



YELLOWSTONE COUNTY ZONING COMMISSION
YELLOWSTONE COUNTY, MONTANA
Monday, February 13, 2012

SUBJECT: Proposed Amendments to the City/County Unified Zoning Regulations
THROUGH: Candi Beaudry, AICP, Planning Director
FROM: Nicole Cromwell, AICP, Zoning Coordinator, Planner II

PROBLEM/ISSUE STATEMENT: The 2011 and 2009 State Legislatures passed a number of laws that have an impact on municipal and county zoning regulations. The zoning regulations for both the city and county are unified under Chapter 27, BMCC, and need to be amended to be consistent with these new State laws. In addition, there are several amendments the Planning Division is proposing that respond to “housekeeping” of current regulations to ensure consistency of administration. The Council also has requested amendments to the code that relate to compatibility of commercial uses adjacent to residential uses, resolving issues related to detached accessory buildings, and other miscellaneous amendments. For ease of discussion, the Planning Division has separated the amendments into three broad categories:

- Council initiatives/requests and housekeeping changes
- Legislative changes
- Neighborhood Manners and discretionary

Staff brought these forward to the Council for review at its November 21 Work Session and to the Board of County Commissioners at its November 21 Discussion meeting. Both the City Council and Board of County Commissioners directed staff to move forward with the amendment process. The City and County Zoning Commissions are now considering officially initiating these amendments. Initiation of each amendment is required prior to scheduling public hearings with the commissions and the governing bodies. The Planning Division will schedule the amendments for public notice and hearings sequentially during the winter and spring of 2012.

COUNCIL INITIATIVES/REQUESTS AND HOUSEKEEPING CHANGES

- Vertical siding on accessory structures in residential zoning districts. The Council initiated this amendment and we have draft language prepared for public hearings. The amendment will allow vertical siding on detached accessory structures in cases where the dwelling also has vertical siding. *This will apply to property only within the city limits.*
- Correctional facilities. The Council initiated these amendments to better regulate where public and private correctional facilities are located in the community. Four ordinances have been drafted and reviewed by the City Attorney. One would amend the code for commercial districts to specifically prohibit any new public correctional facilities in the South 27th Street Corridor or the Controlled Industrial district. Another ordinance would amend the code to specify where private correctional facilities could be located with special review approval.

The code currently allows private correctional facilities by special review approval in Controlled Industrial, Public and the South 27th Street Corridor. The amendment would not allow these in the South 27th Street Corridor. The third amendment would eliminate the code reference to “rehabilitative centers” and the use table for residential zones that allow this use by special review approval only. This use, as currently described, is covered by other use definitions and is adequately covered in the use table under those defined terms.

“Rehabilitative centers” is an artifact of the 1972 zoning code that is out of date and duplicative of newer terms and uses. The fourth amendment, updates the Definitions in the zoning code to reflect these changes. *This will apply to property both inside the city limits and in the 4 ½ -mile County zoning jurisdiction.*

