

## ORDINANCE 23-5838

### 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 Section 27-1628, BMCC, provide for amendment to the text of the City Zoning regulations from time to time. The City Zoning Commission and staff have reviewed the proposed text amendment 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.**

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;

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(g) Signs approved with a variance on or before January 1, 2010, that permits any issue included in this major nonconformity list.

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 for a new or

relocating business shall require the entire sign to be brought into conformance with this article.

- (b) General repairs, maintenance, updates and rebranding for an existing business 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 for a new or relocating business 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 for an existing business 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, updates and rebranding for an existing business 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 may 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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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 freestanding sign structure is replaced.
- 2. The primary structure principal 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.

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**Section 4. DESCRIPTION.** The text of Section 27-1407. Sign regulations by zone district, be amended to clarify the language in reference to attached wall signs.

**Section 5. ZONE TEXT AMENDMENT.**

The text of Section 27-1407 is amended

as follows:

**Sec. 27-1407. Sign regulations by zone district.**

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**B. Neighborhood office, neighborhood mixed-use, and EBURD RSV.**

1. **Applicability.** The standards in this section shall apply to the following districts: NO, NMU, and EBURD RSV.
2. **Maximum total permitted sign area.**
  - (a) **Attached wall signs.** Twenty (20) percent of total wall area of a public street-facing wall, or to a max of one hundred (100) square feet, or to a max of 1.5 square feet of sign area per linear foot of building frontage whichever is less. This maximum wall sign area is calculated on a per tenant basis. See Sec. 27-1407.B.4 for wall signs on building facades that do not face a street.
  - (b) **Freestanding signs.** Sixty (60) Thirty-two (32) square feet unless otherwise provided in Table 27-1400.4. Table 27-1400.1, Permitted Number of Permanent Freestanding Signs applies.
3. **Summary tables.** Tables 27-1400.3 and 27-1400.4 identify the types of signs permitted in the NO and NMU districts, subject to the regulations identified in the table and this article.

**Table 27-1400.3. Attached signs NO, NMU, and EBURD RSV.**

Sign Type	Number	Height (max., ft.)	Sign Area per Sign (max., sf.)	Illumin.	Additional Standards
Awning	1 per awning	n/a	n/a	Internal or external	Subsection 27-1405.B, Awning Signs
Canopy	1 per canopy	n/a	n/a	Internal or external	Subsection 27-1405.B, Canopy Signs
Projecting	1 per street frontage	Same as wall [1]	32	Internal or external	Subsection 27-1405.B, Projecting Signs
Wall	1 per tenant per street frontage	Same as wall [1]	<u>32-[2]-100</u>	Internal or external	Subsection 27-1405.B, Wall Signs <b>27-1407.B.2(a)</b>
Window	n/a	Limited to architect. distinct window area	Subsection 27-1405.B, Window Signs	No	Subsection 27-1405.B, Window Signs

**Notes:**

[1] May not project above wall on which located.

[2] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met.

**Table 27-1400.4. Freestanding signs NO, NMU, and EBURD RSV.**

Sign Type	Number	Height (max., ft.)	Sign Area per Sign (max., sf.)	Setback (min., ft.)	Illumin.	Additional Standards
Access Point	1 per vehicle access	3	2	0 [1]	Internal or external	Subsection 27-1405.A, Access Point Signs
Monument	1 per street frontage	8	32	5 [1]	Internal or external	Subsection 27-1405.A, Monument Signs
Monument, Multitenant [2]	1 per street frontage	8	Same as monument plus 10 sf per tenant up to 6 tenants (base + 60 sf max)	5 [1]	Internal or external	Subsection 27-1405.A, Monument Signs
Pedestrian-Scale Freestanding	1 per street frontage	Single pole: 8 Double pole: 5	8	2 [1]	Internal or external	Subsection 27-1405.A, Pedestrian-Scale Signs
Structural Canopy	1 per street frontage	2 feet above canopy	n/a	Canopy: zone district standards	Internal or external; static EMD	Subsection 27-1405.A, Structural Canopy Signs
<b>Notes:</b>						
[1] From all property lines; must comply with clear vision areas per subsection 27-1802.H.						
[2] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met.						

