to punish any future violations.

Shortly thereafter, petitioners filed a complaint in the United States District Court for the District of Arizona, arguing that the Sign Code abridged their freedom of speech in violation of the First and Fourteenth Amendments. The District Court denied the petitioners' motion for a preliminary injunction. The Court of Appeals for the Ninth Circuit affirmed, holding that the Sign Code's provision regulating temporary directional signs did not regulate speech on the basis of content. 587 F.3d 966, 979 (2009). It reasoned that, even though an enforcement

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officer would have to read the sign to determine what provisions of the Sign Code applied to it, the “kind of cursory examination” that would be necessary for an officer to classify it as a temporary directional sign was “not akin to an officer synthesizing the expressive content of the sign.” *Id.*, at 978. It then remanded for the District Court to determine in the first instance whether the Sign Code’s distinctions among temporary directional signs, political signs, and ideological signs nevertheless constituted a content-based regulation of speech.

On remand, the District Court granted summary judgment in favor of the Town. The Court of Appeals again affirmed, holding that the Code’s sign categories were content neutral. The court concluded that “the distinctions between Temporary Directional Signs, Ideological Signs, and Political Signs . . . are based on objective factors relevant to Gilbert’s creation of the specific exemption from the permit requirement and do not otherwise consider the substance of the sign.” 707 F. 3d 1057, 1069 (CA9 2013). Relying on this Court’s decision in *Hill v. Colorado*, 530 U. S. 703 (2000), the Court of Appeals concluded that the Sign Code is content neutral. 707 F. 3d, at 1071–1072. As the court explained, “Gilbert did not adopt its regulation of speech because it disagreed with the message conveyed” and its “interests in regulat[ing] temporary signs are unrelated to the content of the sign.” *Ibid.* Accordingly, the court believed that the Code was “content-neutral as that term [has been] defined by the Supreme Court.” *Id.*, at 1071. In light of that determination, it applied a lower level of scrutiny to the Sign Code and concluded that the law did not violate the First Amendment. *Id.*, at 1073–1076.

We granted certiorari, 573 U. S. \_\_\_\_ (2014), and now reverse.

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## II

## A

The First Amendment, applicable to the States through the Fourteenth Amendment, prohibits the enactment of laws “abridging the freedom of speech.” U. S. Const., Amdt. 1. Under that Clause, a government, including a municipal government vested with state authority, “has no power to restrict expression because of its message, its ideas, its subject matter, or its content.” *Police Dept. of Chicago v. Mosley*, 408 U. S. 92, 95 (1972). Content-based laws—those that target speech based on its communicative content—are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. *R. A. V. v. St. Paul*, 505 U. S. 377, 395 (1992); *Simon & Schuster, Inc. v. Members of N. Y. State Crime Victims Bd.*, 502 U. S. 105, 115, 118 (1991).

Government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. *E.g.*, *Sorrell v. IMS Health, Inc.*, 564 U. S. \_\_\_, \_\_\_–\_\_\_ (2011) (slip op., at 8–9); *Carey v. Brown*, 447 U. S. 455, 462 (1980); *Mosley*, *supra*, at 95. This commonsense meaning of the phrase “content based” requires a court to consider whether a regulation of speech “on its face” draws distinctions based on the message a speaker conveys. *Sorrell*, *supra*, at \_\_\_ (slip op., at 8). Some facial distinctions based on a message are obvious, defining regulated speech by particular subject matter, and others are more subtle, defining regulated speech by its function or purpose. Both are distinctions drawn based on the message a speaker conveys, and, therefore, are subject to strict scrutiny.

Our precedents have also recognized a separate and additional category of laws that, though facially content neutral, will be considered content-based regulations of speech: laws that cannot be “justified without reference to



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the content of the regulated speech,” or that were adopted by the government “because of disagreement with the message [the speech] conveys,” *Ward v. Rock Against Racism*, 491 U. S. 781, 791 (1989). Those laws, like those that are content based on their face, must also satisfy strict scrutiny.

## B

The Town’s Sign Code is content based on its face. It defines “Temporary Directional Signs” on the basis of whether a sign conveys the message of directing the public to church or some other “qualifying event.” Glossary 25. It defines “Political Signs” on the basis of whether a sign’s message is “designed to influence the outcome of an election.” *Id.*, at 24. And it defines “Ideological Signs” on the basis of whether a sign “communicat[es] a message or ideas” that do not fit within the Code’s other categories. *Id.*, at 23. It then subjects each of these categories to different restrictions.

The restrictions in the Sign Code that apply to any given sign thus depend entirely on the communicative content of the sign. If a sign informs its reader of the time and place a book club will discuss John Locke’s *Two Treatises of Government*, that sign will be treated differently from a sign expressing the view that one should vote for one of Locke’s followers in an upcoming election, and both signs will be treated differently from a sign expressing an ideological view rooted in Locke’s theory of government. More to the point, the Church’s signs inviting people to attend its worship services are treated differently from signs conveying other types of ideas. On its face, the Sign Code is a content-based regulation of speech. We thus have no need to consider the government’s justifications or purposes for enacting the Code to determine whether it is subject to strict scrutiny.

