

From: Danny Wyrwas <dwyrwas@gmail.com>
Sent: Friday, April 21, 2023 4:24 PM
To: Cromwell, Nicole <CromwellN@billingsmt.gov>
Subject: Re: [EXTERNAL] code 27-1209

Dear Billings City Zoning Committee.

It has come to my attention that the Billings City council voted to add corrugated steel to the list of approved fence materials, which was drafted April 12, 2023. I understand that the public hearing on this matter is to be held on May 2nd.

I'd like to go on the record: I, DannyWyrwas, am in full support of corrugated steel being added to the list of approved fence materials in Billings. Fencing is a construction trade and like all trades they evolve. Corrugated steel is a new technology in the fencing industry that is garnering a huge following because of its strength, versatility and unique beauty.

Thank you and have a great day

Daniel E Wyrwas

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From: Lilly Corning <Lilly@corningcompanies.com>

Sent: Wednesday, April 26, 2023 2:33 PM

To: Cromwell, Nicole <CromwellN@billingsmt.gov>; Jason Fitzgerald, AIA <Jason@Cd-mt.com>

Cc: Plecker, Monica <PleckerM@billingsmt.gov>; Friday, Wyeth <FridayW@billingsmt.gov>

Subject: [EXTERNAL] Re: Updated draft of the Sign Code Text amendments

Hi Nicole,

I was just reviewing this again with a tenant and think that it remains a little unclear. Specifically in revised Section E.2.a which reads:

"Attached wall signs. Two (2) square feet per lineal foot of building frontage to a max. of two hundred fifty (250) square feet. This maximum wall sign area is allocated on a per tenant basis. See Sec. 27-1407.E.4 for wall signs on building facades that do not face a street."

I think that it still could be read in a way that suggests that the max is 250 ft for the entire building, regardless of the number of tenants. Perhaps to further clarify, it could instead say:

*"Attached wall signs. Two (2) square feet **of attached wall signage** per lineal foot of building frontage of **Tenant's Premises**, to a max. of two hundred fifty (250) square feet **per tenant**"*

As you know, our goal is to make it tied to the lineal frontage of the Tenant's Premises rather than the building as a whole.

Thanks,
Lilly

From: Allison Carley <ACarley@lamar.com>

Sent: Tuesday, May 2, 2023 12:25 PM

To: daniel.jacob.brooks@gmail.com; mylarson@yahoo.com; greg@mccalldevelopment.com; dgg954@gmail.com; trina@trinawhite.com

Cc: Kelly Strobel <kstrobel@lamar.com>; Plecker, Monica <PleckerM@billingsmt.gov>; Cromwell, Nicole <CromwellN@billingsmt.gov>; Friday, Wyeth <FridayW@billingsmt.gov>

Subject: [EXTERNAL] 5-2-23 City Zoning Commission meeting

Good Afternoon.

I hope you are all having a great week so far.

Attached you will find a letter as well as concerns regarding the proposed ordinance changes up for discussion at today's meeting. We have also attached the current regulations pertaining to the proposed changes, for your convenience.

Thank you for your consideration and we look forward to the meeting.

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Allie Carley / Vice President & General Manager

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May 2, 2023

City Zoning Commission
Billings, MT

To Whom It May Concern,

Historically, Lamar Outdoor Advertising has come from a position of working with the cities where we operate our business whenever there have been proposed changes to sign codes; the City of Billings has been no exception.

Our primary concern with this zoning code rewrite is the fact that the City Planning Department has put in a 700' radial spacing from residential zoned districts; which includes any planned development zoned areas that allow residential use and any city/county zoned districts that allow residential use. Radial spacing is not the norm per industry standards nationwide and on average spacing is closer to 150 linear feet.

Attached you will find the proposed ordinance changes. Highlighted in red, you will see the concerns that will affect that outdoor industry as a whole. We have provided questions as well as examples of how the proposed changes will affect the Billings market.

We appreciate the City Zoning Commissions consideration of our concerns regarding the proposed code changes. If adopted, not only will these changes significantly impact our industry but they will also impact numerous local businesses and the many charitable organizations we promote and support on a daily basis.

