



County of Yellowstone Board of Adjustment

AGENDA-Thursday, June 8, 2023, 4:00 p.m.

Miller Building, 1st Floor Conference Room
2825 3rd Avenue North, Billings, Montana

NOTICE TO THE PUBLIC

Citizens are invited to:

- Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
- View the meeting live online at Facebook: <https://tinyurl.com/yckr478k>

Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to Board via email before 10:00 AM on the meeting date. All emails received prior to this time will be read into the record for the public hearing. Comments may be submitted by:

- Mail: City/County Planning Division, 2825 3rd Ave N 4th Floor, Billings, MT 59101
 - Email: deinest@billingsmt.gov
- Call in during the Public Comment periods as indicated on the agenda:
 - Citizens may call in during specific Public Comment periods at **406.237.6165**. All callers will be placed in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be limited to 3 minutes of testimony as is customary. Future delivery methods may be explored as best practice is learned.

Please direct questions to Planning Clerk Tammy Deines at deinest@billingsmt.gov or 406-247-8610. Thank you!

Call the meeting to order.

Introduction of the County Board of Adjustment Members and Planning Department Staff.

Public Comment

Approval of Minutes:

The minutes of the Board meeting of JANUARY 12, 2023

Disclosure of any Conflict of Interest-Members of the Commission and Staff

Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff
a. The Exparte Communication Binder is available at the Sign-In and Agenda Station.

Regular Business:

- Opening of public hearings.
- Reading of rules for the procedure by which the public hearings will be conducted.
- Reading of notices of the public hearings on the following items:

Public Hearings:

- Administrative Appeal 23-01 -- 330 Charlene St -- Appeal of an administrative decision regarding a Billboard sign permit PLN-23-00301** - An Administrative Appeal regarding the denial of a County sign permit to upgrade an existing billboard (off-premise) sign from a permanent graphic display to an Electronic Message Display (EMD) on property general located at 330 Charlene Street, C/S 1406, Parcel 13, in a Heavy Commercial (CX) zone. Tax ID: D01225. Lamar Outdoor appeals the decision of the Zoning Coordinator denying the sign permit request to upgrade an existing billboard (off-premise) sign from a permanent graphic display to an Electronic Message Display (EMD) on property general located at 330 Charlene Street, C/S 1406, Parcel 13, in a Heavy Commercial (CX) zone. Any final zoning administrative decision of the Planning Division may be appealed to the County Board of Adjustment. Section 27-1615 of the Yellowstone County Zoning Regulations (2020) govern the appeal process. The Board of Adjustment may affirm the decision in whole or in part, or reverse the decision in whole or in part.

Other Business/Announcements

- Motion/Recommendation to BOCC. Application for Yellowstone County Board of Adjustment member, Morgan Tuss.** Yellowstone County Board of Adjustment members.

Adjournment

County Board of Adjustment
Meeting Date: 06/08/2023

Information

Subject

The minutes of the Board meeting of JANUARY 12, 2023

Attachments

2023_01_12_YC BOA_DRAFTMIN.pdf



**Yellowstone County Board of Adjustment
Meeting Minutes, January 12, 2023
DRAFT-To be approved at the next scheduled meeting**

The County Board of Adjustment meeting will be held in the 1st Floor Conference Room, 2825 3rd Ave North (Miller Building).

Citizens are invited to:

- Review the Agenda Packet on the City’s website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
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Name	Title	01/12/2023									
Blaine Poppler	Vice Chair	1									
Carlotta Hecker	Board member	1									
Tyler Bush	Chairman	A									
Troy Boucher	Board member	1									

Commissioner Poppler introduced the County Board of Adjustment members and staff in attendance: Nicole Cromwell, Zoning Coordinator, Karen Husman, Planner I, Tammy Deines, Planning Clerk

Other Participants: Caleb Bruski, Lee Eastburn, Tyler Weyand, John Rigney, Anna Vickers, IMEG; Amber Lang, IMEG

Email: Nikki Downer Opposition Variance 296; Lisa Slovak, Opposition Variance 296; Mary Magness, Opposition Variance 296

Public Comments Commissioner Poppler announced the public comment period. There were no Public Comments.



Yellowstone County Board of Adjustment Meeting Minutes, January 12, 2023

DRAFT-To be approved at the next scheduled meeting

Approval of Minutes October 13, 2022

Motion

Board member Hecker made a motion and Board member Boucher seconded the motion to approve the October 13, 2022 meeting minutes with corrections. The motion passed with a unanimous voice vote.

Disclosure of Conflict of Interest: There were no disclosures of conflict of interest.

Disclosure of Exparte Communication

There were no disclosures of exparte communication from the Board.

PUBLIC HEARINGS:

Planner Karen Husman reviewed the procedures for public hearing and stated the Board will open a public hearing and allow public comment this evening. She reviewed the hearing and presentation processes for the meeting for reviewing and acting on each variance.

REQUEST County Variance 296 -- 3720 Basin Creek Rd -- Second Principal Structure in RR3 - A variance from Section 27-305, Table 27-300-4 allowing only one principal structure in a Rural Residential 3 (RR3) zone, to allow a second principal structure (dwelling) on Lot 24, Block 1 of Blue Creek Views Major Subdivision, a 4.124 acre parcel of land. The purpose of the variance is to allow a second dwelling to remain on the property. Tax ID: C12844.

RECOMMENDATION:

Planning Staff has reviewed this application and is forwarding a recommendation of conditional approval based on the determinations for review within this report.

Staff is recommending the following conditions for the variance request:

1. The variance from Section 27-305, Table 27-300-4, to allow a second principal structure (dwelling). No other variance is intended or implied with this approval.
2. The variance is limited to on Lot 24, Block 1 of Blue Creek Views Major Subdivision, generally located at 3720 Basin Creek Road.
3. The applicants will submit an application for a Zoning Compliance Permit within six months and complete construction within one year of BOA approval.
4. The applicant shall meet all other state and county code requirements with the exception of this variance.
5. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.



Yellowstone County Board of Adjustment Meeting Minutes, January 12, 2023

DRAFT-To be approved at the next scheduled meeting

Discussion

Ms. Husman explained that the applicant has constructed the foundation. DEQ has not addressed the sanitation and the applicant is waiting for approval. Chairman Boucher asked when the construction started. Clarification was given by Zoning Coordinator Nicole Cromwell on the RR (Rural Residential) zoning and this variance request. Board member Hecker asked if the present owners owned the property when it was under the previous zoning code.

Nicole Cromwell said under the previous Code, the southern portion of the parcel was R-15,000 and the AG suburban parcel was on the north part of the lot. The new zoning has maximum lot area for a Rural Residential zone.

Public Hearing

The public hearing was opened and to anyone wishing to speak in favor or against County Variance #296.

Anna Vickers, IMEG, 175 North 27th Street, Billings, Montana

Ms. Vickers is the agent for applicant Caleb Bruski. She said initially the property was vetted for an accessory dwelling unit but the house is too large. The best way forward was to go forward with the variance request. Ms. Vickers asked for amendment to allow for DEQ review timelines which could take as long as nine months. She said she did not understand that ongoing compliance didn't allow for interdepartmental review and there isn't a way to enforce a right-of-way for safety. Board member Hecker asked why the applicant would build there is no approval from DEQ. Ms. Vickers said IMEG advised the applicant to stop construction until approval is received and the zoning requirements were vetted.

Caleb Bruski, 3720 Basin Creed Road, Billings, MT

Mr. Bruski is the applicant and property owner. He said he relied on the contractor who assured him that everything would be fine. He said he did not understand there was a process and later reached out to IMEG. Mr. Bruski explained that he considered the process in 2019 as to whether building could take place. In 2021 the property values increased and he had available funds for the project. The process started mid to late summer of last year. Mr. Bruski reported that Tim Miller, Yellowstone County Public Works, visited the lot, conferred with the contractor, and spoke with him regarding the septic requirements. He stated he wished to correct this situation and get everything right. In response to question by Board member Hecker, he said the existing house was there. He would like to utilize the property and the two elevations. Mr. Bruski stated he was not aware that the property would not allow for additional houses and the covenants and restrictions do not clearly state only one residence is allowed.