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## C

In reaching the contrary conclusion, the Court of Appeals offered several theories to explain why the Town's Sign Code should be deemed content neutral. None is persuasive.

## 1

The Court of Appeals first determined that the Sign Code was content neutral because the Town “did not adopt its regulation of speech [based on] disagree[ment] with the message conveyed,” and its justifications for regulating temporary directional signs were “unrelated to the content of the sign.” 707 F. 3d, at 1071–1072. In its brief to this Court, the United States similarly contends that a sign regulation is content neutral—even if it expressly draws distinctions based on the sign's communicative content—if those distinctions can be “justified without reference to the content of the regulated speech.” Brief for United States as *Amicus Curiae* 20, 24 (quoting *Ward, supra*, at 791; emphasis deleted).

But this analysis skips the crucial first step in the content-neutrality analysis: determining whether the law is content neutral on its face. A law that is content based on its face is subject to strict scrutiny regardless of the government's benign motive, content-neutral justification, or lack of “animus toward the ideas contained” in the regulated speech. *Cincinnati v. Discovery Network, Inc.*, 507 U. S. 410, 429 (1993). We have thus made clear that “[i]llicit legislative intent is not the *sine qua non* of a violation of the First Amendment,” and a party opposing the government “need adduce ‘no evidence of an improper censorial motive.’” *Simon & Schuster, supra*, at 117. Although “a content-based purpose may be sufficient in certain circumstances to show that a regulation is content based, it is not necessary.” *Turner Broadcasting System, Inc. v. FCC*, 512 U. S. 622, 642 (1994). In other words, an

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innocuous justification cannot transform a facially content-based law into one that is content neutral.

That is why we have repeatedly considered whether a law is content neutral on its face *before* turning to the law’s justification or purpose. See, e.g., *Sorrell, supra*, at \_\_\_\_–\_\_\_\_ (slip op., at 8–9) (statute was content based “on its face,” and there was also evidence of an impermissible legislative motive); *United States v. Eichman*, 496 U. S. 310, 315 (1990) (“Although the [statute] contains no explicit content-based limitation on the scope of prohibited conduct, it is nevertheless clear that the Government’s asserted *interest* is related to the suppression of free expression” (internal quotation marks omitted)); *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U. S. 789, 804 (1984) (“The text of the ordinance is neutral,” and “there is not even a hint of bias or censorship in the City’s enactment or enforcement of this ordinance”); *Clark v. Community for Creative Non-Violence*, 468 U. S. 288, 293 (1984) (requiring that a facially content-neutral ban on camping must be “justified without reference to the content of the regulated speech”); *United States v. O’Brien*, 391 U. S. 367, 375, 377 (1968) (noting that the statute “on its face deals with conduct having no connection with speech,” but examining whether the “the governmental interest is unrelated to the suppression of free expression”). Because strict scrutiny applies either when a law is content based on its face or when the purpose and justification for the law are content based, a court must evaluate each question before it concludes that the law is content neutral and thus subject to a lower level of scrutiny.

The Court of Appeals and the United States misunderstand our decision in *Ward* as suggesting that a government’s purpose is relevant even when a law is content based on its face. That is incorrect. *Ward* had nothing to say about facially content-based restrictions because it involved a facially content-*neutral* ban on the use, in a

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city-owned music venue, of sound amplification systems not provided by the city. 491 U. S., at 787, and n. 2. In that context, we looked to governmental motive, including whether the government had regulated speech “because of disagreement” with its message, and whether the regulation was “justified without reference to the content of the speech.” *Id.*, at 791. But *Ward’s* framework “applies only if a statute is content neutral.” *Hill*, 530 U. S., at 766 (KENNEDY, J., dissenting). Its rules thus operate “to protect speech,” not “to restrict it.” *Id.*, at 765.

The First Amendment requires no less. Innocent motives do not eliminate the danger of censorship presented by a facially content-based statute, as future government officials may one day wield such statutes to suppress disfavored speech. That is why the First Amendment expressly targets the operation of the laws—*i.e.*, the “abridg[ement] of speech”—rather than merely the motives of those who enacted them. U. S. Const., Amdt. 1. “The vice of content-based legislation . . . is not that it is always used for invidious, thought-control purposes, but that it lends itself to use for those purposes.” *Hill, supra*, at 743 (SCALIA, J., dissenting).

For instance, in *NAACP v. Button*, 371 U. S. 415 (1963), the Court encountered a State’s attempt to use a statute prohibiting “improper solicitation” by attorneys to outlaw litigation-related speech of the National Association for the Advancement of Colored People. *Id.*, at 438. Although *Button* predated our more recent formulations of strict scrutiny, the Court rightly rejected the State’s claim that its interest in the “regulation of professional conduct” rendered the statute consistent with the First Amendment, observing that “it is no answer . . . to say . . . that the purpose of these regulations was merely to insure high professional standards and not to curtail free expression.” *Id.*, at 438–439. Likewise, one could easily imagine a Sign Code compliance manager who disliked the Church’s

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substantive teachings deploying the Sign Code to make it more difficult for the Church to inform the public of the location of its services. Accordingly, we have repeatedly “rejected the argument that ‘discriminatory . . . treatment is suspect under the First Amendment only when the legislature intends to suppress certain ideas.’” *Discovery Network*, 507 U. S., at 429. We do so again today.