- *Livestock and poultry.* The Planning Division would like to clarify section 27-607 to add the words “and fowl” to the first sentence. Currently, the code must be consulted in three different sections to determine whether “fowl” are not allowed within the city limits. If the City Council chooses to amend the City Code to allow “fowl” within the city limits, then this amendment can be modified to reflect this initiative. *This will apply to property only within the city limits.*
- *Area Requirements in Residential zones.* The Planning Division would like to clarify section 27-308 to ensure understanding that lot area requirements for multiple units refers to attached units in a single structure and not separate units on a single lot. In addition, the footnote that indicates the special review requirement for three-plex through 10-plex structures in the Residential 6,000 zoning district will be moved to the Residential 6,000 column of the table. The Billings Association of Realtors (BAR) has stated the code should be interpreted and changed to clarify that lot area for two (2) separate units or two (2) attached dwelling units (duplex) should be the same (See Attachment A). For example, the code for the Residential 7,000 (R-70) zone requires 7,000 square feet for each detached single-family dwelling and 9,600 square feet for each attached two-family unit. The BAR proposes to allow these two-family units to be either attached or detached on the same parcel and require only 9,600 square feet of lot area. This interpretation would eliminate the need for many property owners to receive a “lot area” variance for existing duplexes and parcels developed with two (2) separate dwellings on smaller lots in neighborhoods developed in the 1950s and 1960s prior to our current code. This interpretation also supports the Council’s recently adopted Infill Policy that strongly encourages re-investment in existing neighborhoods. The Planning Division supports this interpretation and has proposed this clarification in the amendments. *This will apply to property both inside the city limits and in the 4 ½ -mile County zoning jurisdiction.*
- *Reference to fees – code artifact.* The Planning Division would like to eliminate the language concerning fees referred to in Section 27-1704. Fees are set by resolution of the City Council and the Board of County Commissioners. This is an artifact of the code and should be deleted. *This will apply to property both inside the city limits and in the 4 ½ -mile County zoning jurisdiction.*
- *Separation of detached accessory structures for property within the city or county.* The Planning Division would like to amend Section 27-310(i) of the code to create separate subsections related to detached accessory structures in residential zones based on whether they are within the city limits or within the County zoning jurisdiction. The current code is convoluted and not easy to interpret or administer. Separate subsections based on jurisdiction

will clarify this section. *This will apply to property both inside the city limits and in the 4 ½ -mile County zoning jurisdiction.*

- *North and South Shiloh Corridor housekeeping.* The Planning Division would like to amend Section 27-1400 to remove drafting errors and correct the signage requirements for non-residential uses in residential zones – as they might apply to all types of assembly uses. *This will apply to property only within the city limits.*

LEGISLATIVE CHANGES

- *Municipal and County zoning.* The 2009 and 2011 Montana legislatures made some minor adjustments to the MCA authorizing local zoning regulations – HB181 (2011), HB460 (2011) and HB486 (2009). The amendments focused on the review criteria for zone changes, protest provisions related to owners of unit ownership property (condominiums and townhomes), notice provisions and enforcement within the County zoning jurisdiction. The Planning Division has prepared amendments responsive to these legislative changes. There will be separate ordinances for each jurisdiction since some sections will only apply outside the city limits. The County notice provisions for zone changes will likely have an impact on application timelines and staff resources to provide the additional notice. The Planning Division also is recommending deleting some definitions to avoid confusion on unit ownership. *This will apply to property both inside the city limits and in the 4 ½ -mile County zoning jurisdiction.*

NEIGHBORHOOD MANNERS AND DISCRETIONARY AMENDMENTS

- *Fence height in front yard setback.* Maximum fence height in the required front setback is now 3 feet. Most fence material suppliers do not carry this height but most carry a 4-foot fence material. Fence height in the front is primarily to promote public health and safety since a tall fence in front of a structure could prevent emergency access or block vision of the address numbers on the building. Allowing a 4-foot front yard fence will not have an effect on public health or safety and would allow property owners to provide a more secure front yard area for pets and children. *This will apply to property both inside the city limits and in the 4 ½ -mile County zoning jurisdiction.*
- *RV parking standards.* The Code Enforcement Division handles complaints on RV setbacks and these have been steadily increasing in the past 4 years. In 2008, there were 426 RV complaints for the entire year and in 2011 through October we have received 620 complaints. We average about 3 to 4 complaints every work day. The current code requires a minimum 20 foot front setback for RVs parked on a residential property. Most residential driveways cannot accommodate this required setback. RVs may be parked on the street if they remain attached to the towing vehicle or if they are self-powered. In order to accommodate the increasing demand to park RVs for some period of time in residential zones, the Planning Division is recommending Section 27-601(a) be amended to allow an 8-foot front setback for RVs in residential zones. The current code will still require an RV to be parked or stored in a back yard if there is access to the back yard. An 8-foot front setback will allow many RV owners to park off the street and the reduced setback will not affect public health or safety. This amendment will not negate any current or future private subdivision covenants and restrictions. The city does not enforce these private covenants and restriction. *This will apply to property both inside the city limits and in the 4 ½ -mile County zoning jurisdiction.*

