

ORDINANCE NO. 07-5438

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTIONS 27-703, 27-705(c) AND 27-706, 27-708; PROVIDING THAT ELECTRONIC MESSAGE DISPLAY SIGNS BE DEFINED AND REGULATED.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Section 1. That Section 27-703 of the Billings, Montana City Code be amended so that such section shall read as follows:

Sec. 27-703. Definitions.

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

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

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

Architectural blade sign: A wall sign or projecting sign with no legs or braces, on a structure or building larger than three (3) stories and designed to look as a part of the building structure, rather than something suspended from or standing on the building.
Awning, canopy or marquee: A roof-like shelter detached or extending from part or all of a [structure].

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

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

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

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

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

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

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

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

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

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

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

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

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

Nameplates:

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

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

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

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

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

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

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

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

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

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

Premises: An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

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

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

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

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

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

Sign: Any identification, description, illustration or device illuminated or nonilluminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, with the exception of window displays and national flags. For the purpose of removal, signs shall also include all sign structures.

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

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

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

Temporary/portable sign: A sign advertising on an interim basis special business sales, new business openings, special events, goods, products, services, or facilities located on premise. A temporary sign is differentiated from a permanent sign in that a permanent sign is attached to a building or structure or affixed in the ground. A

temporary/portable sign is mobile and free-standing. Any electrical temporary sign shall comply with all city electrical codes.

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

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

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

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

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

Section 2. That Section 27-705(c) of the Billings, Montana City Code be amended so that such section shall read as follows:

Sec. 27-705. Signs permitted in zoning districts of city.

(c) Community commercial, neighborhood commercial, neighborhood commercial limited, controlled industrial, heavy industrial, highway commercial, and Central Business District. Within these zones, signs are permitted as follows:

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

a. Where a developed parcel has in excess of three hundred (300) feet of street frontage, one (1) additional free-standing sign may be erected for each additional three hundred (300) feet of street frontage in excess of the first three hundred (300) feet of street frontage abutting the developed portion of the parcel; Signs will be permitted as follows:

TABLE INSET:

<i>Frontage Feet</i>	<i>Signs</i>
0-- 600	1 free-standing sign

601-- 900	2 free-standing signs
901--1200	3 free-standing signs
Over 1200	3 free-standing signs plus, 1 additional sign for each 300 lineal street frontage feet over 1200 frontage feet

- b. Where a developed parcel is permitted to have more than one (1) free-standing sign under this article, the distance between the free-standing signs on each parcel shall be not less than one hundred fifty (150) frontage feet;
- c. The sign must be located five (5) feet behind all property lines except:
 - (i) If the bottom of the structure is twelve (12) feet or higher above the establish grade, then the sign structure may be located up to one (1) foot behind the property line; or
 - (ii) If the sign is in the Central Business District, then the sign structure can be located up to the property line.
- d. No free-standing sign shall exceed the height of thirty (30) feet except free-standing signs in the highway commercial zone and within the interstate corridor which shall not exceed the height of fifty (50) feet. No sign shall exceed one hundred seventy-five (175) square feet in sign area except for a parcel's first free-standing sign located within the interstate corridor which shall not exceed four hundred forty (440) square feet in sign area. Any additional free-standing sign authorized on a parcel shall not exceed one hundred seventy-five (175) square feet in sign area. One (1) measured side of the display shall compose the square footage;
- e. If a free-standing sign projects over a private vehicular driveway or parking lot aisle, the minimum clearance between the bottom of the sign and the ground shall be seventeen (17) feet;
- f. No rotating free-standing sign shall rotate at a rate faster than six (6) revolutions per minute or have a minimum clearance lower than nine (9) feet between the bottom of the sign and the ground;
- g. When a developed parcel fronts on more than one (1) public right-of-way or street, excluding alleys and serviceways, the above provisions of subsection (c) shall apply to each frontage.