## 2

The Court of Appeals next reasoned that the Sign Code was content neutral because it “does not mention any idea or viewpoint, let alone single one out for differential treatment.” 587 F. 3d, at 977. It reasoned that, for the purpose of the Code provisions, “[i]t makes no difference which candidate is supported, who sponsors the event, or what ideological perspective is asserted.” 707 F. 3d, at 1069.

The Town seizes on this reasoning, insisting that “content based” is a term of art that “should be applied flexibly” with the goal of protecting “viewpoints and ideas from government censorship or favoritism.” Brief for Respondents 22. In the Town’s view, a sign regulation that “does not censor or favor particular viewpoints or ideas” cannot be content based. *Ibid.* The Sign Code allegedly passes this test because its treatment of temporary directional signs does not raise any concerns that the government is “endorsing or suppressing ‘ideas or viewpoints,’” *id.*, at 27, and the provisions for political signs and ideological signs “are neutral as to particular ideas or viewpoints” within those categories. *Id.*, at 37.

This analysis conflates two distinct but related limitations that the First Amendment places on government regulation of speech. Government discrimination among viewpoints—or the regulation of speech based on “the specific motivating ideology or the opinion or perspective of the speaker”—is a “more blatant” and “egregious form of

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content discrimination.” *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829 (1995). But it is well established that “[t]he First Amendment’s hostility to content-based regulation extends not only to restrictions on particular viewpoints, but also to prohibition of public discussion of an entire topic.” *Consolidated Edison Co. of N. Y. v. Public Serv. Comm’n of N. Y.*, 447 U. S. 530, 537 (1980).

Thus, a speech regulation targeted at specific subject matter is content based even if it does not discriminate among viewpoints within that subject matter. *Ibid.* For example, a law banning the use of sound trucks for political speech—and only political speech—would be a content-based regulation, even if it imposed no limits on the political viewpoints that could be expressed. See *Discovery Network, supra*, at 428. The Town’s Sign Code likewise singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter. Ideological messages are given more favorable treatment than messages concerning a political candidate, which are themselves given more favorable treatment than messages announcing an assembly of like-minded individuals. That is a paradigmatic example of content-based discrimination.

## 3

Finally, the Court of Appeals characterized the Sign Code’s distinctions as turning on “the content-neutral elements of who is speaking through the sign and whether and when an event is occurring.” 707 F. 3d, at 1069. That analysis is mistaken on both factual and legal grounds.

To start, the Sign Code’s distinctions are not speaker based. The restrictions for political, ideological, and temporary event signs apply equally no matter who sponsors them. If a local business, for example, sought to put up

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signs advertising the Church’s meetings, those signs would be subject to the same limitations as such signs placed by the Church. And if Reed had decided to display signs in support of a particular candidate, he could have made those signs far larger—and kept them up for far longer—than signs inviting people to attend his church services. If the Code’s distinctions were truly speaker based, both types of signs would receive the same treatment.

In any case, the fact that a distinction is speaker based does not, as the Court of Appeals seemed to believe, automatically render the distinction content neutral. Because “[s]peech restrictions based on the identity of the speaker are all too often simply a means to control content,” *Citizens United v. Federal Election Comm’n*, 558 U. S. 310, 340 (2010), we have insisted that “laws favoring some speakers over others demand strict scrutiny when the legislature’s speaker preference reflects a content preference,” *Turner*, 512 U. S., at 658. Thus, a law limiting the content of newspapers, but only newspapers, could not evade strict scrutiny simply because it could be characterized as speaker based. Likewise, a content-based law that restricted the political speech of all corporations would not become content neutral just because it singled out corporations as a class of speakers. See *Citizens United*, *supra*, at 340–341. Characterizing a distinction as speaker based is only the beginning—not the end—of the inquiry.

Nor do the Sign Code’s distinctions hinge on “whether and when an event is occurring.” The Code does not permit citizens to post signs on any topic whatsoever within a set period leading up to an election, for example. Instead, come election time, it requires Town officials to determine whether a sign is “designed to influence the outcome of an election” (and thus “political”) or merely “communicating a message or ideas for noncommercial purposes” (and thus “ideological”). Glossary 24. That obvious content-based

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inquiry does not evade strict scrutiny review simply because an event (*i.e.*, an election) is involved.

And, just as with speaker-based laws, the fact that a distinction is event based does not render it content neutral. The Court of Appeals cited no precedent from this Court supporting its novel theory of an exception from the content-neutrality requirement for event-based laws. As we have explained, a speech regulation is content based if the law applies to particular speech because of the topic discussed or the idea or message expressed. *Supra*, at 6. A regulation that targets a sign because it conveys an idea about a specific event is no less content based than a regulation that targets a sign because it conveys some other idea. Here, the Code singles out signs bearing a particular message: the time and location of a specific event. This type of ordinance may seem like a perfectly rational way to regulate signs, but a clear and firm rule governing content neutrality is an essential means of protecting the freedom of speech, even if laws that might seem “entirely reasonable” will sometimes be “struck down because of their content-based nature.” *City of Ladue v. Gilleo*, 512 U. S. 43, 60 (1994) (O’Connor, J., concurring).