Rick Cortez, 3790 Vista View Road, Billings, MT

Mr. Cortez is the Fire Chief for the Blue Creek Fire Department. He is opposed to this request as the grade of the road and range of where the foundation is located does not provide enough safety pull-off requirement for a fire event. The dirt moved into an existing coulee will impact Basin Creek Road as it is a water shed and will create issues for adjacent property owners entering their properties. He



Yellowstone County Board of Adjustment Meeting Minutes, January 12, 2023 DRAFT-To be approved at the next scheduled meeting

feels the zoning request should have been addressed earlier. This parcel does not have a dry hydrant installed which would be required under subdivision review. In response to question by Board member Poppler, Mr. Cortez said it is satisfactory as it stands with the one home. Board member Hecker asked regarding the foundation and Mr. Cortez said it is a full 8-foot foundation.

John Rigney, 3745 Basin Creek North, Billings, MT

Mr. Rigney's concern is allowing a second structure will set a precedent for future property owners and it will add additional traffic. He doesn't want a potential rental property in the subdivision. He said there would be a potential increase in the homes from 34 to 68 and this should be avoided. Mr. Rigney said Caleb is great but what about future owners?

Tyler Weyand, 3845 Vista View Road, Billings, MT

Mr. Weyand is opposed to this request due to safety factors, and the Covenants and Restrictions which restrict the lots to one home. Mr. Weyand doesn't agree with Caleb's reading. He is opposed 100% and feels approval will open the door to more problems. He doesn't agree with making exceptions for this project.

Lee Eastburn, 3715 Vista Blue Circle, Billings, MT

Mr. Eastburn is marginally opposed to this request. He asked why there is a 60-ft driveway which will create a blind corner. He said they had to dig the ditch near his property to avoid water runoff. Mr. Eastburn is in agreement with having a mother-in law home and not splitting the lot. He does not want rental property or use as an "Air BnB".

Rebuttal

Anna Vickers, IMEG, 175 North 27th Street, Billings, Montana

Ms. Vickers said the storm water will be mitigated and the zoning allows a second structure. She said they will continue to work with Rick Cortez, Blue Creek Volunteer Fire Department and with County Public Works for approval of the drive approach.

Caleb Bruski, 3720 Basin Creed Road, Billings, MT

Mr. Bruski according to the CCRs, single-family only is the structure type. He said there is no flooding. The lot has 1+ acres of flat area on the lower lot.

The public hearing was closed.

Discussion:

Board member Hecker pointed out that DEQ has not approved the site. Board member Poppler said the people and the contractors started this project with incomplete information. The zoning is clear. There were no other lots in this subdivision with two structures. He stated this variance request is not justified and there is no hardship.



Yellowstone County Board of Adjustment Meeting Minutes, January 12, 2023

DRAFT-To be approved at the next scheduled meeting

Motion

Board member Boucher made a motion to approve County Variance #296 with the conditions recommended by staff.

Discussion

Board member Boucher stated he agrees with the staff findings. A lot the zoning code was changed and there was a lot of miscommunication.

The motion died for lack of a second.

Motion

Board member Hecker made a motion and it was seconded by Board member Poppler to deny County Variance #296.

Discussion

Board member Hecker stated it is unfortunate that the applicant hired someone who did not know what was required. She stated approval of the variance in this case would grant a special privilege.

The motion carried 2-1, with Board member Boucher voting against the motion.

Yellowstone County Variance #296 is denied.

Other Business/Announcements

- **Announcement:** The February 9, 2023 Yellowstone County Board of Adjustment meeting is cancelled due to a lack of applications. The next meeting will be held as legally announced and advertised.
-

Adjournment: Adjourned 4:35 p.m.

Tamara L. Deines, Planning Clerk

DRAFT- TO BE APPROVED BY A MOTION AT THE NEXT SCHEDULED MEETING



City-County Planning Division
Thursday, January 12, 2023
Yellowstone County Board of Adjustment



Printed Name		Address
Caleb Bruski:		3720 Basin Creed rd
Lee Eastburn		3715 Vista Bloc Cir
TYLER WEYAND		3845 VISTA VIEW ROAD
John Rigney		3745 BasinCreekRd N.
Anna Vickers		175 N. 27 th St Ste 132 Billings
Amber Long		"
Rick Cortez		3790 VISTA VIEW RD.

County Board of Adjustment

Meeting Date: 06/08/2023

SUBJECT: County Administrative Appeal 23-01 " 330 Charlene St " Appeal of Billboard Sign permit decision

THROUGH: Monica Plecker

PRESENTED BY: Nicole Cromwell

Information

REQUEST

Administrative Appeal 23-01 -- 330 Charlene St -- Appeal of an administrative decision regarding a Billboard sign permit PLNX-23-00301 - An Administrative Appeal regarding the denial of a County sign permit to upgrade an existing billboard (off-premise) sign from a permanent graphic display to an Electronic Message Display (EMD) on property general located at 330 Charlene Street, C/S 1406, Parcel 13, in a Heavy Commercial (CX) zone. Tax ID: D01225. Lamar Outdoor appeals the decision of the Zoning Coordinator denying the sign permit request to upgrade an existing billboard (off-premise) sign from a permanent graphic display to an Electronic Message Display (EMD) on property general located at 330 Charlene Street, C/S 1406, Parcel 13, in a Heavy Commercial (CX) zone. Any final zoning administrative decision of the Planning Division may be appealed to the County Board of Adjustment. Section 27-1615 of the Yellowstone County Zoning Regulations (2020) govern the appeal process. The Board of Adjustment may affirm the decision in whole or in part, or reverse the decision in whole or in part.

RECOMMENDATION

Planning staff recommends the Board affirm in whole the decision to not grant the sign permit to upgrade the existing billboard sign from a permanent graphic display to an Electronic Message Display (EMD).

APPLICATION DATA

OWNER: Wayne and Barbara Teyler (property owners)
AGENT: The Lamar Companies - sign owner
LEGAL DESCRIPTION: C/S 1406, Parcel 13
ADDRESS: 330 Charlene St
CURRENT ZONING: Heavy Commercial (CX)
EXISTING LAND USE: Warehouse and Billboard sign
PROPOSED USE: Same with EMD sign faces on the billboard sign structure
SIZE OF PARCEL: 1.26 acres

CONCURRENT APPLICATIONS

PLNX-23-00301 - Sign permit - denied.

APPLICABLE ZONING HISTORY

Lamar Outdoor and the City/County Planning Division have twice before brought a permitting dispute before the city or county Boards of Adjustment. The first instance was in 2011 when several billboard structures were damaged in a wind storm. Two of those boards were on property on N27th St owned by Lamar Outdoor and north of the MSU Billings athletic fields. The City BOA upheld the Planning staffs' decision to not grant a re-build of the two billboards. A district court appeal was filed that was moved to the Federal District Court of Montana. The judge in the case found the sign code section on re-building of damaged nonconforming billboards to be vague and overturned the BOA decision. The boards were re-built.