(2) One (1) wall or one (1) canopy sign and four (4) architectural blade signs indicating only the name and nature of the occupancy for each occupancy within the developed parcel as follows:

- a. No sign shall exceed a total area of three (3) square feet of ~~copy~~ sign area for each lineal foot of building frontage of each occupancy except buildings over two (2) stories shall be allowed an additional one (1) square foot of copy for each lineal foot of building frontage of each occupancy. The allowable sign area shall be reduced by the sign area for each wall sign installed over any primary public entrances pursuant to subsection (3) below;
- b. If such occupancy is on a corner, one (1) wall sign or one (1) canopy sign will be permitted for each frontage face;
- c. A permitted wall sign(s) can be transferred from one wall to another wall provided the number of signs remain within the permitted number of signs and within allowable sign area;
- d. No wall or canopy signs shall project into the public right-of-way, except
 - (i) In the Central Business District, wall signs may project eighteen (18) inches over the right-of-way, subject to a minimum height limit of nine (9) feet from the sidewalk; and
 - (ii) In the Central Business District, canopy signs may project up to two (2) feet to a vertical line from the curb face over the right-of-way.
- e. If the building includes a canopy, each tenant will be permitted one (1) under canopy sign per public entrance in lieu of the wall or canopy sign. Any signs attached to the underside of a canopy shall be perpendicular to the wall face of the building and shall not have a copy area greater than four (4) square feet or have a clearance lower than of eight (8) feet from the sidewalk.

(3) One (1) roof sign, in lieu of the wall or canopy sign authorized in section 27-705(c)(2) above, indicating only the name and nature of the occupancy for each developed parcel as follows:

- a. The sign shall not extend above the highest plane of the roof;
- b. The supports, anchors, or braces for the roof sign shall be enclosed so that they are not visible from the street or other public or private property; and
- c. The sign is designed similar to a wall sign or projecting sign, and designed to look like part of the building or roof structure, rather than something suspended from or standing on the building.

(4) One (1) wall sign for each "primary public entrance" of the business indicating only name of the occupancy within the developed parcel provided:

- a. The combined sign area of all signs over all primary public entrances does not exceed the sign area of one allowable wall sign; and
- b. No wall or canopy signs shall project into the public right-of-way, except in the Central Business District wall signs may project eighteen (18) inches over the right-of-way, subject to a minimum height limit of nine (9) feet from the sidewalk.

(5) Electronic Message Display Signs

a. Limitations on electronic message displays

i. An Electronic Message Display (EMD) may only be used in conjunction with an immediately adjacent wall sign or as part of a free standing sign and shall not be displayed on its own. The EMD shall not be larger than 40% of the total square footage of the permanent graphic portion of the sign when compared as separate components. For purposes of determining the allowable total sign area, the permanent graphic portion of the sign and the EMD shall be included in the same perimeter inclusive of any physical separation between the two components.

ii. Only one (1) Electronic Message Display (EMD) freestanding sign per developed parcel or one (1) EMD wall sign per street frontage may be allowed. Sign(s) must be included in the total number of signs allowed not in addition to the number of signs allowed.

iii. An Electronic Message Display (EMD) wall sign may only be used in conjunction with an immediately adjacent permanent graphic sign and not alone. EMD signs that are not enclosed within the primary wall sign will be required to have a frame to visually diminish the black box effect of the EMD. The frame shall be no less than eight (8) inches in width and no greater than 80% of the EMD cabinet depth or exceed 50% of the EMD area. The required frame area for EMD wall signs shall not count towards the maximum allowable sign area. The maximum height of an EMD wall sign shall be 40 feet from the building wall grade. EMD wall signs shall not be placed less than two feet from the top of the wall it is installed on.

iv. An Electronic Message Display (EMD) may be allowed provided it does not flash, scintillate, blink, show motion borders or traveling lights or display video (unless specifically permitted in special sign districts).

b. Size of free standing electronic message displays:

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

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

c. Size of electronic message display wall signs

<u>Street Type</u>	<u>Maximum Total EMD Sign Area*</u>
<u>Principal Arterial</u>	<u>80 square feet</u>
<u>Minor Arterial</u>	<u>50 square feet</u>
<u>Collector</u>	<u>50 square feet</u>
<u>Commercial Local Access</u>	<u>50 square feet</u>

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

d. Electronic Message Displays (EMDs) must be equipped with an automatic image dimming capability (ambient light monitors). This feature must be enabled at all times, allowing the display to automatically adjust brightness based on ambient light conditions. The sign must be operated at a brightness level no greater than the manufacturer's recommended levels.

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

- i. that the sign shall at all times be operated in accordance with City codes and that the owner or operator shall provide proof of such conformance within 24-hours of a request by the City;
- ii. that a city inspector may access the property upon 24-hours notice to the owner, operator or permittee so that the City may verify that the EMD has the automatic image dimming capability engaged. In the event of a citizen complaint regarding the EMD brightness, the owner, operator or permittee may be required by the city inspector to manually reduce the brightness to a lower setting;
- iii. that whether the sign is programmed from the site or from a remote location, the computer interface that programs the sign and the sign's operation manual shall be available to City staff upon 24-hours notice to the owner, operator or permittee.

f. Sign permit applications to install an EMD must include a certification from the owner or operator that the sign shall at all times be operated in compliance with the conditions set out in City code. The Owner, Operator or Permittee shall immediately provide proof of such conformance upon request of the City.

(d) Historic District zone.

(1) Statement of special purpose. This special code acknowledges the unique visual concerns associated with the Billings Townsite Historic District as defined in section 6-1103, and recognizes the benefits of restoring the district's visual appearance of prosperity, cohesiveness, and historic integrity, while continuing to promote business advertising variety, individuality, and growth.

(2) Signs permitted in historic district. Within the Billings Townsite Historic District, signs are permitted as follows:

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

Section 3. That Section 27-706 of the Billings, Montana City Code be amended so that such section shall read as follows:

Sec. 27-706. Special circumstance signs.

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

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

- a. Signs will be permitted as follows:

TABLE INSET:

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

- b. Where a developed parcel is permitted to have more than one (1) free-standing sign under this article, the distance between the free-standing signs on each parcel shall be not less than one hundred fifty (150) frontage feet;
- c. The sign must be located five (5) feet behind all property lines except:
- (i) If the bottom of the structure is twelve (12) feet or higher above the establish grade, then the sign structure may be located up to one (1) foot behind the property line; or
 - (ii) If the sign is in the Central Business District, then the sign structure can be located up to the property line.
- d. No free-standing sign shall exceed the height of thirty (30) feet except free standing signs in the highway commercial zone which shall not exceed the height of fifty (50) feet. No signs shall exceed one hundred seventy-five (175) square feet in sign area. One (1) measured side of the display shall compose the square footage;
- e. No rotating free-standing sign shall rotate at a rate faster than six (6) revolutions per minute or have a minimum clearance lower than nine (9) feet between the bottom of the sign and the ground;

- f. When a developed parcel fronts on more than one (1) public right-of-way or street, excluding alleys and serviceways, the above provisions of subsection a. shall apply to each frontage.

(2) One (1) wall or one (1) canopy sign and four (4) architectural blade signs indicating only the name and nature of the occupancy for each occupancy within the developed parcel as follows:

- a. No sign shall exceed a total area of three (3) square feet of ~~copy~~ sign area for each lineal foot of building frontage of each occupancy except buildings over two (2) stories shall be allowed an additional one (1) square foot of copy for each lineal foot of building frontage of each occupancy;
- b. If such occupancy is on a corner, one (1) wall sign or one (1) canopy sign will be permitted for each frontage face;
- c. A permitted wall sign(s) can be transferred from one wall to another wall provided the number of signs remain within the permitted number of signs and within allowable sign area;
- d. No wall or canopy signs shall project into the public right-of-way, except:
 - (i) In the Central Business District, wall signs may project eighteen (18) inches over the right-of-way, subject to a minimum height limit of nine (9) feet from the sidewalk; and
 - (ii) In the Central Business District, canopy signs may project up to two (2) feet to a vertical line from the curb face over the right-of-way.
- e. If the building includes a canopy, each tenant will be permitted one (1) under canopy sign. Any signs attached to the underside of a canopy shall be perpendicular to the wall face of building and shall not have a copy area greater than four (4) square feet or have a clearance lower than of eight (8) feet from the sidewalk.