## III

Because the Town’s Sign Code imposes content-based restrictions on speech, those provisions can stand only if they survive strict scrutiny, “‘which requires the Government to prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest,’” *Arizona Free Enterprise Club’s Freedom Club PAC v. Bennett*, 564 U. S. \_\_\_, \_\_\_ (2011) (slip op., at 8) (quoting *Citizens United*, 558 U. S., at 340). Thus, it is the Town’s burden to demonstrate that the Code’s differentiation between temporary directional signs and other types of signs, such as political signs and ideological signs, furthers a compelling governmental interest and is narrowly tai-



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lored to that end. See *ibid.*

The Town cannot do so. It has offered only two governmental interests in support of the distinctions the Sign Code draws: preserving the Town’s aesthetic appeal and traffic safety. Assuming for the sake of argument that those are compelling governmental interests, the Code’s distinctions fail as hopelessly underinclusive.

Starting with the preservation of aesthetics, temporary directional signs are “no greater an eyesore,” *Discovery Network*, 507 U. S., at 425, than ideological or political ones. Yet the Code allows unlimited proliferation of larger ideological signs while strictly limiting the number, size, and duration of smaller directional ones. The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town while at the same time allowing unlimited numbers of other types of signs that create the same problem.

The Town similarly has not shown that limiting temporary directional signs is necessary to eliminate threats to traffic safety, but that limiting other types of signs is not. The Town has offered no reason to believe that directional signs pose a greater threat to safety than do ideological or political signs. If anything, a sharply worded ideological sign seems more likely to distract a driver than a sign directing the public to a nearby church meeting.

In light of this underinclusiveness, the Town has not met its burden to prove that its Sign Code is narrowly tailored to further a compelling government interest. Because a “law cannot be regarded as protecting an interest of the highest order, and thus as justifying a restriction on truthful speech, when it leaves appreciable damage to that supposedly vital interest unprohibited,” *Republican Party of Minn. v. White*, 536 U. S. 765, 780 (2002), the Sign Code fails strict scrutiny.

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## IV

Our decision today will not prevent governments from enacting effective sign laws. The Town asserts that an “absolutist” content-neutrality rule would render “virtually all distinctions in sign laws . . . subject to strict scrutiny,” Brief for Respondents 34–35, but that is not the case. Not “all distinctions” are subject to strict scrutiny, only *content-based* ones are. Laws that are *content neutral* are instead subject to lesser scrutiny. See *Clark*, 468 U. S., at 295.

The Town has ample content-neutral options available to resolve problems with safety and aesthetics. For example, its current Code regulates many aspects of signs that have nothing to do with a sign’s message: size, building materials, lighting, moving parts, and portability. See, e.g., §4.402(R). And on public property, the Town may go a long way toward entirely forbidding the posting of signs, so long as it does so in an evenhanded, content-neutral manner. See *Taxpayers for Vincent*, 466 U. S., at 817 (upholding content-neutral ban against posting signs on public property). Indeed, some lower courts have long held that similar content-based sign laws receive strict scrutiny, but there is no evidence that towns in those jurisdictions have suffered catastrophic effects. See, e.g., *Solantic, LLC v. Neptune Beach*, 410 F.3d 1250, 1264–1269 (CA11 2005) (sign categories similar to the town of Gilbert’s were content based and subject to strict scrutiny); *Matthews v. Needham*, 764 F.2d 58, 59–60 (CA1 1985) (law banning political signs but not commercial signs was content based and subject to strict scrutiny).

We acknowledge that a city might reasonably view the general regulation of signs as necessary because signs “take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation.” *City of Ladue*, 512 U. S., at 48. At the same time, the presence of certain

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signs may be essential, both for vehicles and pedestrians, to guide traffic or to identify hazards and ensure safety. A sign ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—such as warning signs marking hazards on private property, signs directing traffic, or street numbers associated with private houses—well might survive strict scrutiny. The signs at issue in this case, including political and ideological signs and signs for events, are far removed from those purposes. As discussed above, they are facially content based and are neither justified by traditional safety concerns nor narrowly tailored.

\* \* \*

We reverse the judgment of the Court of Appeals and remand the case for proceedings consistent with this opinion.

*It is so ordered.*

ALITO, J., concurring

**SUPREME COURT OF THE UNITED STATES**

No. 13–502

CLYDE REED, ET AL., PETITIONERS *v.* TOWN OF  
GILBERT, ARIZONA, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE NINTH CIRCUIT

[June 18, 2015]

JUSTICE ALITO, with whom JUSTICE KENNEDY and  
JUSTICE SOTOMAYOR join, concurring.

I join the opinion of the Court but add a few words of  
further explanation.