Thank you again for your consideration.

Lamar of Montana

ORDINANCE 23-_____

AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING Sections 27-1403, 27-1407, and 27-1409
related to signs and nonconforming signs, BE AMENDED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. RECITALS. Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

Section 2. DESCRIPTION. The text of Section 27-1403 Nonconforming signs be amended to clarify the language and allow some minor nonconforming signs to be replaced without increasing the nonconformity of the sign.

Section 3. ZONE TEXT AMENDMENT. The text of Section 27-1403. Nonconforming signs, is amended as follows:

Sec. 27-1403. Nonconforming signs.

- What is the reason behind the Two Categories (Major and Minor) Nonconforming signs? Billboards should be allowed to be brought into conformance.

- See attached the 3 pages of Sec. 27-1403 Nonconforming Signs

B. *Classification of nonconformities.* There are two (2) types of legal, nonconforming signs: major and minor. Signs with multiple nonconforming elements are classified in the category of the most significant nonconformity.

1. *Major nonconforming signs.* Major nonconforming signs are those signs for which the nonconformity generates a nuisance per se, violates city sign policy, or is incompatible with adjacent signs and/or the adopted guiding principles such that public policy favors their elimination from the zone if they are discontinued, abandoned, or destroyed. Major nonconforming signs include:

(a) Off-premises signs, unless permitted as a conforming off-premise sign through Section 27-1409;

.....

Section 7. ZONE TEXT AMENDMENT. The text of Section 27-1409 is amended as follows:

Sec. 27-1409. Off-premises/billboard signs.

C. *Location standards following compliance with subsection 27-1409.B.* All replacement billboards shall be located in accordance with the following standards:

1. *Zoning districts.*

(a) Replacement billboards shall be permitted as an allowed use in heavy commercial (CX), ~~controlled~~ **light** industrial (I1), and heavy industrial (I2) zoning districts and on boulevard street types in EBURD zone districts.

- CMU1 and CMU2 used to be categorized as "CC" which was Community Commercial; of which billboards were allowed. Now that they are split, why are they not allowed in CMU1 but allowed in CMU2? Per the way the ordinance reads, it does not state implicitly whether they are allowed or not. Is it just a prediction they are not allowed?

Example #1 - We have a nonconforming location at Buffalo Wild Wings, due to the size of the structure. This location (used to be zoned "CC" Community Commercial before recode). We applied to bring the sign into conformance by reducing the size by 280 sq. feet total and converting it to a back to back digital billboard. We were denied because said property is zoned as CMU1.

Example #2 - We have multiple locations heading down from N. 27th, all of which have been a topic of discussion for years. We ideally would like to remove all locations and replace them with a back to back digital. This was approved once prior by the city, however, the property was zoned as public. To which our permit was denied by the MDOT as billboards were not allowed on public zone property. With the property now zoned as CMU1, it is predicted that billboards are not allowed and we cannot bring these locations into conformance.

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- (a) Billboards shall be permitted as an allowed use in corridor mixed use 2 (CMU2) zoning district provided that the structure is ~~two hundred (200)~~ **seven hundred (700)** feet or more from a residential zoning district. **This distance shall be measured as a radius from the proposed location of the off-premise sign. A residential zone district includes any Planned Development zone that allows residential uses, and any county zone district that allows residential uses.**
- The 200' spacing from residential, is part of the current regulations, and has been for 30+ years. Where did 700' radial spacing from residential come from and why the need for said change?
- (c) A special review shall be required for all billboards to be located in a CMU2 zone if the structure is less than ~~two hundred (200)~~ **seven hundred (700)** feet but greater than ~~one hundred fifty (150)~~ **three hundred (300)** feet from a residential zoning district.
- This above spacing reference will also be affected. What is the reason behind this change as well?
- (d) Billboards may be permitted in the CBD through section 27-1623, Special review uses.
- (e) No new billboards shall be permitted on, directed to, or within two hundred (200) feet of the following corridors regardless of the applicable zoning:
- (1) 27th Street from I-90 to Airport Road (excluding 27th Street North from Montana Avenue to 6th Avenue North).
 - (2) Highway 3 (Airport Road) from Alkali Creek Road west to the city limits.
 - (3) Shiloh Road from I-90 to Rimrock Road.
 - (4) Yellowstone River.
 - (5) Any historic district registered on the National Register of Historic Places.