- Update Clear Vision for driveways and alleys. In 2009, the City Council amended the clear vision standards in the zoning code to better identify safe and predictable clear vision areas for street intersections based on the type of street and type of use. One of these new clear vision standards for driveways and alley intersections with streets requires a 5-foot deep “tail” to extend along the property frontage for a considerable distance – the least distance is 70 feet and it increases up to 110 feet if the driveway or alley enters an arterial street. Many residential properties are not even 70 feet wide, so these 5-foot “tails” preclude any fencing or landscaping over 30 inches tall for the entire frontage. The Planning Division does recognize the engineering and traffic safety principals behind the 5-foot “tails”, however we believe the clear vision area provides enough pedestrian and traffic safety without the need to have a 5-foot clear zone across every residential property. Accommodation of the 5-foot “tails” in fence building has caused significant confusion for property owners, and fence company employees, and also creates an area that is difficult to maintain and could be prone to weeds. *This will apply to property both inside the city limits and in the 4 ½ -mile County zoning jurisdiction.*
- Neighborhood Manners. The City Council has expressed an interest in supporting in-fill development provided such development can be compatible with existing neighborhoods. Several instances of incompatible uses adjacent to residential zones have come forward in the past year. The Planning Division has proposed an amendment to Section 27-612 to add a subsection with requirements for commercial or industrial type uses adjacent to or within 50 feet of a residential zone. The proposed amendment includes requirements for lighting, building setbacks, noise generation, loading docks, solid waste disposal, and signage. *This will apply to property only within the city limits.*

COUNCIL INITIATIVES, REQUESTS AND HOUSEKEEPING CHANGES

Vertical siding on Residential Structures – City Only

ORDINANCE NO. 12- _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-310(i) (9) – SUPPLEMENTAL AREA, YARD AND HEIGHT REQUIREMENTS – TO ADD LANGUAGE TO ALLOW VERTICAL SIDING ON CERTAIN DETACHED STRUCTURES AND ADOPT THE REVISION AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC,* provide for amendment to the City Zoning Regulations from time to time. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. 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 proposed amendments to the City Zoning Regulations.

Section 2. DESCRIPTION. The zoning regulation shall apply to all land within the City of Billings.

Section 3. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-1505(f) as follows:

Section 27-310(i) (9) In the R-9,600, R-8,000, R-7,000, R-7,000R, R-6,000, R-6,000R, R-5,000 and Residential Manufactured Home zoning districts within the Billings city limits, horizontal exterior siding is required on detached accessory structures greater than 200 square feet in size, **unless the principle structure has vertical siding or a combination of horizontal and vertical siding. The detached accessory structure siding shall match the design and material of the principle structure to the maximum extent practicable.**

Section 4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading _____, 2012.

PASSED, ADOPTED AND APPROVED on second reading _____ 2012.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

BY: _____
Cari Martin, City Clerk

**Correctional Facilities – City and County
ORDINANCE NO. 12- _____**

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-306 – DISTRICT REGULATIONS: COMMERCIAL AND INDUSTRIAL USES, ADOPT THE REVISIONS AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

Section 1. RECITALS. Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC, provide for amendment to the City Zoning Regulations from time to time. The Board of Planning initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. 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 proposed amendments to the City Zoning Regulations.

Section 2. DESCRIPTION. The zoning regulation shall apply to all land within the City of Billings in any zoning district as described in Section 27-301 in the Billings, Montana City Code.

Section 3. That the Billings, Montana City Code be amended by revising Section 27-306 to add and delete certain language as follows:

| TITLES AND DESCRIPTION OF INDUSTRIES | Residential Professional | Neighborhood Commercial | Community Commercial | Highway Commercial | Central Business District | Controlled Industrial | Heavy Industrial | Public | South 27th Street Corridor |
|--|--------------------------|-------------------------|----------------------|--------------------|---------------------------|-----------------------|------------------|--------|----------------------------|
| SR - SPECIAL REVIEW A - ALLOWED | | | | | | | | | |
| 92 Justice, Public Order, And Safety (Except Below): | A | A | A | A | A | A | A | A | A |
| – 9223 Correctional institutions | | | | | | SR | SR | SR | SR |

Section 4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. 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.