As the Court holds, what we have termed “content-  
based” laws must satisfy strict scrutiny. Content-based  
laws merit this protection because they present, albeit  
sometimes in a subtler form, the same dangers as laws  
that regulate speech based on viewpoint. Limiting speech  
based on its “topic” or “subject” favors those who do not  
want to disturb the status quo. Such regulations may  
interfere with democratic self-government and the search  
for truth. See *Consolidated Edison Co. of N. Y. v. Public  
Serv. Comm’n of N. Y.*, 447 U. S. 530, 537 (1980).

As the Court shows, the regulations at issue in this case  
are replete with content-based distinctions, and as a result  
they must satisfy strict scrutiny. This does not mean,  
however, that municipalities are powerless to enact and  
enforce reasonable sign regulations. I will not attempt to  
provide anything like a comprehensive list, but here are  
some rules that would not be content based:

Rules regulating the size of signs. These rules may  
distinguish among signs based on any content-neutral  
criteria, including any relevant criteria listed below.

Rules regulating the locations in which signs may be

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placed. These rules may distinguish between free-standing signs and those attached to buildings.

Rules distinguishing between lighted and unlighted signs.

Rules distinguishing between signs with fixed messages and electronic signs with messages that change.

Rules that distinguish between the placement of signs on private and public property.

Rules distinguishing between the placement of signs on commercial and residential property.

Rules distinguishing between on-premises and off-premises signs.

Rules restricting the total number of signs allowed per mile of roadway.

Rules imposing time restrictions on signs advertising a one-time event. Rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed.\*

In addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech. See *Pleasant Grove City v. Summum*, 555 U. S. 460, 467–469 (2009). They may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots.

Properly understood, today’s decision will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate esthetic objectives.

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\*Of course, content-neutral restrictions on speech are not necessarily consistent with the First Amendment. Time, place, and manner restrictions “must be narrowly tailored to serve the government’s legitimate, content-neutral interests.” *Ward v. Rock Against Racism*, 491 U. S. 781, 798 (1989). But they need not meet the high standard imposed on viewpoint- and content-based restrictions.

BREYER, J., concurring in judgment

**SUPREME COURT OF THE UNITED STATES**

No. 13–502

CLYDE REED, ET AL., PETITIONERS *v.* TOWN OF  
GILBERT, ARIZONA, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE NINTH CIRCUIT

[June 18, 2015]

JUSTICE BREYER, concurring in the judgment.

I join JUSTICE KAGAN’s separate opinion. Like JUSTICE KAGAN I believe that categories alone cannot satisfactorily resolve the legal problem before us. The First Amendment requires greater judicial sensitivity both to the Amendment’s expressive objectives and to the public’s legitimate need for regulation than a simple recitation of categories, such as “content discrimination” and “strict scrutiny,” would permit. In my view, the category “content discrimination” is better considered in many contexts, including here, as a rule of thumb, rather than as an automatic “strict scrutiny” trigger, leading to almost certain legal condemnation.

To use content discrimination to trigger strict scrutiny sometimes makes perfect sense. There are cases in which the Court has found content discrimination an unconstitutional method for suppressing a viewpoint. *E.g.*, *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 828–829 (1995); see also *Boos v. Barry*, 485 U. S. 312, 318–319 (1988) (plurality opinion) (applying strict scrutiny where the line between subject matter and viewpoint was not obvious). And there are cases where the Court has found content discrimination to reveal that rules governing a traditional public forum are, in fact, not a neutral way of fairly managing the forum in the interest of all

BREYER, J., concurring in judgment

speakers. *Police Dept. of Chicago v. Mosley*, 408 U. S. 92, 96 (1972) (“Once a forum is opened up to assembly or speaking by some groups, government may not prohibit others from assembling or speaking on the basis of what they intend to say”). In these types of cases, strict scrutiny is often appropriate, and content discrimination has thus served a useful purpose.

But content discrimination, while helping courts to identify unconstitutional suppression of expression, cannot and should not *always* trigger strict scrutiny. To say that it is not an automatic “strict scrutiny” trigger is not to argue against that concept’s use. I readily concede, for example, that content discrimination, as a conceptual tool, can sometimes reveal weaknesses in the government’s rationale for a rule that limits speech. If, for example, a city looks to litter prevention as the rationale for a prohibition against placing newsracks dispensing free advertisements on public property, why does it exempt other newsracks causing similar litter? Cf. *Cincinnati v. Discovery Network, Inc.*, 507 U. S. 410 (1993). I also concede that, whenever government disfavors one kind of speech, it places that speech at a disadvantage, potentially interfering with the free marketplace of ideas and with an individual’s ability to express thoughts and ideas that can help that individual determine the kind of society in which he wishes to live, help shape that society, and help define his place within it.

Nonetheless, in these latter instances to use the presence of content discrimination automatically to trigger strict scrutiny and thereby call into play a strong presumption against constitutionality goes too far. That is because virtually all government activities involve speech, many of which involve the regulation of speech. Regulatory programs almost always require content discrimination. And to hold that such content discrimination triggers strict scrutiny is to write a recipe for judicial management

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of ordinary government regulatory activity.