(3) A maximum of four (4) wall signs may be located on or incorporated within the pump island canopy structure, whether attached or detached from the main structure/building. Such signs shall not project above the top of the canopy structure, shall not exceed a maximum area of twenty (20) square feet for each sign face, and each sign shall be limited in length to a maximum of fifty (50) percent of the long dimension of the canopy on which the sign is located. This section shall not prohibit the placement of trademark symbols on individual gasoline pumps.

(4) One (1) poster/price sign structure shall be permitted and shall not exceed four (4) feet in width and six (6) feet in height from the ground level. Such poster type signs shall be located at an approved site. Such signs may be used for price or special message advertising.

(5) Temporary signs shall be permitted pursuant to section 27-706(e).

(6) Electronic Message Display signs may be permitted pursuant to Section 27-705(c) 5.

(b) Off-premise/billboard signs.

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

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

- a. The citizens of Billings, and others visiting or traveling through the city are very concerned about the urban design and visual integrity of the city.
- b. Billboards may be often incongruous with the city's natural setting and features due to their large-scale figures, numbers, letters, and colors.
- c. A billboard may dominate the view from vehicles and interfere with the occupants' enjoyment of the city's natural setting and features.
- d. A high concentration of billboards may create traffic safety problems and distract attention away from public safety signs.
- e. Billboards of excessive size or height should be downsized within a reasonable period of time.
- f. Billboards are incompatible with residential uses.
- g. The I-90, Highway 3, Main Street, 27th Street, other entryways, and Shiloh Road are major entryways to the city which are of particular importance in terms of urban design and public perception to citizens, visitors, and tourists.

- h. The downtown area defined in the Downtown Framework Plan is an area in which urban design significantly influences the health and vitality of the total community.

(2) No off-premise/billboard sign shall be constructed or erected in any district after the date of the enactment of this subsection 27-706(b) [Ord. No. 99-5107, enacted Nov. 22, 1999]. For each non-conforming off-premise/billboard sign face removed a conforming off-premise/billboard sign face may be erected. Therefore, if a proposed conforming off-premise/billboard sign face will replace an existing non-conforming off-premise/billboard sign face within the city limits, then such proposed off-premise/billboard sign face shall comply with all of the applicable regulations contained herein. When all non-conforming off-premise/billboard signs within the city have been removed pursuant to this section, then additional off-premise/billboard signs may be constructed in accordance with the regulations contained herein.

(3) Location standards: All billboards shall be located in accordance with the following standards:

a. Zoning districts:

1. Billboards shall be permitted as an allowed use in Highway Commercial (HC), Controlled Industrial (CI), and Heavy Industrial (HI) zoning districts.
2. Billboards shall be permitted as an allowed use in Community Commercial (CC) zoning district provided that the structure is two hundred (200) feet or more from a residential zoning district.
3. A special review shall be required for all billboards to be located in a CC zone if the structure is less than two hundred (200) feet but greater than one hundred-fifty (150) feet from a residential zoning district.
4. Billboards shall be permitted in Central Business District (CBD) upon approval of a special review.
5. No new billboards shall be permitted on, directed to, or within two hundred (200) feet of the following corridors:
 - i. 27th Street from I-90 to Airport Road (excluding 27th Street North from Montana Avenue to 6th Avenue North).
 - ii. Highway 3 (Airport Road) from Alkali Creek Road west to the city limits.
 - iii. Shiloh Road from I-90 to Rimrock Road.