The second instance was in 2015/2016 when two adjoining property owners in Lockwood both wanted to have billboard signs oriented to I-90, but there was not enough distance between the boards for both owners to have a billboard. The dispute centered around which owner and which billboard sign company had submitted a sign permit first. The County BOA found in favor of the Planning staff decision to grant the permit to the owner of 2511 Old Hardin Road, but the case in district court decided in favor of Lamar Outdoor to build a billboard at 2531 Old Hardin Road.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: Light Industrial (I1)
Land Use: Interstate 90
SOUTH: Zoning: CX
Land Use: Seed distributor
EAST: Zoning: Heavy Industrial (I2)
Land Use: Former Corrette Power Station
WEST: Zoning: I1
Land Use: Interstate 90 - Cabinetry shop

BACKGROUND

This is an appeal of the Zoning Coordinator's administrative decision to not approve the request to upgrade an existing billboard sign to an Electronic Message Display (EMD) for a sign located adjacent to Interstate 90 at 330 Charlene Street in a Heavy Commercial (CX) zone district. The administrative decision is based on the County adopted zoning regulations at Section 27-1409. The County has maintained a separate sign code for zoning purposes since it was adopted in August 1989. The sign code - Article X - was approved by County resolution 89-87 (8/17/1989). In 1997, the city and county unified the zoning regulations except the County kept its sign code separate from the unified code. The section on lighting and illumination of signs was adopted as follows:

Section 2 Definitions

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.*

Section 3 General Provisions

Sec. 3.08 Changeable Copy

Unless otherwise specified by this Article, 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).

Section 4 Regulation by Zone

Sec. 4.06 Billboards

(a) *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:*

- 1. 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.*
- 2. Minimum distance between billboards shall be five hundred (500) feet.*
- 3. 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.

(b) *Billboards shall be permitted in Highway Commercial (HC) as follows:*

- 1. Billboards shall be a maximum of three hundred (300) square feet in size and a maximum of thirty (30) feet in height.*
- 2. Minimum distance between billboards shall be seven hundred (700) feet.*
- 3. Lighting shall be designed to minimize glare and interference with any adjacent residential uses or traffic.*

(c) *Billboards shall be permitted in Community Commercial (CC) as follows:*

- 1. Billboards shall be a maximum of two hundred eighty-eight (288) square feet in size and a maximum of thirty (30) feet in height.*
- 2. Minimum distance between billboards shall be seven hundred fifty (750) feet.*
- 3. Lighting shall be designed to minimize glare and interference with any adjacent residential uses or traffic.*

(d) *Billboards shall be permitted in Controlled Industrial (CI) and Heavy Industrial (HI) as follows:*

- 1. Billboards shall be a maximum of three hundred seventy-eight (378) square feet in size and a maximum of forty (40) feet in height.*
- 2. Minimum distance between billboards shall be five hundred fifty (500) feet.*
- 3. Lighting shall be designed to minimize glare and interference with any adjacent residential uses or traffic.*

This sign code did not explicitly state that a "computer controlled variable message electronic sign" was allowed to be used on a billboard sign. Reading the code as a whole, it can be inferred that a billboard sign with an EMD sign display could be allowed. (Archived County sign Code attached) This code expired on December 15, 2020, when the County adopted an entire new zoning code including an update of the sign code section. (new Code Sections 27-1405.C (EMD) and 27-1409 (Billboards) attached)

Prior to the new code adoption, no billboard sign company had applied for or was interested in updating any existing billboard sign to an EMD technology if the sign was located outside the city limits. Until 2016, the state Outdoor Advertising Bureau, part of the MT Department of Transportation, and the MT Highway Commission did not allow billboard signs advertising on the Interstate system to have an electronic message display. It was considered to be too distracting to motorists and the Federal Highway Administration (FHA) had not issued guidance on the allowance of the technology. In 2016, the state updated its regulations to allow Electronic Billboards (EBB) on the interstate system subject to their limitations in the Administrative Rules of Montana 18.6.237. (attached)

Planning staff does not believe the intent, or more significantly, the wording of the new County sign code would allow an EMD sign to be used on a billboard. Section 27-1405.C clearly intends for an EMD display to be used for on-premise signs. A billboard is not an on-premise sign. An EMD sign face is required to be used only in conjunction with a permanent graphic display on the same sign structure and cannot be more than 40% of the total sign area. The billboard sign code section at 27-1409 does not mention using an EMD display and only includes the language carried forward from the previous code regarding lighting "*be designed to minimize glare and interference with any residential uses or traffic.*" Planning staff recommends the Board uphold the administrative decision. The applicant can pursue a request to amend the County sign code to allow an EMD display on billboard signs, but the current code does not allow this technology.

RECOMMENDATION

Staff recommends the Board of Adjustment affirm in whole the Zoning Coordinator's decision to not approve the permit to convert this billboard to EMD technology in a County Heavy Commercial (CX) zone.

Attachments

County Sign Code prior to Dec 15 2020
Section 27-1405.C EMD signs
Section 27-1409 - Billboards
Zoning Map and Site Photos
Letter of Appeal
Planning notice of denial for sign upgrade
MT ARM for EBB on system

ARTICLE X

SIGNS

Sec. 1	INTENT
Sec. 2	DEFINITIONS
Sec. 3	GENERAL PROVISIONS
Sec. 4	REGULATION BY ZONE
Sec. 5	COMMON SIGNAGE PLAN
Sec. 6	NONCONFORMING SIGNS
Sec. 7	CONSTRUCTION SPECIFICATIONS
Sec. 8	ADMINISTRATION AND ENFORCEMENT

Sec. 1 INTENT

A. The purpose of this Article 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 Article.

B. This Article shall not relate to building design. Nor shall this Article 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 Article shall be to regulate signs of a commercial nature intended to be viewed from any vehicular or pedestrian public right-of-way.

Sec. 2 DEFINITIONS

Words and phrases used in this Article have the meanings set forth in this section. Principles for computing sign area and sign height are contained in Section 3.

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. (See Section 3.04 for Calculation of sign area.)

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. 3 GENERAL PROVISIONS

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 Article.

Sec. 3.02 Signs Prohibited

All signs not expressly permitted under this Article or exempt from regulation hereunder in accordance with the previous section are prohibited in the County. Such signs include, but are not limited to:

- (a) Beacons;
- (b) Wind driven sign, except flags as defined in Section 2 of this Article;
- (c) Strings of lights not permanently mounted to a rigid background, except those exempt under Section 3.03.
- (d) Inflatable signs and tethered balloons;
- (e) All portable signs not specifically permitted under Section 4.07;
- (f) Animated signs;
- (g) All above-peak roof signs;
- (h) All banner signs except as permitted under Section 4.08;
- (i) Abandoned signs;
- (j) Signs attached to trees, telephone poles, public benches, streetlights or placed on any public property or public right-of-way; and
- (k) 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).

Sec. 3.02 Permits Required

Unless otherwise provided by this Article, all signs shall require permits and payment of fees as described in Section 7 of this Article. No permit is required of the maintenance of a sign or for a change of copy on painted, printed or

changeable copy sign. 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.

Sec. 3.03 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 Article:

- (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.

Sec. 3.04 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.

Sec. 3.05 Clear Vision Triangle

No sign shall be placed within any clear vision triangle as illustrated in Article IV, Section 8, figure 2 of these regulations.

Sec. 3.06 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 8.09 to order the repair or removal of any sign which is defective, damaged or substantially deteriorated, as defined in the Building Code.

Sec. 3.07 Lighting

Unless otherwise prohibited by this Article, all signs may be illuminated.

Sec. 3.08 Changeable Copy

Unless otherwise specified by this Article, 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).

Sec. 3.09 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.

Sec. 3.10 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 Article 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. 4 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.

Sec. 4.01 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-15,000), Residential 9600 (R-9600), Residential 7000 (R-7000) and Residential 6000 (R-6000).

- (a) 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.
- (b) 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.
- (c) One non-illuminated attached building nameplate per occupancy, not to exceed two (2) square feet in sign area.
- (d) 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.
- (e) One subdivision sign per street frontage not to exceed forty-eight (48) square feet in sign area in each location.
- (f) One identification sign per entrance to apartment or condominium complex,

not to exceed forty-eight (48) square feet in sign area.

- (g) 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.
- (h) 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-O) district only. Each sign may be erected for no more than sixty (60) days. A temporary sign permit shall be required.
- (i) 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:

- (j) 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.