Existing Code Sec. 27-1403. Nonconforming signs.

- A. *Nonconforming signs.* Where a lawful sign exists at the effective date of this article, or amendment of this article, that would be illegal under the terms of this article, the use of such sign may be continued so long as it remains otherwise lawful, subject to the provisions of this section.
- B. *Classification of nonconformities.* There are two (2) types of legal, nonconforming signs: major and minor. Signs with multiple nonconforming elements are classified in the category of the most significant nonconformity.

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1. *Major nonconforming signs.* Major nonconforming signs are those signs for which the nonconformity generates a nuisance per se, violates city sign policy, or is incompatible with adjacent signs and/or the adopted guiding principles such that public policy favors their elimination from the zone if they are discontinued, abandoned, or destroyed. Major nonconforming signs include:
 - (a) Off-premises signs;
 - (b) Dangerous signs;
 - (c) Signs that exceed the maximum height or size permitted in the zone district by more than twenty (20) percent;
 - (d) Nonconforming setback that encroaches on or over a public right-of-way, clear vision area, or public access easement;
 - (e) Signs with nonconforming illumination;
 - (f) Nonconforming sign types; and
 - (g) Signs approved with a variance that permits any issue included in this major nonconformity list.
 2. *Minor nonconforming signs.* Minor nonconforming signs are any nonconforming signs that are not classified as major nonconforming signs. Minor nonconforming signs include but are not limited to:
 - (a) Signs that exceed the maximum height or size permitted in the zone district by twenty (20) percent or less;
 - (b) Nonconforming setback that does not encroach on or over a right-of-way; and
 - (c) Nonconforming separation.
- C. *Major nonconformities.*
1. *Alterations.*
 - (a) A major nonconforming sign or sign structure may not be altered in any way that increases any nonconformity. A proposed change to any nonconforming aspect of a major nonconforming sign shall require the entire sign to be brought into conformance with this article.
 - (b) General repairs, maintenance, and change to advertising copy that does not include replacing a static sign with an EMD are not considered alterations.
 2. *Replacement.*
 - (a) A major nonconforming sign that is voluntarily replaced shall be replaced with a conforming sign.
 - (b) A major nonconforming sign that loses its nonconforming status per subsection 27-1403.F shall be replaced with a conforming sign.
- D. *Minor nonconformities.*
1. *Alterations.*
 - (a) A minor nonconforming sign may be altered in a manner that conforms to this zoning code while still maintaining the nonconforming elements. For example, a sign that is two (2) feet over the height limit for the zone district may be altered provided the height is not increased.
 - (b) General repairs, maintenance, and change to advertising copy that does not include replacing a static sign with an EMD are not considered alterations.
 2. *Replacement.*
 - (a) A minor nonconforming sign that is voluntarily replaced shall be replaced with a conforming sign.
 - (b) A minor nonconforming sign that loses its nonconforming status per subsection 27-1403.F shall be replaced with a conforming sign.