Consider a few examples of speech regulated by government that inevitably involve content discrimination, but where a strong presumption against constitutionality has no place. Consider governmental regulation of securities, *e.g.*, 15 U. S. C. §78l (requirements for content that must be included in a registration statement); of energy conservation labeling-practices, *e.g.*, 42 U. S. C. §6294 (requirements for content that must be included on labels of certain consumer electronics); of prescription drugs, *e.g.*, 21 U. S. C. §353(b)(4)(A) (requiring a prescription drug label to bear the symbol “Rx only”); of doctor-patient confidentiality, *e.g.*, 38 U. S. C. §7332 (requiring confidentiality of certain medical records, but allowing a physician to disclose that the patient has HIV to the patient’s spouse or sexual partner); of income tax statements, *e.g.*, 26 U. S. C. §6039F (requiring taxpayers to furnish information about foreign gifts received if the aggregate amount exceeds \$10,000); of commercial airplane briefings, *e.g.*, 14 CFR §136.7 (2015) (requiring pilots to ensure that each passenger has been briefed on flight procedures, such as seatbelt fastening); of signs at petting zoos, *e.g.*, N. Y. Gen. Bus. Law Ann. §399–ff(3) (West Cum. Supp. 2015) (requiring petting zoos to post a sign at every exit “‘strongly recommend[ing] that persons wash their hands upon exiting the petting zoo area’”); and so on.

Nor can the majority avoid the application of strict scrutiny to all sorts of justifiable governmental regulations by relying on this Court’s many subcategories and exceptions to the rule. The Court has said, for example, that we should apply less strict standards to “commercial speech.” *Central Hudson Gas & Elec. Corp. v. Public Service Comm’n of N. Y.*, 447 U. S. 557, 562–563 (1980). But I have great concern that many justifiable instances of “content-based” regulation are noncommercial. And, worse than that, the Court has applied the heightened



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“strict scrutiny” standard even in cases where the less stringent “commercial speech” standard was appropriate. See *Sorrell v. IMS Health Inc.*, 564 U. S. \_\_\_, \_\_\_ (2011) (BREYER, J., dissenting) (slip op., at \_\_\_). The Court has also said that “government speech” escapes First Amendment strictures. See *Rust v. Sullivan*, 500 U. S. 173, 193–194 (1991). But regulated speech is typically private speech, not government speech. Further, the Court has said that, “[w]hen the basis for the content discrimination consists entirely of the very reason the entire class of speech at issue is proscribable, no significant danger of idea or viewpoint discrimination exists.” *R. A. V. v. St. Paul*, 505 U. S. 377, 388 (1992). But this exception accounts for only a few of the instances in which content discrimination is readily justifiable.

I recognize that the Court could escape the problem by watering down the force of the presumption against constitutionality that “strict scrutiny” normally carries with it. But, in my view, doing so will weaken the First Amendment’s protection in instances where “strict scrutiny” should apply in full force.

The better approach is to generally treat content discrimination as a strong reason weighing against the constitutionality of a rule where a traditional public forum, or where viewpoint discrimination, is threatened, but elsewhere treat it as a rule of thumb, finding it a helpful, but not determinative legal tool, in an appropriate case, to determine the strength of a justification. I would use content discrimination as a supplement to a more basic analysis, which, tracking most of our First Amendment cases, asks whether the regulation at issue works harm to First Amendment interests that is disproportionate in light of the relevant regulatory objectives. Answering this question requires examining the seriousness of the harm to speech, the importance of the countervailing objectives, the extent to which the law will achieve those objectives,

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and whether there are other, less restrictive ways of doing so. See, e.g., *United States v. Alvarez*, 567 U. S. \_\_\_, \_\_\_–\_\_\_ (2012) (BREYER, J., concurring in judgment) (slip op., at 1–3); *Nixon v. Shrink Missouri Government PAC*, 528 U. S. 377, 400–403 (2000) (BREYER, J., concurring). Admittedly, this approach does not have the simplicity of a mechanical use of categories. But it does permit the government to regulate speech in numerous instances where the voters have authorized the government to regulate and where courts should hesitate to substitute judicial judgment for that of administrators.

Here, regulation of signage along the roadside, for purposes of safety and beautification is at issue. There is no traditional public forum nor do I find any general effort to censor a particular viewpoint. Consequently, the specific regulation at issue does not warrant “strict scrutiny.” Nonetheless, for the reasons that JUSTICE KAGAN sets forth, I believe that the Town of Gilbert’s regulatory rules violate the First Amendment. I consequently concur in the Court’s judgment only.

KAGAN, J., concurring in judgment

## SUPREME COURT OF THE UNITED STATES

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No. 13–502

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CLYDE REED, ET AL., PETITIONERS *v.* TOWN OF  
GILBERT, ARIZONA, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE NINTH CIRCUIT

[June 18, 2015]

JUSTICE KAGAN, with whom JUSTICE GINSBURG and  
JUSTICE BREYER join, concurring in the judgment.