**4. District specific standards.**

- (a) Where signs are linked to a use category, a description of the category can be found in article 27-1000, Use Standards.
- (b) Residential uses and structures within an NO, NMU, or EBURD RSV district are permitted the same signage as neighborhood residential districts as provided in Table 27-1400.2.
- (c) EMD signs are not permitted in NO, NMU, or EBURD RSV districts.
- (d) Tenant signage in multitenant structures shall be allocated to calculated for each tenant unit based on the front wall area of the individual unit. Tenants with side, rear, or alley entrances are permitted wall signage on the wall with their primary public entrance only.

C. *Corridor mixed-use and EBURD RSVMS.*

1. *Applicability.* The standards in this section shall apply to the following districts: CMU1, CMU2, and EBURD RSVMS.
2. *Maximum total permitted sign area.*
  - (a) *Attached wall signs.* Twenty (20) percent of total wall area of a street facing wall, or a max of two hundred fifty (250) square feet, or 2 square feet of sign area per linear foot of building frontage, whichever is less. This maximum wall sign area is calculated on a per tenant basis. See Sec. 27-1407.C.4 for wall signs on building facades that do not face a street.
  - (b) *Freestanding signs.*
    - (1) Table 27-1400.1, Permitted Number of Permanent Freestanding Signs applies.
    - (2) Table 27-1400.5, Maximum sign area for freestanding signs is as follows:

**Table 27-1400.5. Freestanding Sign Maximum Area in CMU1, CMU2, and EBURD RSVMS.**

Zone District and Number of Businesses	Street Frontage 0—300 linear feet	Street Frontage Greater than 300 linear feet
CMU1 One Tenant	50 s.f.	50 s.f.
CMU1 Multiple Tenants [1]	+ 10 s.f. sign area per additional tenant up to 6 tenants (110 s.f.)	+ 10 s.f. sign area per additional tenant up to 6 tenants (110 s.f.)
CMU2 One Tenant	80 s.f.	140 s.f.
CMU2 Multiple Tenants [1]	+ 20 s.f. sign area per additional tenant up to 6 tenants (200 s.f.)	+ 10 s.f. sign area per tenant up to 10 tenants (240 s.f.)
CMU2 Shopping Center [1]	375 s.f.	375 s.f.
<b>Notes:</b>		
[1] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met.		

3. **Summary tables.** Tables 27-1400.6 and 27-1400.7 identify the types of signs permitted in these districts, subject to the regulations identified in the table and this article.

**Table 27-1400.6. Attached Signs in CMU1, CMU2, and EBURD RSVMS.**

Sign Type	Number	Height (max., ft.)	Sign Area per Sign (max., sf.)	Illumin.	EMD	Additional Standards
Awning	1 per awning	n/a	n/a	Internal or external	n/a	Subsection 27-1405.B, Awning Sign
Canopy	1 per canopy	n/a	n/a	Internal or external	n/a	Subsection 27-1405.B, Canopy Sign
Projecting	1 per tenant	Same as wall	48	Internal or external	n/a	Subsection 27-1405.B, Projecting Sign
Wall	1 per tenant per street frontage	Same as wall	Subsection C.2.(a), above [1]	Internal or external	Static; Max 40% of sign area	Subsection 27-1405.B, Wall Sign
Window	n/a	architect. distinct window area	Subsection 27-1405.B, Window Signs	No	n/a	Subsection 27-1405.B, Window Signs
<b>Notes</b>						
[1] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met.						

**4. District specific standards.**

- (a) Where signs are linked to a use category, a description of the category can be found in article 27- 1000, Use Standards.
- (b) Tenant signage in multitenant structures shall be allocated to **calculated for** each tenant unit based on the front wall area of the individual unit. Tenants with side, rear, or alley entrances are permitted wall signage on the wall with their primary public entrance.