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- E. *Sign removal for public purposes.* Any nonconforming sign temporarily removed by a public utility company, the city, or any governmental agency to accommodate repair, maintenance, or expansion operations may be replaced, provided that there is no change in size, height, or location of the sign. If any sign is moved as a direct result of a governmental or utility project, it may be relocated to a position determined by the city engineer to be appropriate in relation to the project, and such a sign shall not be considered nonconforming for the reason of applicable separation standards. No permit shall be required for such replacement.
- F. *Loss of nonconforming status.* A nonconforming sign shall lose its nonconforming designation and be required to come into compliance with this article if any of the following apply:
1. Any portion of the primary sign structure is replaced.
 2. The primary structure on the site is replaced, renovated in a manner that expands the building footprint by more than fifty (50) percent, or when the sign is required to be moved to accommodate building replacement or expansion in compliance with the zone district regulations.
 3. A major nonconforming sign is removed, relocated, or replaced for any reason except towards compliance with this article.
 4. If more than fifty (50) percent of a nonconforming sign is damaged by any means, as measured by total replacement cost of both the sign and structure prior to such destruction, and the sign type is no longer permitted in the zone district, it shall be considered destroyed and shall not be brought back into service or use except in conformity with the provisions of this article.
 5. The sign is voluntarily replaced in compliance with this article.
 6. The sign is abandoned pursuant to subsection 27-1410.C.
- G. *Maintenance and repair.*
1. A nonconforming sign is subject to all requirements of this article regarding safety, maintenance, and repair.
 2. Temporary removal of any portion of a sign for repairs or general maintenance shall not be considered to be in violation of this section, provided that no alterations are made to the sign or sign structure. Should such sign or sign structure be moved permanently for any reason and over any distance whatsoever, it shall thereafter conform to all regulations for the district in which it is located after it has been moved or relocated.
 3. Maintenance shall not include the conversion of a nonconforming sign to an electronic message display sign. Any such conversions may only be made to a conforming sign and shall be subject to the permitting and fee requirements set forth in this article.
- H. *Records.* In addition to initial and construction inspections, signs may be inspected periodically by the planning and community services department to ensure continued compliance with this article.

(Ord. No. 21-5748 , § 3(Exh. A), 1-25-21)

Existing Code Sec. 27-1409. Off-premises/billboard signs.

Purpose and intent. The purpose of this section is to regulate the impact of billboards on the community; to improve the appearance of major corridors and gateways; to enhance the urban design of the greater downtown area and the west end; to ensure compatibility between billboards and adjacent land uses; and to limit the impact that billboards have on sign clutter in the community. The city recognizes that billboards are a necessary and appropriate advertising medium, and that there are acceptable and viable locations for billboards within the community.

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

1. The citizens of Billings, and others visiting or traveling through the city are very concerned about the urban design and visual integrity of the city.
2. Billboards may be often incongruous with the city's natural setting and features due to their large-scale figures, numbers, letters, and colors.

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3. A billboard may dominate the view from vehicles and interfere with the occupants' enjoyment of the city's natural setting and features.
 4. A high concentration of billboards may create traffic safety problems and distract attention away from public safety signs.
 5. Billboards of excessive size or height should be downsized within a reasonable period of time.
 6. Billboards are incompatible with residential uses.
 7. The I-90, Highway 3, Main Street, 27th Street, other gateways, and Shiloh Road are major entryways to the city which are of particular importance in terms of urban design and public perception to citizens, visitors, and tourists.
 8. The downtown area defined in the Downtown Strategic Plan is an area in which urban design significantly influences the health and vitality of the total community.
- B. *No new off-premises/billboard signage pending removal of non-conforming signs.*
1. *New billboards prohibited.* No off-premises/billboard sign shall be constructed or erected in any district after the date of the enactment of this subsection 27-1409.B. [previous code subsection 27-706(b), adopted by Ord. No. 99-5107, enacted Nov. 22, 1999].
 2. *Billboard replacement provisions.*
 - (a) For each nonconforming off-premises/billboard sign face removed a replacement conforming off-premises/billboard sign face may be erected. Replacement off-premises/billboard sign face(s) shall comply with all of the applicable regulations contained herein.
 - (b) When all nonconforming off-premises/billboard signs within the city have been removed pursuant to this section, then additional off-premises/billboard signs may be constructed in accordance with the regulations contained herein.
- C. *Location standards following compliance with subsection 27-1409.B.* All replacement billboards shall be located in accordance with the following standards:
1. *Zoning districts.*
 - (a) Replacement billboards shall be permitted as an allowed use in heavy commercial (CX), controlled industrial (I1), and heavy industrial (I2) zoning districts and on boulevard street types in EBURD zone districts.
 - (b) Billboards shall be permitted as an allowed use in corridor mixed use 2 (CMU2) zoning district provided that the structure is two hundred (200) feet or more from a residential zoning district.
 - (c) A special review shall be required for all billboards to be located in a CMU2 zone if the structure is less than two hundred (200) feet but greater than one hundred fifty (150) feet from a residential zoning district.
 - (d) Billboards may be permitted in the CBD through section 27-1623, Special review uses.
 - (e) No new billboards shall be permitted on, directed to, or within two hundred (200) feet of the following corridors regardless of the applicable zoning:
 - (1) 27th Street from I-90 to Airport Road (excluding 27th Street North from Montana Avenue to 6th Avenue North).
 - (2) Highway 3 (Airport Road) from Alkali Creek Road west to the city limits.
 - (3) Shiloh Road from I-90 to Rimrock Road.
 - (4) Yellowstone River.
 - (5) Any historic district registered on the National Register of Historic Places.
 2. *Locations standards.*
 - (a) Billboards shall be set back twenty (20) feet from the front property line.
 - (b) No billboard shall be placed on the roof of any building or structure.