- iv. Yellowstone River.
 - v. Any historic district registered on the National Register of Historic Places.
 - b. Locations standards:
 - 1. Billboards shall be set back 20 feet from the front property line.
 - 2. No billboard shall be placed on the roof of any building or structure.
 - c. Spacing standards:
 - 1. Billboards shall be required to have the following spacing requirements:
 - i. Billboards located in CC shall have a minimum spacing of a 1,000-foot radius from any other off-premise structure.
 - ii. Billboards located in HC shall have a minimum spacing of a 600-foot radius from any other off-premise structure.
 - iii. Billboards located in CI and HI shall have a minimum spacing of six hundred (600) linear feet from any other off-premise structure.
 - 2. No billboard shall be placed within one hundred fifty (150) feet of any residential zone.
- (4) Area, height, face, and pole standards: All billboards shall conform to the following standards:
 - a. Sign area: New billboards faces and supporting framework shall not exceed the following sign areas:
 - 1. New billboards shall be a maximum of two hundred fifty (250) square feet.
 - 2. New billboards located within the Interstate Corridor shall not exceed four hundred eighty (480) square feet.
 - b. Height:

1. The maximum overall height shall be thirty-five (35) feet above the road grade to which the billboard reads.
 2. The minimum distance between grade and the bottom of the billboard shall be fifteen (15) feet.
- c. Faces:
1. There shall be no more than a total of two (2) faces per supporting structure.
 2. All structures must be single face, back-to-back, or "v" type of construction.
- d. Pole construction: All structures must be of single pole construction.
- (5) Lighting: Lighting will not cause hazardous or unsafe driving conditions for motorists and will not glare, reflect, or spill onto adjacent business or residential areas.
- (6) Maintenance and discontinuance:
- a. Maintenance:
1. All sign supports, braces, guys and anchors, shall be kept in good repair. Faces of all signs shall be kept neatly painted or posted at all times. The city shall notify the sign owner or its agent, in writing, of any sign that is not in proper state of repair. If corrective action is not taken within (30) days of written notice, the city official may order the removal of the sign.
 2. Off-premise/billboards signs that are damaged or destroyed by more than fifty (50) percent of the value of the sign structure shall not be reconstructed and shall be removed.
 3. All areas around the sign structure shall be kept litter and weed free.
- b. Discontinuance: The city may order the removal of any billboard, without compensation, upon which the advertising or other message has been discontinued for more than sixty (60) days continuous days. The owner shall either advertise upon or remove said billboard within thirty (30) days of written notification by the city.
- (7) Special review requirements for off-premise/billboard signs in CC and CBD. The following criteria will be used in reviewing the proposed structure:

- a. That the location and placement of the sign will not endanger motorists or pedestrians and does not interfere with the clear vision triangle at street, railroad, or street driveway intersections.
- b. That the signs in the CBD will not cover or blanket any prominent view of a structure or facade of historical or architectural significance.
- c. That the sign will not obstruct views of users of adjacent buildings to side yards. This requirement does not include views of distant vistas.
- d. That the sign cannot be seen from churches, schools, the Yellowstone River or any city, county, or state park or if it can be seen it must be located at two hundred fifty (250) feet from the boundaries of such places.
- e. That the height of signs located in undeveloped areas (no buildings within 300-foot radius) shall not exceed twenty-six (26) feet above grade. The minimum clearance of a sign shall never be less than fifteen (15) feet.
- f. That the sign's lighting will not cause hazardous or unsafe driving conditions for motorists and will not glare, reflect, or spill onto adjacent business or residential areas.