Sec. 4.02 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:

- (a) All signs as permitted in Section 4.01.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) Window signs shall not exceed fifteen (15) percent of the window area. This includes permanent and temporary window signs.
- (g) Directional/informational signs as required.

Special regulations and allowances for Residential Professional (RP) and Neighborhood Commercial (NC) zones area as follows:

- (h) 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.

- (i) 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.
- (j) 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.

Sec. 4.03 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:

- (a) All signs as permitted in Section 4.01 and 4.02.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) Window signs shall not exceed thirty (30) percent of the window area. This included permanent and temporary window signs.
- (h) 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.
- (i) 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.

- (j) On-premises directional signs as required

Sec. 4.04 Signs Permitted in the Interstate Corridor

Signs are allowed as follows in the Interstate Corridor.

- (a) All signs as permitted in Sections 4.01, 4.02 and 4.03.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) Freestanding signs which do not address interstate traffic must comply with the requirements for the zoning districts as outlined in Sections 4.01, 4.02 and 4.03.

Sec. 4.05 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.

- (a) 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 4.03 (d) shall apply.

Sec. 4.06 Billboards

- (a) 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:
 1. 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.
 2. Minimum distance between billboards shall five hundred (500) feet.
 3. 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.

(b) Billboards shall be permitted in Highway Commercial (HC) as follows:

1. Billboards shall be a maximum of three hundred (300) square feet in size and a maximum of thirty (30) feet in height.
2. Minimum distance between billboards shall be seven hundred (700) feet.
3. Lighting shall be designed to minimize glare and interference with any adjacent residential uses or traffic.

(c) Billboards shall be permitted in Community Commercial (CC) as follows:

1. Billboards shall be a maximum of two hundred eighty-eight (288) square feet in size and a maximum of thirty (30) feet in height.
2. Minimum distance between billboards shall be seven hundred fifty (750) feet.
3. Lighting shall be designed to minimize glare and interference with any adjacent residential uses or traffic.

(d) Billboards shall be permitted in Controlled Industrial (CI) and Heavy Industrial (HI) as follows:

1. Billboards shall be a maximum of three hundred seventy-eight (378) square feet in size and a maximum of forty (40) feet in height.
2. Minimum distance between billboards shall be five hundred fifty (500) feet.
3. Lighting shall be designed to minimize glare and interference with any adjacent residential uses or traffic.

Sec. 4.07 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:

- (a) 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.
- (b) Number: Only one (1) temporary sign permit shall be issued to the same business license holder on the same lot in any calendar year.
- (c) Other Conditions: A Temporary sign shall be allowed only NC, CC, HC, CI, and HI zoning districts.

Sec. 4.08 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:

- (a) 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.

1. The banner sign application must be submitted to and approved by the Director prior to placement of the banner sign.
 2. 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) 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.
- (c) 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.
- (d) Size of Banner Signs: The maximum allowable size of a banner sign is three (3) feet by twenty (20) feet.
- (e) Banner signs are permitted in the NC, CC, HC, CI and HI zoning districts.
- (f) 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. 5 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 Article; 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 Article 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.

Sec. 6 NONCONFORMING SIGNS

Sec. 6.01 Determination of Legal Nonconformity

Existing signs which do not conform to the specific provisions of this Article may be eligible for the designation "legal nonconforming" provided that:

- (a) The Administrator determines such signs are properly maintained and do not in any way endanger the public.
- (b) 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.

- (c) 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 Article.

Sec. 6.02 Loss of Legal Nonconforming Status

A legal nonconforming sign may lose this designation if;

- (a) The sign is relocated or replaced.
- (b) The structure or size of this sign is altered in any way except toward compliance with this Article. This does not refer to change of copy or normal maintenance.

Sec. 6.03 Maintenance and Repair of Nonconforming Signs

The legal nonconforming sign is subject to all requirements of this Article 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 Article 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. 7 CONSTRUCTION SPECIFICATIONS

Sec. 7.01 Construction Specifications

- (a) All signs shall be installed in compliance with the Uniform Building Code (UBC) and the National Electric Code (NEC).
- (b) All electrical freestanding signs, except billboards, must have underground electrical service to such signs.

Sec. 8 ADMINISTRATION AND ENFORCEMENT

Sec. 8.01 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 Article. 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.

Sec. 8.02 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:

- (a) Name and address of the owner of the sign.

- (b) 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.
- (c) The name, address and license number of the sign contractor installing the sign.
- (d) The type of sign or sign structure as defined in this Article.
- (e) A site plan with measurements showing the proposed location of the signs along with the locations of all existing signs on the same premises.
- (f) Specifications and drawings showing the materials, design, dimensions, structural supports and electrical components of the proposed sign.

Sec. 8.03 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.

Sec. 8.04 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 Article 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.

Sec. 8.05 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 Article.

Sec. 8.06 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.

Sec. 8.07 Variances

All variances shall follow the procedure as outlined in Article V, Section 7 of the Yellowstone County Zoning Regulations.

Sec. 8.08 Violations

When, in the opinion of the Administrator, a violation of this Article 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.

Sec. 8.09 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.

Sec. 8.10 Penalties

Any person who fails to comply with the provisions of this Resolution may be subject to penalties as outlined in Article XI, Section 3 of the Yellowstone County Zoning Regulations.

Section 27-1405

C. ELECTRONIC MESSAGE DISPLAY (EMD) SIGNS**1. EMD Signs Prohibited**

EMD signs are prohibited in the following districts:

- (a) Agriculture
- (b) All residential base zone districts (RR1, RR3, N4, and RRMH) and residential zones in a PD or PND.
- (c) Public 1

2. Display Technology

The technology currently being deployed for EMDs is LED (light emitting diode), but there may be alternate, preferred, and superior technology available in the future. Any other technology that operates pursuant to the display brightness limits above shall not require an ordinance change for approval.

3. Incorporation in Wall or Freestanding Sign

- (a) An EMD may only be used in conjunction with an adjacent wall sign or as part of a freestanding sign and shall not be displayed on its own.
 - (1) The EMD shall not be larger than 40 percent of the total square footage of the permanent graphic portion of the sign when compared as separate components.
 - (2) For purposes of determining the allowable total sign area, the permanent graphic portion of the sign and the EMD shall be included in the same perimeter and measured as a single sign, inclusive of any physical separation between the two components.
- (b) Only one EMD sign, either wall or freestanding is permitted per developed parcel. EMD sign(s) shall be counted in the total number of signs allowed on the parcel.

4. Generally Applicable Display Standards

- (a) All EMD signs shall comply with the following display standards:
 - (1) EMDs must be equipped with an automatic image dimming capability (ambient light monitors). This feature must be enabled at all times, allowing the display to automatically adjust brightness based on ambient light conditions. The sign must be operated at a brightness level no greater than the manufacturer's recommended levels
 - (2) The sign shall not include audio, pyrotechnic, bluecasting (bluetooth advertising), or other similar components.

5. Static Display EMD

Where a static display EMD is permitted by this article, the following standards shall apply:

- (a) A static display EMD may display a series of static messages and may not flash, scintillate, blink, show motion borders or traveling lights, employ any other aspect of animation, or display video.
- (b) Messages on static display EMDs shall not include flashing, the varying of light intensity, or scrolling.
- (c) Each static message on the sign shall be displayed for a minimum of six seconds in duration.
- (d) Message change shall be completed instantaneously.
- (e) There shall be a direct change from one message to the next. All transition effects, such as motion, animation, fading, scrolling, or dissolving are prohibited.

6. Animated Display EMD

Where an animated display EMD is permitted by this article, the following standards shall apply:

- (a) The sign shall be on-premises;
- (b) A freestanding animated display EMD sign shall be separated by at least 35 linear feet in any direction from any other freestanding animated display EMD;
- (c) The sign shall be located at least 100 feet from any agriculture or residential zone (A, RR1, RR3, N4, RRMH or any residential zone in a PD or PND); and
- (d) Video display is prohibited.