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3. *Spacing standards.* Billboards shall be required to have the following spacing requirements:
 - (a) Billboards located in CMU2 shall have a minimum spacing of a 1,000-foot radius from any other billboard.
 - (b) Billboards located in CX, I1, I2, and EBURD shall have a minimum spacing of six hundred (600) linear feet from any other billboard.
 - (c) No billboard shall be placed within one hundred fifty (150) feet of any neighborhood residential zone.
 4. *Area, height, face, and pole standards.* All replacement billboards (and new billboards when permitted) shall conform to the following standards:
 - (a) *Sign area:* New and replacement billboards faces and supporting framework shall not exceed the following sign areas:
 - (1) Generally: Two hundred fifty (250) square feet.
 - (2) Located within the interstate corridor: Four hundred eighty (480) square feet.
 - (b) *Height, maximum:*
 - (1) Thirty-five (35) feet above the road grade to which the billboard reads.
 - (2) The minimum distance between grade and the bottom of the billboard shall be fifteen (15) feet.
 - (c) *Faces:*
 - (1) There shall be no more than a total of two (2) faces per supporting structure.
 - (2) All structures must be single face, back-to-back, or "v" type of construction. Stacked faces are prohibited.
 - (d) *Pole construction:* All structures must be of single pole construction.
 5. *Special review requirements for off-premises/billboard signs in CMU2 and CBD.* The following criteria will be used in reviewing the proposed structure:
 - (a) The location and placement of the sign will not endanger motorists or pedestrians and does not interfere with the clear vision triangle at street, railroad, or street driveway intersections.
 - (b) The signs will not cover or blanket any prominent view of a structure or facade of historical or architectural significance.
 - (c) The sign will not obstruct views of users of adjacent buildings to side yards. This requirement does not include views of distant vistas.
 - (d) The sign cannot be seen from religious assemblies, schools, the Yellowstone River or any city, county, or state park; or, if it can be seen it must be located at two hundred fifty (250) feet from the boundaries of such places.
 - (e) The height of signs located in undeveloped areas (no buildings within 300-foot radius) shall not exceed twenty-six (26) feet above grade. The minimum clearance of a sign shall be at least fifteen (15) feet.
 - (f) The sign's lighting will not cause hazardous or unsafe driving conditions for motorists and will not glare, reflect, or spill onto adjacent business or residential areas.
 6. *Lighting and display.*
 - (a) Static lighting shall comply with subsection 27-1406.A or the EMD provisions in this section.
 - (b) Electronic message display (EMD) lighting shall comply with subsection 27-1405.C and the following:
 - (1) A billboard EMD may be allowed on any off-premises/billboard sign face provided it conforms to all of the standards and requirements of the city sign code including the

limitation on replacement of nonconforming off-premises billboard signs in subsection 27- 1409(b) and the maintenance and repair requirements of section 27-1410.

(2) A billboard EMD does not need to be incorporated in a freestanding or wall sign pursuant to subsection 27-1405.C, the EMD may be used as the only sign area on the billboard sign face.

7. *Landscaping.* The provisions of subsection 27-1406.B, Landscaping, apply to new and replacement billboards.
8. *Discontinuance.* The city may order the removal of any billboard, without compensation, upon which the advertising or other message has been discontinued for more than sixty (60) continuous days. The owner shall either advertise upon or remove the billboard within thirty (30) days of written notification by the city.

(Ord. No. 21-5748 , § 3(Exh. A), 1-25-21)