8) Off-premise/Billboard Electronic Displays may be allowed on any off-premise/billboard sign face provided it conforms to all of the standards and requirements of the City Sign Code including the limitation on replacement of nonconforming off-premise billboard signs in Section 27-706(b)(2) and the maintenance and repair of nonconforming off-premise/billboard signs in Section 27-706(b)(6). An Off-premise/Billboard Electronic Display may be used as the only sign area on an off-premise/billboard sign face. An Off-premise/Billboard Electronic Display shall not change from one still image to another still image more than once every six (6) seconds. An Off-premise/Billboard Electronic Display shall not include any other visual effects including but not limited to animation, motion pictures, video, holograms, moving parts or the illusion of movement and shall not include any audible sound.

(c) Shopping center or mall signs.

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

- a. Signs will be permitted as follows:

TABLE INSET:

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

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

(2) One (1) wall or one (1) canopy sign and four (4) architectural blade signs indicating only the name and nature of the occupancy for each occupancy within the developed parcel as follows:

- a. No sign shall exceed a total area of three (3) square feet of copy for each lineal foot of building frontage of each occupancy except buildings over two (2) stories shall be allowed an additional one (1)

square foot of copy for each lineal foot of building frontage of each occupancy;

- b. If such occupancy is on a corner, one (1) wall sign or one (1) canopy sign will be permitted for each frontage face;
- c. A permitted wall sign(s) can be transferred from one wall to another wall provided the number of signs remain within the permitted number of signs and within allowable sign area;
- d. No wall or canopy signs shall project into the public right-of-way, except:
 - (i) In the Central Business District, wall signs may project eighteen (18) inches over the right-of-way, subject to a minimum height limit of nine (9) feet from the sidewalk; and
 - (ii) In the Central Business District, canopy signs may project up to two (2) feet to a vertical line from the curb face over the right-of-way.
- e. If the building includes a canopy, each tenant will be permitted one (1) under canopy sign. Any signs attached to the underside of a canopy shall be perpendicular to the wall face of building and shall not have a copy area greater than four (4) square feet or have a clearance lower than eight (8) feet from the sidewalk.

(3) Interior mall signs shall be regulated by the mall association or owner.

(4) Electronic Message Display signs may be permitted pursuant to Section 27-705(c) 5. A shopping center that has frontage on more than one (1) public right-of-way may have one (1) Electronic Message Display (EMD) free standing sign on each public right-of-way frontage.

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

(1) Statement of special purpose.

- a. Medical corridor. The Billings Medical Corridor Permit Zoning District as set forth in article 27-900 (the "medical corridor") is a unique, distinct and separately identifiable area of the city. Over time, a majority of the medical corridor has developed a campus environment that is separate and distinct from the surrounding area. The large scale buildings, the complexities of the medical campuses, the needs and abilities of those seeking medical and emergency services, and the diversification of services offered within the medical corridor create a need for flexibility in establishing clear way-finding

and informational signage. Accordingly, this special medical corridor sign code is adopted to facilitate, enhance, encourage and promote the following purposes:

1. To facilitate and foster complementary uses servicing the healthcare community, including hospitals, clinics, medical office buildings, laboratories, and related or supporting uses;
2. To promote a unique, attractive and distinctive healthcare campus environment with limited retail uses;
3. To encourage creativity and continuity in design, quality, and the character of new signage;
4. To anticipate and recognize the needs of patients and visitors in the medical corridor;
5. To safeguard and enhance property values, and to protect public and private investment in the medical corridor;
6. To promote those qualities in the visual environment which bring economic value to the community;
7. To encourage the design of signs that are in harmony with the principal activities and structures that they serve and that are compatible with the overall healthcare campus environment;
8. To alleviate the burdens of complex compliance and enforcement responsibilities; and
9. To promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within the medical corridor.

The medical corridor is primarily occupied by regional healthcare providers that draw patients and visitors from a multi-state region. The medical corridor sign code recognizes that patients and visitors to the medical corridor need to be able to easily and conveniently locate, identify, and find their way to hospitals, medical groups, clinics, medical departments, laboratories, physicians, and other healthcare points of interest. The primary purpose of the medical corridor is healthcare, with very limited retail uses. Accordingly, the medical corridor sign code recognizes that the primary purpose of signs in the medical corridor is not for retail purposes, yet retains historical restrictions for retail establishments within the medical corridor.

