

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 **	3 square feet per lineal foot of street frontage	175 square feet per side	30 feet	5 feet*
Freestanding Signs Central Business District Only	One (1) per street frontage **	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 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 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 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:

Street Type	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*
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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.

¹ (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 27th Street Corridor. This section acknowledges the architectural visual concerns associated with the South 27th 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 27th 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 30th 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 a [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 22nd Street to the centerline of North 30th 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> • Awning sign • Canopy sign • Marquee sign • Projecting sign • Roof sign • Under awning/canopy sign • Wall sign • Window sign	• 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. • 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.	N/A	• One sign per street frontage and one sign per public entrance. Signage on an awning or canopy will count as one (1) sign. • 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. • 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. • 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.
<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	
		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	
		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	
		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	
		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	
		Yes	No
Montana Avenue Sign Committee			

Applicant			
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(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	
		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	
		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	
		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	
		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	
		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	
		Yes	No
Montana Avenue Sign Committee			

Applicant			
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(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	
		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	
		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		Awarded Score 0--10	Points Earned
	Yes	No		
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

- | | |
|---------------|--|
| <i>Points</i> | <i>Scale of Sign</i> |
| 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. |

- | | |
|---------------|--|
| <i>Points</i> | <i>Sign Color</i> |
| 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

<i>Points</i>	<i>Sign Placement</i>
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
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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, R80 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.*

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.*
- 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 subsection (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
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 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 Frontage	General Stoop	Storefront	Limited Bay	Commerce	Open	Civic	Outdoor Site	
Sign Types	Wall	●	●	●	●	●	●	●	●	
	Projecting		●	●	●	●	●	●	●	
	Awning	●	●	●	●	●	●	●	●	
	Canopy Mounted		●	●	●	●	●	●	●	
	Window			●	●	●	●		●	
	Monument	●	●		●	●	●	●	●	
	Ped. Scale Pole-Mounted	●	●		●	●	●	●	●	
	Pole-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.

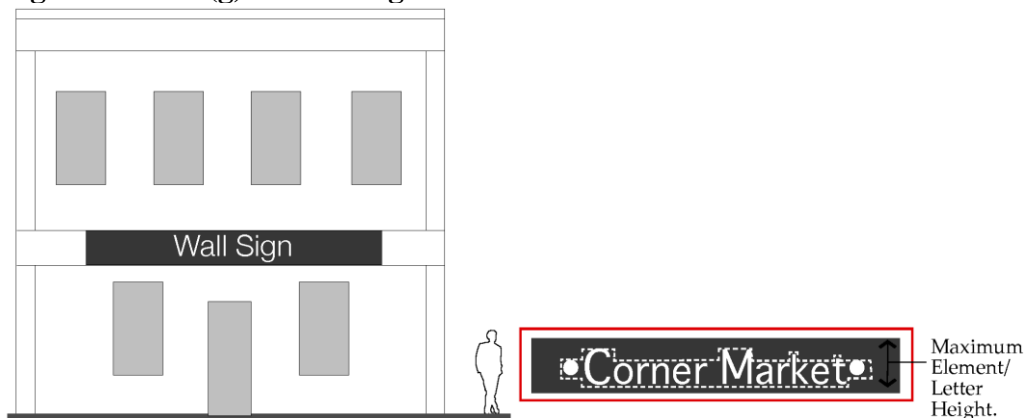
Table 27-1816-2. Total Maximum Permitted Quantity of Signage per Lot by Frontage Type.

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.

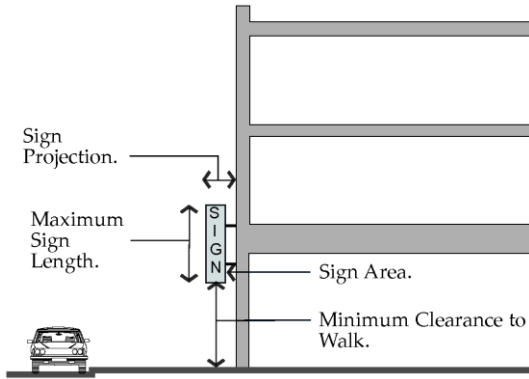


Figure 27-1816(h)-1. Projecting Sign.

- (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.