7. Sign Permit Conditions

The following conditions apply to all EMD sign permits. Failure to comply shall result in the sign ceasing operation until compliance occurs.

- (a) That the sign shall at all times be operated in accordance with County codes and that the owner or operator shall provide proof of such conformance within 24 hours of a request by the County;
- (b) That a County inspector may access the property upon 24 hours' notice to the owner, operator or permittee so that the County may verify that the EMD has the automatic image dimming capability engaged. In the event of a citizen complaint regarding the EMD brightness, the owner, operator or permittee may be required by the County inspector to manually reduce the brightness to a lower setting;
- (c) That whether the sign is programmed from the site or from a remote location, the computer interface that programs the sign and the sign's operation manual shall be available to County staff upon 24 hours' notice to the owner, operator or permittee.
- (d) Sign permit applications to install an EMD must include a certification from the owner or operator that the sign shall at all times be operated in compliance with the conditions set out in County code. The owner, operator or permittee shall immediately provide proof of such conformance upon request of the County.



Figure 18: EMD Sign Examples

SECTION 27-1406 GENERALLY APPLICABLE SITE AND DESIGN STANDARDS**A. ILLUMINATION FOR NON-ELECTRONIC MESSAGE DISPLAYS****1. Intent**

Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare which is hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.

2. External Illumination

Externally illuminated signs shall have lighting confined to the sign and shall be positioned and shielded to minimize impacts to the surrounding area(s).

3. Internal Illumination

(a) Internally illuminated signs, where permitted, including neon lighting, must be static in intensity and color.

(b) The light source for internally illuminated signs must be entirely enclosed within the sign.

4. Flashing or Rotating Lights Restricted

Flashing or rotating lights are prohibited.

B. LANDSCAPING

The area surrounding a freestanding sign shall comply with the applicable requirements of Section 27-1200, Landscaping.

SECTION 27-1409 BILLBOARD SIGNS

A. APPLICABILITY WITHIN THE INTERSTATE CORRIDOR

Billboards shall be permitted in the Interstate Corridor (660 feet either side of the right-of-way of the Interstate Highway) on properties zoned C3, CX, I1, or I2 as follows:

1. Billboards located within the Interstate Corridor shall have a maximum size of 600 square feet in size and shall be no more than 40 feet in height.
2. Billboards shall be separated by a minimum distance of 500 feet.
3. Lighting shall be designed to minimize glare and interference with any adjacent residential uses or traffic.

B. APPLICABILITY OUTSIDE THE INTERSTATE CORRIDOR

1. Billboards not located in the interstate corridor are allowed as indicated below.

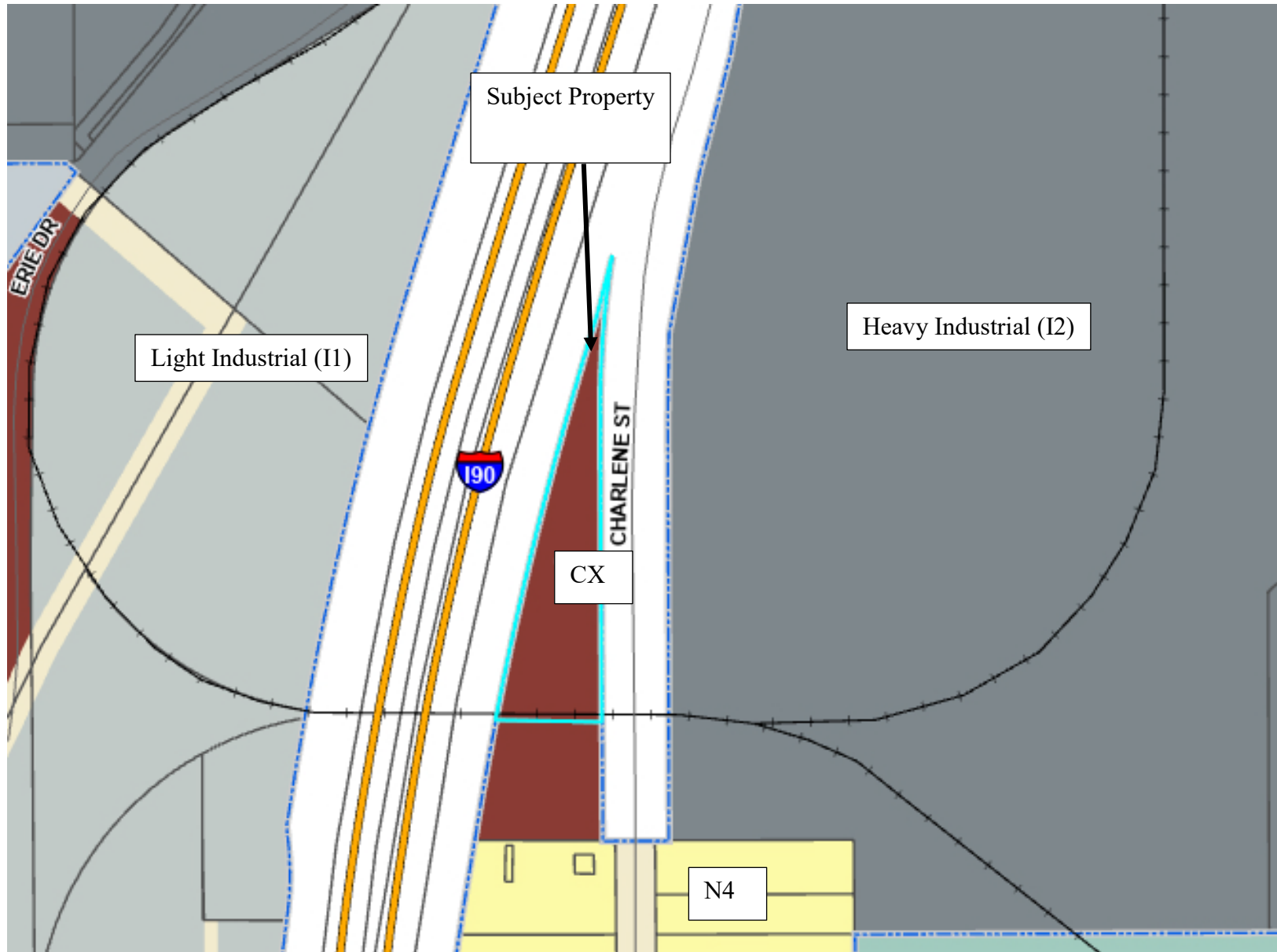
Table 27-1400.22: Billboard Height, Maximum