The caliber of the development of the medical campuses within the medical corridor over time has demonstrated a commitment to maintaining architecturally sound and aesthetically pleasing signage, as well as uniform appearance of signage within parcels under common ownership. Healthcare and healthcare providers are constantly evolving

and changing. One of the express purposes of the medical corridor sign code is to provide healthcare providers with flexibility with respect to both way-finding and informational signage.

- b. South 27th Street corridor. This section acknowledges the architectural visual concerns associated with the South 27th Street corridor zoning district as set forth in article 27-800. This section further recognizes the needs and benefits of limited sign standards that will adequately serve the uses in this zoning district and those who utilize their services, and at the same time, recognizes the need to protect the remaining residential areas within, adjacent and surrounding these zoning districts from the intrusion of unsightly, excessive and confusing sign usage.

(2) Healthcare purposes sign definition. As used within this section, the term healthcare purposes sign shall mean any sign located in the medical corridor (excluding prohibited signs) that:

- a. Identifies a hospital, clinic, medical building, healthcare facility, emergency room, trauma center, healthcare provider or ancillary healthcare service (as defined herein below), and/or associated parking areas located in the medical corridor; or
- b. Provides direction to a hospital, clinic, medical building, healthcare facility, emergency room, trauma center, healthcare provider or ancillary healthcare service, and/or associated parking areas located in the medical corridor.

For the purposes of this definition, the phrase "ancillary healthcare service" shall not include restaurants, hotels, motels, churches, and gas stations.

(3) Except as provided in subsection (4), within the medical corridor and the South 27th Street corridor, signs are permitted per developed parcel as follows:

- a. Two (2) monument type signs, provided the two (2) monument signs are located on separate public street frontages and located at least one hundred (100) lineal frontage feet apart, measured along property line, as follows:
 - 1. One (1) main identification free-standing sign not exceeding forty (40) square feet in sign area nor be over twelve (12) feet in height;
 - 2. One (1) secondary identification free-standing sign not exceeding thirty-two (32) square feet in sign area nor be over eight (8) feet in height.

- b. One (1) identification wall sign placed flat against a building or designed as part of an architectural feature for each public street frontage for each developed parcel not to exceed fifty (50) square feet in sign area.
- c. Free-standing directory signs shall not exceed eight (8) square feet in sign area nor be over five (5) feet in height. Wall directory signs shall not exceed eight (8) square feet in sign area.

(4) Healthcare purposes signs permitted.

- a. Except for those signs specifically prohibited by subsection (5), all healthcare purposes signs shall be permitted in all portions of the medical corridor except for the area west of North 30th Street.
- b. Emergency room and trauma center signs. All emergency room and trauma center signs shall be permitted in the medical corridor as healthcare purposes signs.

(5) Prohibited signs and lighting. The following signs and lighting shall be prohibited in the medical corridor:

- a. Strobe lights;
- b. Searchlights;
- c. Balloon signs;
- d. Portable signs;
- e. Flashing neon signs;
- f. Third party signs;
- g. Billboards;
- h. Flashing incandescent lamps;
- i. Vehicles used as signs (provided that this provision shall not be construed as prohibiting the identification of a healthcare services entity or provider);
- j. Signs projecting into rights-of-way;
- k. Window signs;
- l. Signs exceeding twenty (20) feet in height;

- m. Signs exceeding one hundred seventy-five (175) square feet of area;
- n. Signs which by coloring, shape, wording or location resemble or conflict with traffic control signs or devices;
- o. Signs that create a safety hazard for pedestrian or vehicular traffic;
- p. Signs attached to or placed on a motor vehicle or trailer parked on public or private property, provided that this provision shall not be construed as prohibiting the identification of a firm or its product on a vehicle operating during the normal course of business;
- q. Any electronic reader board sign or animated sign that is otherwise prohibited by the city sign code.
- r. Wall signs which, individually or collectively, cover more than twenty-five (25) percent of the surface area of any wall. The surface area of a wall shall be determined by measuring the building height and multiplying it by the length of the wall, without deduction for doors and windows.