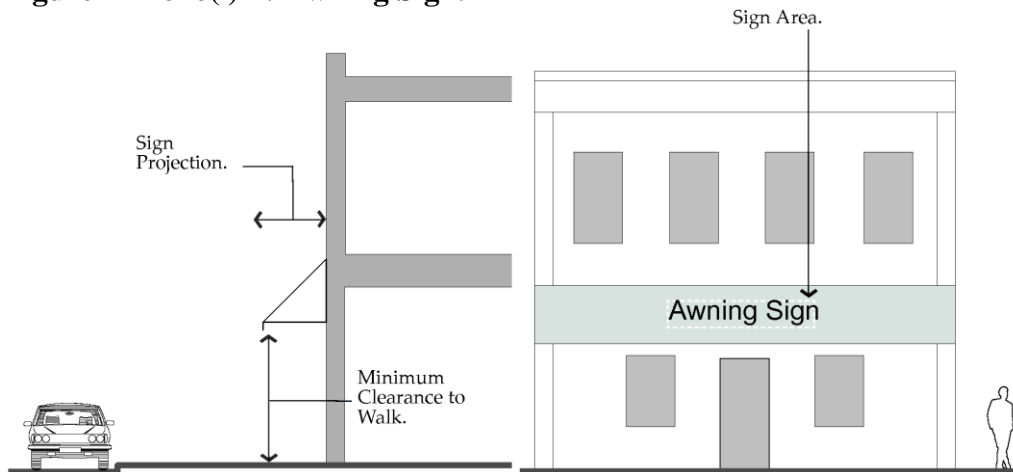
Projecting Sign Requirements	
Sign Area	No maximum area for sign type; Refer to Table 27-1816-2 for maximum per lot
Height	8' maximum sign length, 9' minimum clearance to walk required
Location on the Building or Site	Permitted on all facades; sign and structural supports shall not extend above the eave 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

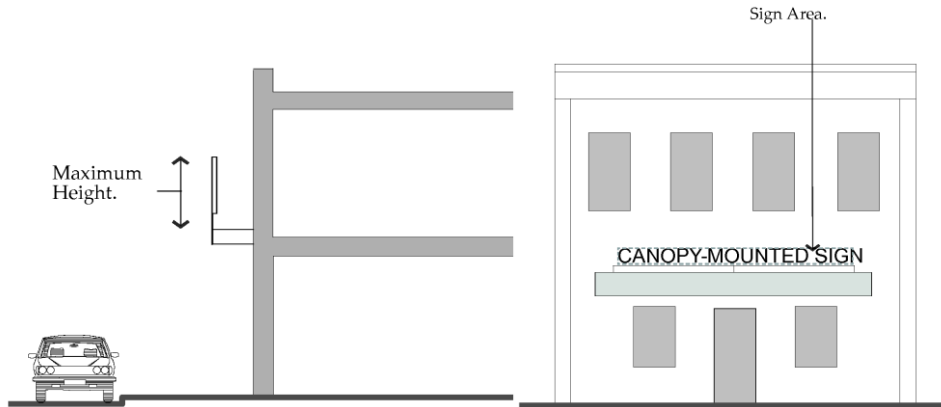
(3) *Sign area.* Defined as the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure or character. The area of the sign having no such perimeter or border shall be computed by enclosing the entire area with parallelograms, 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.

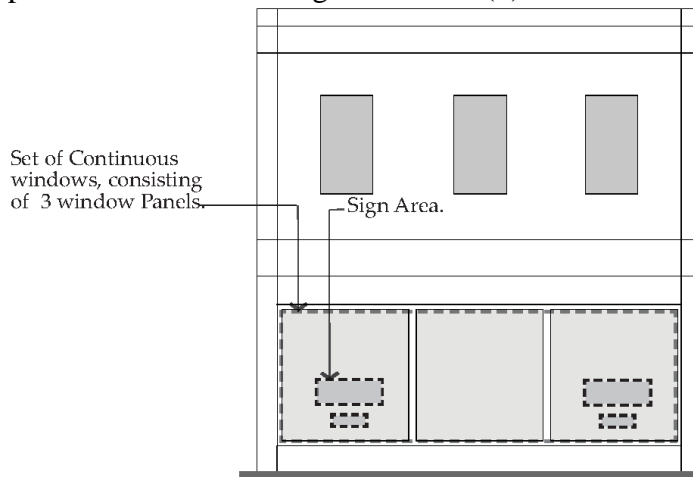


Figure 27-1816(k)-1. Measuring window signs.

(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.

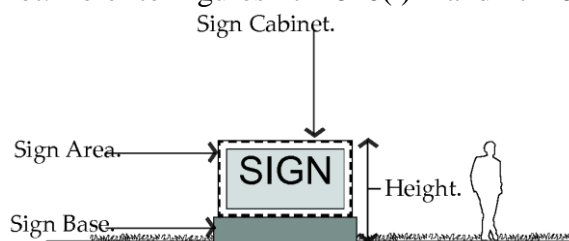


Figure 27-1816(l)-1. Monument Sign.