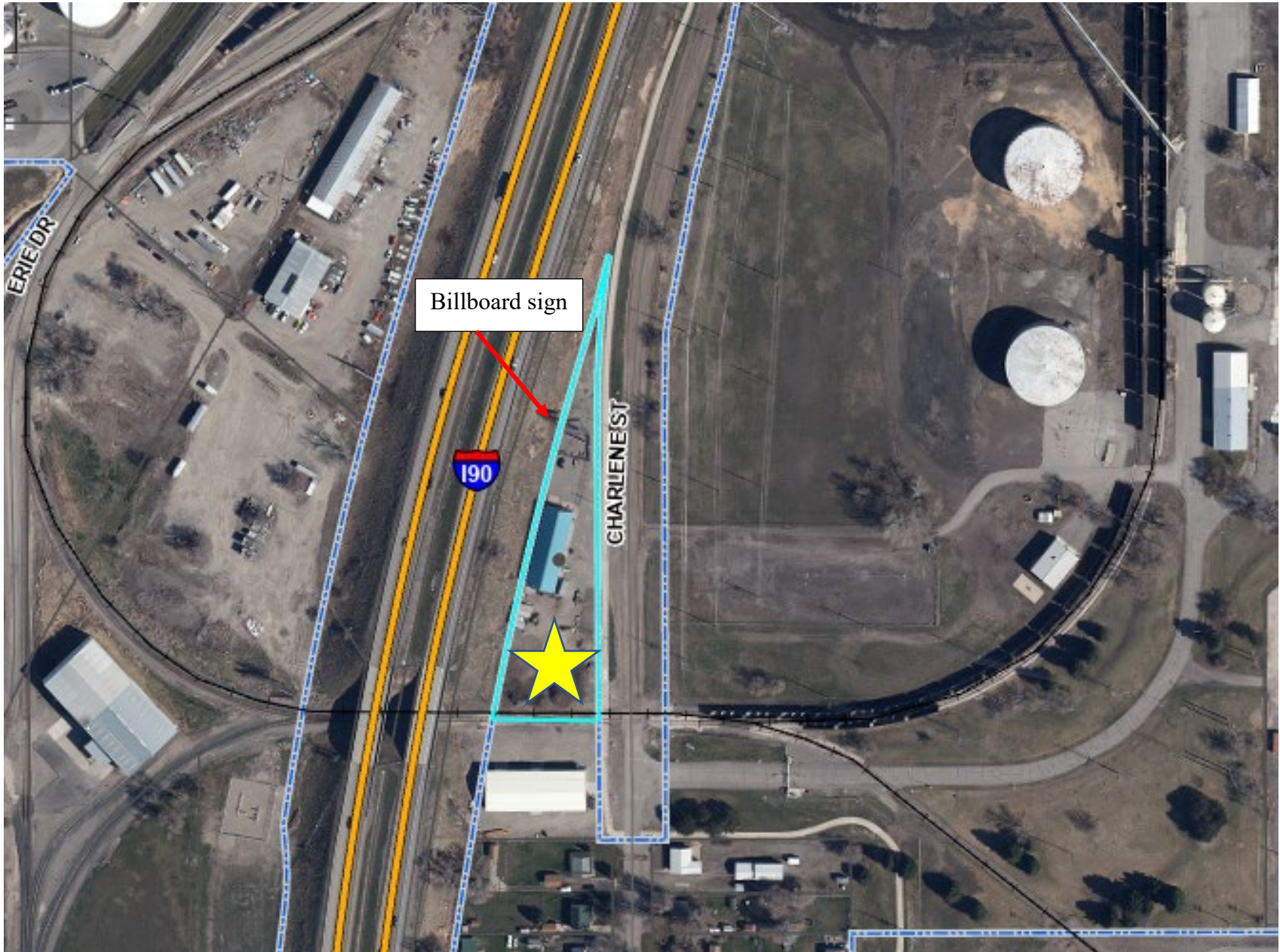
Zone District	Max. Height (ft)	Max. Size (sq. ft.)	Min. Separation (ft)
Commercial 3 (C3)	30	288	750
Heavy Commercial (CX)	30	300	700
Industrial 1 and 2 (I1, I2)	40	378	500

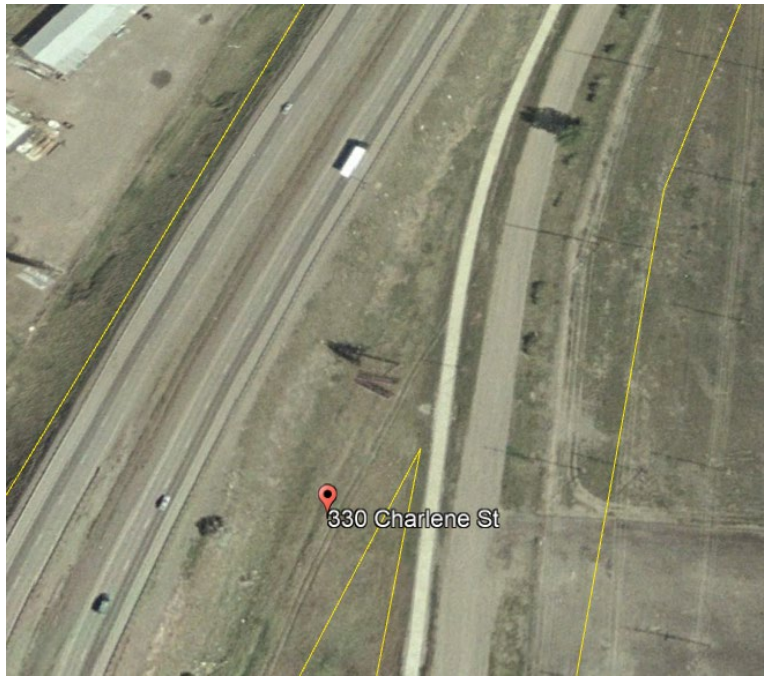
2. In all districts, lighting shall be designed to minimize glare and interference with any adjacent residential uses or traffic.

Appeal of Administrative Decision – 330 Charlene St – EMD Billboard in CX zone

Zoning Map and Site Photos







2004 aerial of site (Google Earth Pro)



Subject property from Charlene St



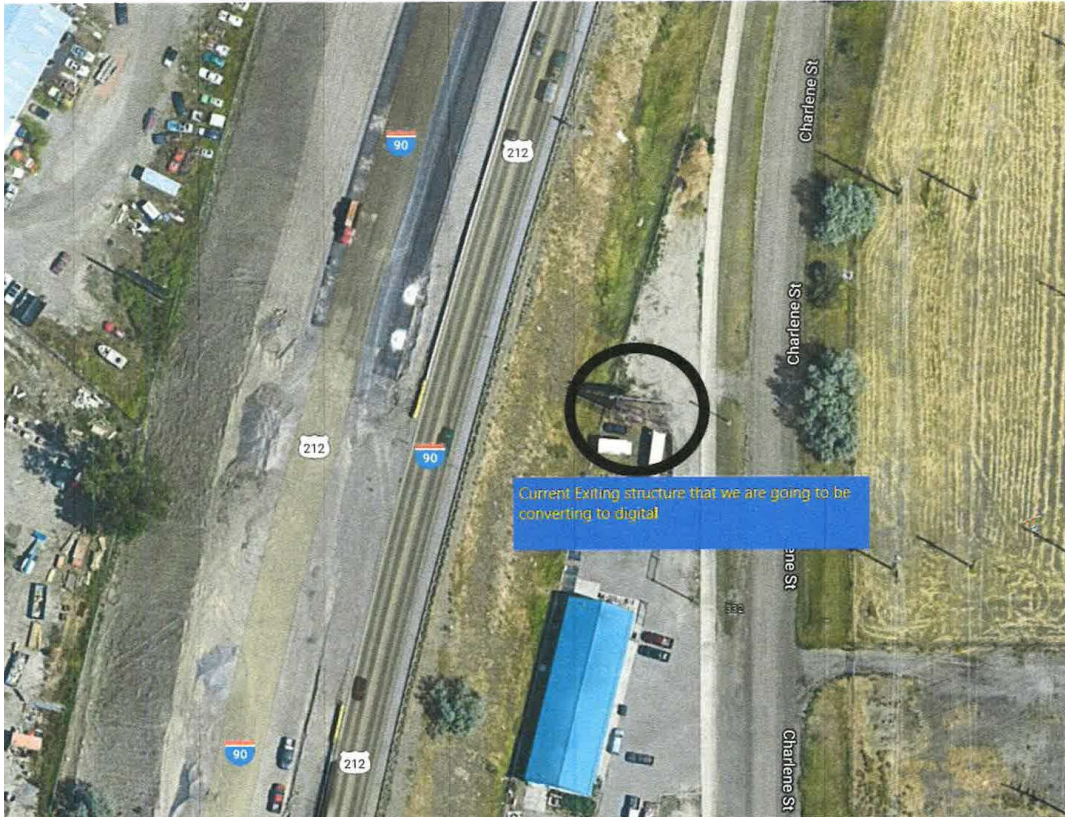
View south along Charlene St



View north along Charlene St

4:01 PM

Location of Existing Structure.bmp



Appellant's photo – aerial

4:01 PM

EAST FACE BEFORE.bmp



Appellant's photo - Existing east facing sign

, 4:02 PM

EAST FACE AFTER.bmp



Appellant's photo – east facing sign after update to EMD

, 4:00 PM

WEST FACE AFTER.bmp



Appellant's photo – west facing sign after update to EMD

APPLICATION FORM

COUNTY VARIANCE County Variance # ~~XXXX~~ - Project # P2X-23-00086

The undersigned as owner(s) of the following described property hereby request a Variance from the terms of the Yellowstone County Unified Zoning Regulations.