(6) Electronic Message Display signs may be permitted pursuant to Section 27-705(c) 5.

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

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

(2) Two (2) wall signs placed flat against a building or designed as a part of an architectural feature not to exceed thirty-two (32) square feet per sign. Additional signs may be authorized by special review of the city council.

(3) Electronic Message Displays may be allowed provided they do not flash, scintillate, blink, show motion borders or traveling lights or display video. One (1) Electronic Message Display (EMD) as part of a free-standing monument sign or a wall sign may be permitted provided the EMD does not exceed 50% of the sign area for a free-standing sign or 10 square feet for a wall sign. An EMD may only be used in conjunction with an immediately adjacent wall sign or as part of a free standing sign and shall not be displayed on its own. An EMD wall sign must be placed near the primary public entrance. The maximum height of an EMD wall sign shall be 12 feet from the

building wall grade. EMD wall signs shall not be placed less than two feet from the top of the wall it is installed on.

Section 4. That Section 27-708 of the Billings, Montana City Code be amended so that such section shall read as follows:

SEC. 27-708. Prohibited Signs and Sign Structures.

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

- (1) *Animated and intensely lighted signs:* No signs shall be permitted which are animated by means of flashing, scintillating, blinking, ~~or~~ traveling lights or displaying video or any other means not providing constant illumination (unless specifically permitted in special sign districts). ~~Public service information signs and other electronic message centers classified as "changing signs" are permitted. Electronic Message Displays may be allowed provided they do not flash, scintillate, blink, show motion borders or traveling lights or display video.~~
- (2) *Abandoned signs:* Such business signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located.
- (3) *Parking of advertising vehicles prohibited:* No person shall park any vehicle or trailer on a public right-of-way or public property or on private property so that it is visible from the public right-of-way and which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises. This section is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettered on a motor vehicle, or company vehicle signs.
- (4) *Swinging signs:* Signs installed on an arm or spar, that is not, in addition, permanently fastened to an adjacent wall or upright pole. See section 27-709(i).
- (5) *Unclassified signs:* The following signs are also prohibited, which:
 - a. Bear or contain statements, words or pictures of an obscene, pornographic, immoral character, or which contain advertising matter which is untruthful;
 - b. Are painted on or attached to any fence or any wall which is not structurally a part of a building, except to identify a residence or residence structure by means of posting the name of the occupant or structure, and the street address;
 - c. Operate or employ ~~any stereopticon or motion picture projection or media in conjunction with any advertisements, or have visible moving~~

parts or any portion of which moves, or give the illusion of motion except as permitted in this article;

- d. Emit audible sound, odor or visible matter; or
- e. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.

Section 5. COMPLIANCE FOR EXISTING ELECTRONIC MESSAGE DISPLAY SIGNS. Electronic Message Display Signs shall comply with the limitations and prohibitions in this ordinance that affect the operation and manner of display except for the prohibition of video on existing Electronic Message Display Signs. All other prohibitions and requirements in Sections 27-705(c)5.a.iv; 27-705(c)5.d and 27-708(1) shall apply. All existing Electronic Message Display Signs will comply with these specific sections on the effective date. All other adopted revisions may make existing Electronic Message Display Signs a legal nonconforming sign as specified in Section 27-711 of the City Sign Code.

Section 6. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 7. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 8. 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 9th day of October, 2007

PASSED, ADOPTED and APPROVED on second reading this 22nd day of October, 2007.

CITY OF BILLINGS

By _____
Ron Tussing, Mayor

ATTEST:

By _____
Cari Martin, City Clerk

Zone Change #821 – Electronic Signs, Section 27-700, City Sign Code