**D. CBD and DX.**

- 1. *Applicability.* The standards in this section shall apply to the CBD and DX zone district.
- 2. *Maximum total signage.*
  - (a) *Attached wall signs.*
    - (1) *Buildings under ten (10) stories.* Ten (10) percent of the wall area up to a max of two hundred fifty (250) square feet. **This maximum wall sign area is calculated on a per tenant basis. See Sec. 27-1407.D.4 for wall signs on building facades that do not face a street.**

(2) *Buildings ten (10) stories and taller.* Ten (10) percent of wall area with no maximum.

(b) *Freestanding signs.* 0.5 square foot per lineal foot of street frontage to a max of fifty (50) square feet unless otherwise provided in Table 27-1400.9. Table 27-1400.1, Permitted Number of Permanent Freestanding Signs **applies.** Urban standards apply.

3. *Summary tables.* Tables 27-1400.8 and 27-1400.9 identify the types of signs permitted in these districts, subject to the regulations identified in the table and this article.

**Table 27-1400.8. Attached Signs in CBD and DX.**

Sign Type	Number	Height (max., ft.) [1]	Sign Area Max per Sign (sf)	Illumin.	EMD	Additional Standards
Awning	1 per awning	n/a	n/a	Internal or external	n/a	Subsection 27-1405.B, Awning Signs
Canopy	1 per canopy	n/a	n/a	Internal or external	n/a	Subsection 27-1405.B, Canopy Signs
Projecting	1 per street frontage	May not extend beyond roofline	48 sf	Internal or external	n/a	Subsection 27-1405.B, Projecting Signs
Roof	1 per premises	4 ft. above roofline	x	Internal or external	Animated; Max 40% of sign face	Subsection 27-1405.B, Roof Sign
Under awning or canopy signs	1 per tenant	Below awning or canopy	x	Internal or external	n/a	Buildings with awnings or canopies over the right-of-way
Wall	1 per tenant per street frontage	Same as wall	Subsection D.2(a) above [2]	Internal or external	Animated; Max 40% of sign face	Subsection 27-1405.B, Wall Sign
Window	n/a	Limited to architect. distinct window area	Subsection 27-1405.B, Window Signs	No	n/a	Subsection 27-1405.B, Window Signs

Table 27-1400.9. Freestanding Signs in CBD and DX.

Sign Type	Number	Height (max., ft.)	Sign Area per Sign (max., sf)	Setback (min., ft.)	Illumin.	EMD	Additional Standards
Access Point	1 per vehicle access	3	6	0 [2]	Internal or external	n/a	Subsection 27-1405.A, Access Point Sign
Monument; Monument, Multitenant	1 per street frontage; Table 27-1400.1	8	50 per side; plus 4 sf sign area per tenant up to 6 tenants (24 sf) [1]	0 [2]	Internal or external	Animated, max 40% of sign area	Subsection 27-1405.A Monument Sign
Pedestrian-Scale Freestanding	1 per street frontage; Table 27-1400.1	Single Pole: 8; Double Pole 5	12 per side	0 [2]	Internal or external	Animated, max 40% of sign area	Subsection 27-1405.A, Ped.-Scale Freestand Sign
Structural Canopy	1 per street frontage	2 feet above canopy	n/a	0 [2]	Internal	Static, max 40% of sign area	Subsection 27-1405.A, Structural Canopy Sign
Notes:							
[1] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met.							
[2] From all property lines; must comply with clear vision areas per subsection 27-1802.H.							

**4. District specific standards.**

**(a) Where signs are linked to a use category, a description of the category can be found in article 27- 1000, Use Standards.**

**(b) Tenant signage in multitenant structures shall calculated for each tenant based on the front wall area of the individual unit. Tenants with side, rear, or alley entrances are permitted wall signage on the wall with their primary public entrance.**

**E. Commercial, industrial, and EBURD CW, 13<sup>th</sup>St., and IS.**

1. **Applicability.** The standards in this section shall apply to the following districts: CX, I1, I2, and EBURD CW, 13th St. and IS.

2. **Maximum total signage.**

(a) **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 calculated on a per tenant basis. See Sec. 27-1407.E.4 for wall signs on building facades that do not face a street.**

(b) *Freestanding signs.* One square foot per lineal foot of street frontage to a max. of ~~two hundred fifty (250)~~ **one hundred (100)** square feet unless otherwise provided in Table 27-1400.11. Table 27-1400.1, Permitted Number of Permanent Freestanding Signs applies.