PARCEL ID - 03092702304170000
PROPERTY TAX ID # D01225

COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: S02, T01S, R26E, C.O.S. 1406
PARCEL 13, AMD GEO Code - 03-0927-02-3-04-17-0000

Address or General Location (If unknown, contact County Public Works): 330 CHARLENE ST

Zoning Classification: CX

Size of Parcel (Area & Dimensions): 1.26 ACRES

Covenants or Deed Restrictions on Property: Yes _____ No X

If yes, please attach to application

Variance Requested: _____

Facts of Hardship: Appeal for Digital Conversion Application
SEE ATTACHED

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): WAYNE AND BARBARA TEYLER
(Recorded Owner)
542 TARRIZ DR BILLINGS MT 59105-2814
(Address)
406-855-9571 (Phone Number) (email)

Agent(s): THE LAMAR COMPANIES (LAMAR OUTDOOR)
(Name)
7505 ENTRYWAY DR. BILLINGS MT 59101
(Address)
406-252-7181 (Phone Number) KStrobel@lamar.com / ACARLEY@lamar.com (email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Variance. Also, I attest that all the information presented herein is factual and correct.

Signature: Alicia Carley (Recorded Owner) Date: 4/21/23



MAXON R. DAVIS
GREGORY J. HATLEY
PAUL R. HAFFEMAN
JOSEPH M. SULLIVAN*
STEPHANIE A. HOLLAR
TRAVIS A. CUSHMAN
DENNIS J. TIGHE (Retired)

LAW OFFICE OF
DAVIS, HATLEY, HAFFEMAN & TIGHE, P.C.
THE MILWAUKEE STATION, THIRD FLOOR
101 RIVER DRIVE NORTH
P. O. BOX 2103
GREAT FALLS, MONTANA 59403-2103

TELEPHONE
(406) 761-5243
FAX
(406) 761-4126
E-Mail
max.davis@dhhlaw.com

*Also admitted to practice in Oregon & Washington

April 27, 2023

Yellowstone County Board of Adjustment
c/o Planning and Community Services
2825 3rd Ave. North, 4th Floor
Billings, MT 59101

Re: *Application No. PLNX-23-00301*
Address—330 Charlene St.

Dear Board Members:

We represent Lamar Advertising Company of Montana. On behalf of Lamar, we are hereby requesting a variance for the replacement of static billboards at the above location with two billboards that will contain electronic messages. Lamar understands that its application for this change was denied by your staff in an email message to Lamar's Kelly Strobel from the County's zoning coordinator Nicole Cromwell on March 6, 2023 (copy attached).

As a first point, Lamar respectfully disagrees with Ms. Cromwell that an ESM billboard is prohibited by the County's existing sign ordinance, such that a variance is even necessary. Billboards are specifically addressed by § 27-1409 of the Sign Code. It contains no prohibition on the use of billboards with electronic messages. In the absence of such a prohibition, it is our view that this new ESM technology is permitted for billboards that are authorized by § 27-1409. The billboard location at issue is in the Interstate Corridor. We are likewise unaware of any problem with the existing billboards at the 330 Charlene Street location. Those billboards have been in place since the permit for them was approved back in 1999 – a period of twenty four years.

Lamar understands and appreciates that Yellowstone County has addressed EMD signs in § 27-1405(c) of the Sign Code. However, we read that section as wholly inapplicable to billboards. The description in § 27-1405(c)(3)(b) to a limitation on EMD's per "developed parcel" makes no sense to billboards along the interstate corridor, as described in § 27-1409.

That said, if the staff's denial is not simply reversed for the reasons noted above, Lamar does hereby request a formal variance be granted for it to install electronic messaging on its existing billboards at 330 Charlene Street. A completed application for

April 27, 2023

Page 2

such a variance executed by Lamar is my second attachment. The basis for this variance request is the same as set forth above. Lamar's check for \$182.00 is enclosed. Per § 27-1626(D)(1-4), Lamar states that there will be no construction required beyond the installation of the EMD technology on its existing billboards, which in fact is less intrusive than the replacement of existing static signs, which itself has occurred periodically since the installation of its billboards at that location, after the permit approval back in 1999. In further support of this request for a variance, Lamar notes, as per the supplemental information appended to this application, that Lamar has replaced static billboards with EMD ones at multiple locations in Montana and has encountered no problems with any of those billboards following the use of this new technology.

Lastly, per your Variance Review Application instructions, Lamar's Kelly Strobel will contact you within five (5) days of the date of this letter to arrange for an application review appointment.

Very truly yours,

DAVIS, HATLEY, HAFFEMAN & TIGHE, P.C.

By

A handwritten signature in black ink, appearing to read "Maxon R. Davis". The signature is written in a cursive, somewhat stylized font. The "M" is large and loops around the "a", and the "D" is also large and loops around the "a". The "Davis" part is written in a more standard cursive style.

MRD:lj

cc: Client

From: [Cromwell, Nicole](#)
To: [Kelly Strobel](#); [Plecker, Monica](#); [Friday, Wyeth](#); [Allison Carley](#)
Subject: RE: [EXTERNAL] Re: Permit # PLNX-23-00301 Charlene Street
Date: Monday, March 6, 2023 11:45:00 AM
Attachments: [YC Section 27-1400 Signs.pdf](#)
[YC Sec 27-1621 Sign Permits.pdf](#)
[YC Sec 27-1615 Administrative Appeal.pdf](#)

Hello Kelly and Allison,

Monica and I have had three discussions on this location.

I am sorry for the delay in response.

While the City Zoning code provides for EMD display on off-premise (billboard) signs, the County Zoning code does not provide this specific language.

The County sign code applies to this location since it is outside the city limits.

The property is in a County zone district – Heavy Commercial (CX) - that allows off-premise signs.

When the County updated its sign code in 2020, it did not include the same language regarding EMD technology as the City sign code update. The previous County sign code also did not allow EMD on off-premise signs. The city and county sign codes were different. County off-premise signs are also not subject to the City's off-premise sign moratorium and limitation on new off-premise signs. The County sign code allows off-premise signs in several zone districts and within the Interstate Corridor. The County sign code only applies to off-premise signs within the zoning jurisdiction.

A plain reading and interpretation of the County code indicates this is not an allowed type of display technology on off-premise signs in the County.

I have attached the relevant County zoning code sections – Sec. 27-1400 (sign code), subsection 27-1405.C describes EMD signs and restrictions; subsection 27-1409 are the off-premise sign regulations.

If you disagree with this interpretation, you may appeal the decision to the County Board of Adjustment.

I have included the sign permit administrative review regulations at Sec 27-1621 and Sec 27-1615 on Administrative Appeals of this determination.

Monica can discuss with you the refunding of any permit fees already submitted for the sign.

An appeal of this administrative decision has a County application fee of \$182.

I am sorry the decision is not for approval, but a clear reading of the code does not allow this technology on off-premise signs at this time.

Sincerely yours,



Nicole Cromwell
Zoning Coordinator
cromwelln@billingsmt.gov

billingsmt.gov

2825 3rd Ave N, 4th Floor
Billings, MT 59101
P 406.247.8662 (Desk)
P 406.247-8676 (Dept)

City of Billings email messages and attachments are subject to the Right to Know provisions of Montana's Constitution (Art. II, Sec. 9) and may be considered a "public record" pursuant to Title 2, Chapter 6, Montana Code Annotated. As such, this email, its sender and receiver, and the contents may be available for public disclosure and will be retained pursuant to the City's record retention policies. Emails that contain confidential information such as information related to individual privacy may be protected from disclosure under law. This message is intended for the use of the individual or entity named above. If you are not the intended recipient of this transmission, please notify the sender immediately, do not forward the message to anyone, and delete all copies. Thank you.