Countless cities and towns across America have adopted ordinances regulating the posting of signs, while exempting certain categories of signs based on their subject matter. For example, some municipalities generally prohibit illuminated signs in residential neighborhoods, but lift that ban for signs that identify the address of a home or the name of its owner or occupant. See, *e.g.*, City of Truth or Consequences, N. M., Code of Ordinances, ch. 16, Art. XIII, §§11–13–2.3, 11–13–2.9(H)(4) (2014). In other municipalities, safety signs such as “Blind Pedestrian Crossing” and “Hidden Driveway” can be posted without a permit, even as other permanent signs require one. See, *e.g.*, Code of Athens-Clarke County, Ga., Pt. III, §7–4–7(1) (1993). Elsewhere, historic site markers—for example, “George Washington Slept Here”—are also exempt from general regulations. See, *e.g.*, Dover, Del., Code of Ordinances, Pt. II, App. B, Art. 5, §4.5(F) (2012). And similarly, the federal Highway Beautification Act limits signs along interstate highways unless, for instance, they direct travelers to “scenic and historical attractions” or advertise free coffee. See 23 U. S. C. §§131(b), (c)(1), (c)(5).

Given the Court’s analysis, many sign ordinances of that kind are now in jeopardy. See *ante*, at 14 (acknowledging

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that “entirely reasonable” sign laws “will sometimes be struck down” under its approach (internal quotation marks omitted)). Says the majority: When laws “single[] out specific subject matter,” they are “facially content based”; and when they are facially content based, they are automatically subject to strict scrutiny. *Ante*, at 12, 16–17. And although the majority holds out hope that some sign laws with subject-matter exemptions “might survive” that stringent review, *ante*, at 17, the likelihood is that most will be struck down. After all, it is the “rare case[] in which a speech restriction withstands strict scrutiny.” *Williams-Yulee v. Florida Bar*, 575 U. S. \_\_\_, \_\_\_ (2015) (slip op., at 9). To clear that high bar, the government must show that a content-based distinction “is necessary to serve a compelling state interest and is narrowly drawn to achieve that end.” *Arkansas Writers’ Project, Inc. v. Ragland*, 481 U. S. 221, 231 (1987). So on the majority’s view, courts would have to determine that a town has a compelling interest in informing passersby where George Washington slept. And likewise, courts would have to find that a town has no other way to prevent hidden-driveway mishaps than by specially treating hidden-driveway signs. (Well-placed speed bumps? Lower speed limits? Or how about just a ban on hidden driveways?) The consequence—unless courts water down strict scrutiny to something unrecognizable—is that our communities will find themselves in an unenviable bind: They will have to either repeal the exemptions that allow for helpful signs on streets and sidewalks, or else lift their sign restrictions altogether and resign themselves to the resulting clutter.\*

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\*Even in trying (commendably) to limit today’s decision, JUSTICE ALITO’s concurrence highlights its far-reaching effects. According to JUSTICE ALITO, the majority does not subject to strict scrutiny regulations of “signs advertising a one-time event.” *Ante*, at 2 (ALITO, J., concurring). But of course it does. On the majority’s view, a law with an exception for such signs “singles out specific subject matter for

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Although the majority insists that applying strict scrutiny to all such ordinances is “essential” to protecting First Amendment freedoms, *ante*, at 14, I find it challenging to understand why that is so. This Court’s decisions articulate two important and related reasons for subjecting content-based speech regulations to the most exacting standard of review. The first is “to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail.” *McCullen v. Coakley*, 573 U. S. \_\_\_, \_\_\_–\_\_\_ (2014) (slip op., at 8–9) (internal quotation marks omitted). The second is to ensure that the government has not regulated speech “based on hostility—or favoritism—towards the underlying message expressed.” *R. A. V. v. St. Paul*, 505 U. S. 377, 386 (1992). Yet the subject-matter exemptions included in many sign ordinances do not implicate those concerns. Allowing residents, say, to install a light bulb over “name and address” signs but no others does not distort the marketplace of ideas. Nor does that different treatment give rise to an inference of impermissible government motive.

We apply strict scrutiny to facially content-based regulations of speech, in keeping with the rationales just described, when there is any “realistic possibility that official suppression of ideas is afoot.” *Davenport v. Washington Ed. Assn.*, 551 U. S. 177, 189 (2007) (quoting *R. A. V.*, 505 U. S., at 390). That is always the case when the regulation facially differentiates on the basis of viewpoint. See *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829 (1995). It is also the case (except in non-public or limited public forums) when a law restricts “discussion of an entire topic” in public debate. *Consolidated*

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differential treatment” and “defin[es] regulated speech by particular subject matter.” *Ante*, at 6, 12 (majority opinion). Indeed, the precise reason the majority applies strict scrutiny here is that “the Code singles out signs bearing a particular message: the time and location of a specific event.” *Ante*, at 14.