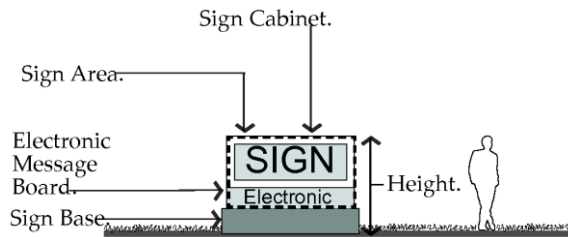


Figure 27-1816(l)-2. Monument Sign with EMB.

- (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 ¹ 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 ²
<p>¹ 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.</p> <p>² Refer to BMCC Sec. 27-1816(d) and 27-1816(l)(2)c for details on Electronic Message Boards</p>	

(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.

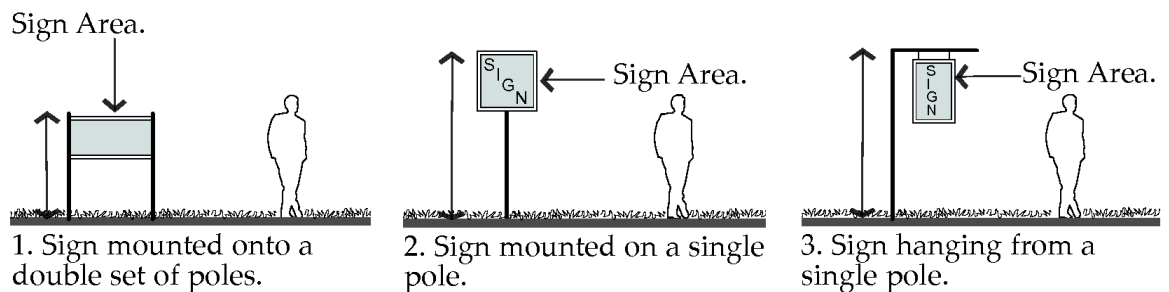


Figure 27-1816(m)-1. Three Types of Ped-Scale Pole-Mounted Signs.

(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.

Ped-Scale Pole-Mounted Sign Requirements	
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

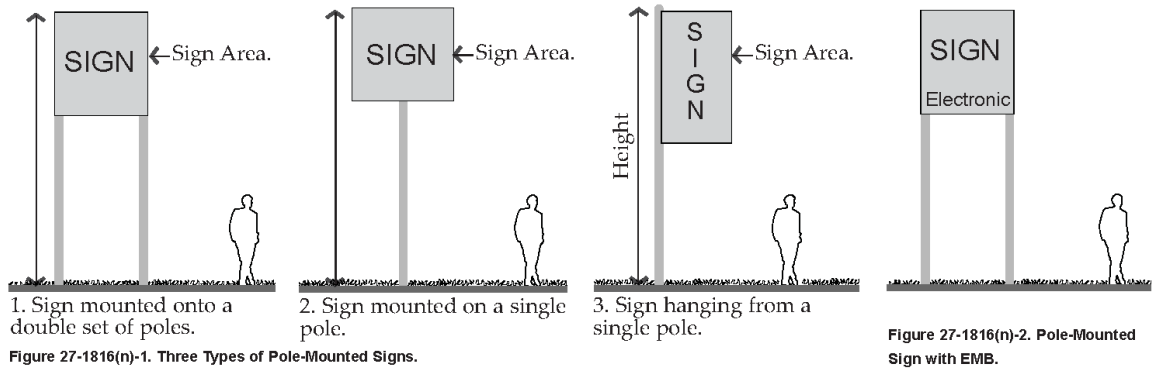
(3) *Computation.* The area of a pole-mounted sign is equal to the area of one (1) sign face.

(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 ²
¹ Refer to BMCC Sec. 27-1816(n)(2)c for Special Review conditions. ² 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.

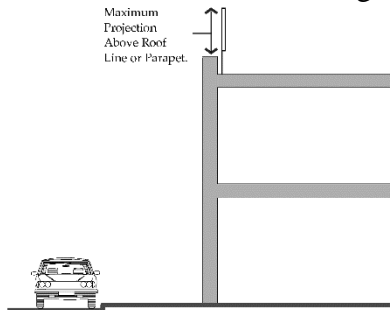


Figure 27-1816(o)-1. Roof Sign.

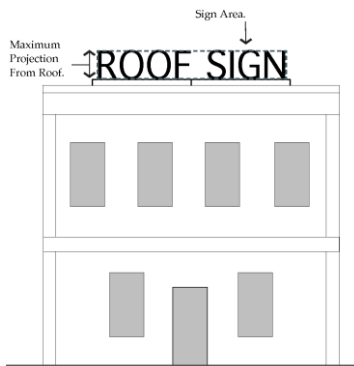


Figure 27-1816(o)-2. Measuring Roof Signs.

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.

Roof Sign Requirements	
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: 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 area 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-eight (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.