3. *Summary table.* Tables 27-1400.10 and 27-1400.11 identify the types of signs permitted in these districts, subject to the regulations identified in the table and this article.

**Table 27-1400.10. Attached Signs Commercial, Industrial, and EBURD CW, 13<sup>th</sup>, and IS.**

Sign Type	Number	Height (max., ft.)	Sign Area Max per Sign (sf)	Illumin.	EMD	Additional Standards
Awning	1 per awning	n/a	n/a	Internal or external	n/a	Subsection 27-1405.B, Awning Sign
Canopy	1 per canopy	n/a	n/a	Internal or external	n/a	Subsection 27-1405.B, Canopy Sign
Projecting	1 per tenant	Same as wall	48	Internal or external	n/a	Subsection 27-1405.B, Projecting Sign
Roof [1]	1 per premises	4 ft above roofline	250	Internal or external	n/a	Subsection 27-1405.B, Roof Sign
Wall	1 per tenant per street frontage	Same as wall	Subsection E.2(a) above, [2]	Internal or external	Static; Max. 40% of sign face	Subsection 27-1405.B, Wall Sign
Window	n/a	Limited to architect. distinct window area	Subsection 27-1405.B, Window Signs	No	n/a	Subsection 27-1405.B, Window Signs

**Table 27-1400.11. Freestanding Signs Commercial, Industrial, and EBURD CW, 13<sup>th</sup>St., and IS.**

Sign Type	Number	Height (max., ft.)	Sign Area per Sign (max., sf)	Setback (min., ft.)	Illumin.	EMD	Additional Standards
Access Point	1 per vehicle access	3	6	0 [1]	Internal or external	n/a	Subsection 27-1405.A, Access Point Sign
Monument	1 per street frontage; Table 27-1400.1	8	100 per side	5 [1]	Internal or external	Static; Max 40% of sign face	Subsection 27-1405.A Monument Sign
Multitenant Monument [2]	1 per street frontage; Table 27-1400.1	8	100 plus 10 sf per tenant up to 6 tenants; 160 max	5 [1]	Internal or external	Static; Max 40% of sign face	Subsection 27-1405.A Monument Sign
Shopping Center Monument	1 per street frontage	8	375	5 [1]	Internal or external	Static; Max 40% of sign face	Subsection 27-1405.A, Monument Sign
Pole	1 per street frontage; Table 27-1400.1	25 [3]	100 per side	5 [1]	Internal or external	Static; Max. 40% of sign face	Subsection 27-1405.A, Pole Sign
Structural Canopy	1 per street frontage	2 feet above canopy	n/a	5 [1]	Internal	Static; Max 40% of sign face	Subsection 27-1405.A, Structural Canopy Sign

**Notes:**

[1] From all property lines; must comply with clear vision areas per subsection 27-1802.H.

[2] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met.

[3] The maximum height of pole signs within 660 feet of and oriented to the interstate or interstate frontage right-of-way is 40 feet.

**4. District specific standards.**

**(a) Where signs are linked to a use category, a description of the category can be found in article 27- 1000, Use Standards.**

**(b) Tenant signage in multitenant structures shall be calculated for each tenant based on the front wall area of the individual unit. Tenants with side, rear, or alley entrances are permitted wall signage on the wall with their primary public entrance.**

**Section 6. DESCRIPTION.** The text of Section 27-1409 Off-premise/billboard signs be amended to increase the separation distance between residential zones and any replacement billboard sign in the CMU2 zone district.

**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.
  - (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. 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.
  - (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.

**Section 8. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

**Section 9. REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

**Section 10. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other

provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 22<sup>nd</sup> day of May, 2023.

PASSED, ADOPTED and APPROVED on second reading this 12<sup>th</sup> day of June, 2023.



CITY OF BILLINGS

BY: William A. Cole  
William A. Cole, Mayor

Attest:

BY: Denise R. Bohlman  
Denise R. Bohlman, City Clerk

Zone Change 1029, Text Amendment for Sign Code