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*Edison Co. of N. Y. v. Public Serv. Comm'n of N. Y.*, 447 U. S. 530, 537, 539–540 (1980) (invalidating a limitation on speech about nuclear power). We have stated that “[i]f the marketplace of ideas is to remain free and open, governments must not be allowed to choose ‘which issues are worth discussing or debating.’” *Id.*, at 537–538 (quoting *Police Dept. of Chicago v. Mosley*, 408 U. S. 92, 96 (1972)). And we have recognized that such subject-matter restrictions, even though viewpoint-neutral on their face, may “suggest[] an attempt to give one side of a debatable public question an advantage in expressing its views to the people.” *First Nat. Bank of Boston v. Bellotti*, 435 U. S. 765, 785 (1978); accord, *ante*, at 1 (ALITO, J., concurring) (limiting all speech on one topic “favors those who do not want to disturb the status quo”). Subject-matter regulation, in other words, may have the intent or effect of favoring some ideas over others. When that is realistically possible—when the restriction “raises the specter that the Government may effectively drive certain ideas or viewpoints from the marketplace”—we insist that the law pass the most demanding constitutional test. *R. A. V.*, 505 U. S., at 387 (quoting *Simon & Schuster, Inc. v. Members of N. Y. State Crime Victims Bd.*, 502 U. S. 105, 116 (1991)).

But when that is not realistically possible, we may do well to relax our guard so that “entirely reasonable” laws imperiled by strict scrutiny can survive. *Ante*, at 14. This point is by no means new. Our concern with content-based regulation arises from the fear that the government will skew the public’s debate of ideas—so when “that risk is inconsequential, . . . strict scrutiny is unwarranted.” *Davenport*, 551 U. S., at 188; see *R. A. V.*, 505 U. S., at 388 (approving certain content-based distinctions when there is “no significant danger of idea or viewpoint discrimination”). To do its intended work, of course, the category of content-based regulation triggering strict scrutiny must

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sweep more broadly than the actual harm; that category exists to create a buffer zone guaranteeing that the government cannot favor or disfavor certain viewpoints. But that buffer zone need not extend forever. We can administer our content-regulation doctrine with a dose of common sense, so as to leave standing laws that in no way implicate its intended function.

And indeed we have done just that: Our cases have been far less rigid than the majority admits in applying strict scrutiny to facially content-based laws—including in cases just like this one. See *Davenport*, 551 U. S., at 188 (noting that “we have identified numerous situations in which [the] risk” attached to content-based laws is “attenuated”). In *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U. S. 789 (1984), the Court declined to apply strict scrutiny to a municipal ordinance that exempted address numbers and markers commemorating “historical, cultural, or artistic event[s]” from a generally applicable limit on sidewalk signs. *Id.*, at 792, n. 1 (listing exemptions); see *id.*, at 804–810 (upholding ordinance under intermediate scrutiny). After all, we explained, the law’s enactment and enforcement revealed “not even a hint of bias or censorship.” *Id.*, at 804; see also *Renton v. Playtime Theatres, Inc.*, 475 U. S. 41, 48 (1986) (applying intermediate scrutiny to a zoning law that facially distinguished among movie theaters based on content because it was “designed to prevent crime, protect the city’s retail trade, [and] maintain property values . . . , not to suppress the expression of unpopular views”). And another decision involving a similar law provides an alternative model. In *City of Ladue v. Gilleo*, 512 U. S. 43 (1994), the Court assumed *arguendo* that a sign ordinance’s exceptions for address signs, safety signs, and for-sale signs in residential areas did not trigger strict scrutiny. See *id.*, at 46–47, and n. 6 (listing exemptions); *id.*, at 53 (noting this assumption). We did not need to, and so did not, decide the

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level-of-scrutiny question because the law’s breadth made it unconstitutional under any standard.

The majority could easily have taken *Ladue*’s tack here. The Town of Gilbert’s defense of its sign ordinance—most notably, the law’s distinctions between directional signs and others—does not pass strict scrutiny, or intermediate scrutiny, or even the laugh test. See *ante*, at 14–15 (discussing those distinctions). The Town, for example, provides no reason at all for prohibiting more than four directional signs on a property while placing no limits on the number of other types of signs. See Gilbert, Ariz., Land Development Code, ch. I, §§4.402(J), (P)(2) (2014). Similarly, the Town offers no coherent justification for restricting the size of directional signs to 6 square feet while allowing other signs to reach 20 square feet. See §§4.402(J), (P)(1). The best the Town could come up with at oral argument was that directional signs “need to be smaller because they need to guide travelers along a route.” Tr. of Oral Arg. 40. Why exactly a smaller sign better helps travelers get to where they are going is left a mystery. The absence of any sensible basis for these and other distinctions dooms the Town’s ordinance under even the intermediate scrutiny that the Court typically applies to “time, place, or manner” speech regulations. Accordingly, there is no need to decide in this case whether strict scrutiny applies to every sign ordinance in every town across this country containing a subject-matter exemption.

I suspect this Court and others will regret the majority’s insistence today on answering that question in the affirmative. As the years go by, courts will discover that thousands of towns have such ordinances, many of them “entirely reasonable.” *Ante*, at 14. And as the challenges to them mount, courts will have to invalidate one after the other. (This Court may soon find itself a veritable Supreme Board of Sign Review.) And courts will strike down those democratically enacted local laws even though no



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one—certainly not the majority—has ever explained why the vindication of First Amendment values requires that result. Because I see no reason why such an easy case calls for us to cast a constitutional pall on reasonable regulations quite unlike the law before us, I concur only in the judgment.