ATTENTION: Please use cromwelln@billingsmt.gov, emails sent to cromwelln@ci.billings.mt.us will be rejected and not delivered after January 31, 2023.

From: Kelly Strobel <kstrobel@lamar.com>

Sent: Monday, March 6, 2023 8:24 AM

To: Cromwell, Nicole <CromwellN@billingsmt.gov>; Plecker, Monica <PleckerM@billingsmt.gov>; Friday, Wyeth <FridayW@billingsmt.gov>; Allison Carley <ACarley@lamar.com>

Subject: [EXTERNAL] Re: Permit # PLNX-23-00301 Charlene Street

Good morning, Hope the weekend went well,
I am following up on this permit application (PLNX-23-00301) that was submitted over a month ago. Can I please get a status up date on where it's at, all the fees have been paid.
Thank you
Have a Great Week
Kelly

On Wed, Mar 1, 2023 at 10:48 AM Kelly Strobel <kstrobel@lamar.com> wrote:

Good morning I am following up on this permit that was submitted a month ago, all the fees have been paid.
Can I please get an update? If we are good can I please get the MDOT portion that was uploaded so that I can get the MDOT permit submitted. From time of approval on both City and State, our lead time for delivery is around 10-12 weeks.
Thank you, Have a great day
Kelly

--

[Redacted]

KELLY STROBEL / REAL ESTATE MANAGER
M: 406.690.8404

Lamar Advertising Company of MONTANA
O: 406.252.7181 ext. 105 / F: 406.252.7690
7505 ENTRYWAY DRIVE, BILLINGS, MT 59101

lamar.com/montana

--

[Redacted]

KELLY STROBEL / REAL ESTATE MANAGER
M: 406.690.8404

Lamar Advertising Company of MONTANA
O: 406.252.7181 ext. 105 / F: 406.252.7690
7505 ENTRYWAY DRIVE, BILLINGS, MT 59101

lamar.com/montana

18.6.237 ELECTRONIC BILLBOARD STANDARDS

(1) An electronic billboard (EBB) may be approved as an off-premise outdoor advertising sign if it is visible to the traveling public from a controlled route and is within an area zoned commercial or industrial within the city limits or urban area of an incorporated or unincorporated city or town as shown on the department's official city urban and unincorporated town maps.

(2) An EBB must meet all of the following conditions:

(a) EBB messages must have a minimum display (dwell) time of eight seconds and a maximum change (twirl) interval of one second;

(b) an EBB shall not exceed a brightness level of three tenths (0.3) footcandles over ambient light as measured by the distance to the EBB as follows:

EBB face area (square feet) Distance of Measurement (feet from EBB)

300-672 250

200-299 150

150-199 135

100-149 110

(c) an EBB must use automatic dimming technology to adjust the brightness of the EBB relative to ambient light to avoid exceeding the brightness level of three tenths (0.3) footcandles;

(d) an EBB must not be placed with illumination that interferes with the effectiveness of or obscures an official traffic sign, device, or signal;

(e) an EBB must not cause beams or rays or light to be directed at the traveled way if the light is of unreasonable intensity or brilliance or is likely to be mistaken for a warning or danger signal or cause glare or impair the vision of any driver, or to interfere with the driver's operation of a motor vehicle;

(f) an EBB message must remain static. Paging, scrolling, or streaming messages are prohibited. The message must not use techniques of message display such as fading, rolling, window shading, exploding, dissolving, spinning, revolving, or shaking messages;

(g) an EBB must not include or be illuminated by flashing, intermittent, or moving lights, nor use jumping arrows or rapid chasing or flashing lamp borders, or lights which resemble or simulate any lights used to control traffic;

(h) an EBB must not be located within 1000 feet of the beginning or ending of the pavement widening, for each entrance or exit roadway, to the main-traveled way on interchanges, and within 500 feet of an intersection;

(i) an EBB must not be placed within 2000 feet of another permitted sign measured along the nearest edge of the pavement between points directly opposite the signs on the same side of the roadway;

(j) an EBB must only be constructed as a single face, back-to-back, or two-faced V-shaped structure. Only one face may be visible in each direction of the main-traveled way. Side-by-side or stacked EBBs are prohibited;

(k) an EBB must not be a portable sign which is used as permanent illuminated signage, as only a fixed sign is allowed;

(l) an EBB must not attempt or appear to attempt to direct the movement of traffic and must not interfere with, imitate, or resemble any official traffic sign, signal, or device; and

(m) an EBB must contain a default mechanism which will stop the sign face in one position if a malfunction which causes the display to be in violation of this rule occurs, or within three hours when notified by the department.

(3) An existing non-EBB may be modified or upgraded to EBB technology if the sign conforms with EBB criteria established in this rule relating to zoning, size, lighting, and spacing. Prior approval from the department is required to upgrade an existing sign to EBB technology, including a new sign application and a nonrefundable inspection fee.

(4) Nonconforming signs must not be modified or upgraded to EBB technology.

(5) All applications for EBB original or upgraded permits must be accompanied by an approval issued by a local or county government on a form provided by the department.

Approval of an application and issuance of a permit do not alleviate an applicant for responsibility to comply with all applicable county or local regulations. Any violation of county or local regulations may result in revocation of the permit.

(6) Violation of this rule may result in revocation of the permit.

History: [75-15-121](#), MCA, [IMP](#), [75-15-111](#), [75-15-112](#), [75-15-113](#), MCA; [NEW](#), 2016 MAR p. 1440, Eff. 8/20/16.

County Board of Adjustment
Meeting Date: 06/08/2023

Information

Subject

Motion/Recommendation to BOCC. Application for Yellowstone County Board of Adjustment member, Morgan Tuss. Yellowstone County Board of Adjustment members.

Attachments

YC BOA Morgan Tuss application.pdf

BOARD APPLICATION FORM
YELLOWSTONE COUNTY, MONTANA

NAME: Morgan E. Tuss HOME PHONE: (406) 698-2067
ADDRESS: 2837 US Hwy. 3 WORK PHONE: (406) 252-8500
CITY: Billings STATE: MT ZIP: 59106
BUSINESS OR JOB: Attorney
E-MAIL ADDRESS: morgan.tuss@gmail.com or mtuss@ppbglaw.com
BOARD OR COMMISSION APPLIED FOR: Zoning and Adjustments boards

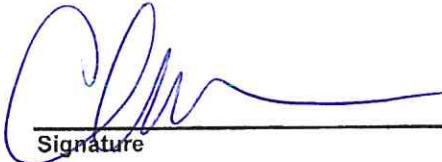
Please describe your experience or background that you believe qualifies you for service on this Board or Commission (attach additional sheets if needed):

I am an associate attorney working in the fields of property, transactional, business and estate planning law. I believe my knowledge in the area of law is valuable in this respect. I am also a board member of Billings TrailNet, so I am lightly familiar with the city/county interplay.

Why do you wish to serve on this Board or Commission?

I have a vested interest in the positive development of my community. I have grown up here and desire to live here for the foreseeable future. I have an interest in zoning and land use particularly with how they affect Yellowstone County residents and businesses.

Additional information that you feel is pertinent (attach additional sheets if needed):


Signature

5/9/23
Date

Return application to: Board of County Commissioners
P.O. Box 35000
Billings, MT 59107-5000

OFFICE USE ONLY:		
APPOINTED:	YES <input type="checkbox"/>	NO <input type="checkbox"/> DATE _____
TERM EXPIRATION DATE: _____		
(Circle one)		
ORIGINAL APPOINTMENT	REAPPOINTMENT	TERM NO: _____