Section 6. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading _____, 2012.

PASSED, ADOPTED AND APPROVED on second reading _____, 2012.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

BY: _____
Cari Martin, City Clerk

ORDINANCE NO. 12- _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-306 – DISTRICT REGULATIONS: COMMERCIAL AND INDUSTRIAL USES, ADOPT THE REVISIONS AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

Section 1. RECITALS. Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC, provide for amendment to the City Zoning Regulations from time to time. The Board of Planning initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. 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 proposed amendments to the City Zoning Regulations.

Section 2. DESCRIPTION. The zoning regulation shall apply to all land within the City of Billings in any zoning district as described in Section 27-301 in the Billings, Montana City Code.

Section 3. That the Billings, Montana City Code be amended by revising Section 27-306 to add and delete certain language as follows:

| TITLES AND DESCRIPTION OF INDUSTRIES | Residential Professional | Neighborhood Commercial | Community Commercial | Highway Commercial | Central Business District | Controlled Industrial | Heavy Industrial | Public | South 27th Street Corridor |
|--|--------------------------|-------------------------|----------------------|--------------------|---------------------------|-----------------------|------------------|--------|----------------------------|
| SR - SPECIAL REVIEW A - ALLOWED | | | | | | | | | |
| - 8744 Facilities support management services other than below - Privately operated correctional facilities | | | | <u>A</u> | <u>A</u> | <u>A</u> | <u>A</u> | SR | <u>A</u> |
| | | | | | | SR | SR | SR | SR |

Section 4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. 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.

Section 6. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading _____, 2012.

PASSED, ADOPTED AND APPROVED on second reading _____, 2012.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

BY: _____
Cari Martin, City Clerk

ORDINANCE NO. 12- _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-201 – DEFINITIONS AND REVISING SECTION 27-305 – DISTRICT REGULATIONS: RESIDENTIAL USES, ADOPT THE REVISIONS AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC,* provide for amendment to the City Zoning Regulations from time to time. The Board of Planning initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. 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 proposed amendments to the City Zoning Regulations.

Section 2. DESCRIPTION. The zoning regulation shall apply to all land within the City of Billings in any zoning district as described in Section 27-301 in the Billings, Montana City Code.

Section 3. That the Billings, Montana City Code be amended by revising Section 27-201 to delete certain language as follows:

~~**REHABILITATIVE CENTER:** A use providing board and room, recreational, counseling and other rehabilitative services to individuals of either sex, who by reason of mental or physical disability, family and school adjustment problems, require specialized attention and care in order to achieve personal independence. An individual participating in a work release, or similar program, such as pre-release centers, from a state institution and under the supervision of a court, state or local agency shall be included within this definition.~~

Section 4. That the Billings, Montana City Code be amended by revising Section 27-305 to delete certain language as follows:

| TITLES AND DESCRIPTION OF INDUSTRIES SR - SPECIAL REVIEW A - ALLOWED | Agricultural - Open Space | Agricultural - Suburban | Residential - 15,000 | Residential - 9,600 | Residential - 8,000 | Residential - 7,000 Restricted | Residential - 7,000 | Residential - 6,000 Restricted | Residential - 6,000 | Residential - 5,000 | Residential Multi-Family | Residential Multi-Family - Restricted | Residential Manufactured Home |
|---|---------------------------|-------------------------|----------------------|---------------------|---------------------|--------------------------------|---------------------|--------------------------------|---------------------|---------------------|--------------------------|---------------------------------------|-------------------------------|
| Rehabilitative Centers | SR | SR | SR | SR | SR | SR | SR | SR | SR | SR | SR | SR | SR |

Section 5. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. 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.

Section 7. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading _____, 2012.

PASSED, ADOPTED AND APPROVED on second reading _____, 2012.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, Mayor

ATTEST:
BY: _____
Cari Martin, City Clerk

ORDINANCE NO. 12-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-201 – DEFINITIONS, ADOPT THE REVISIONS AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC,* provide for amendment to the City Zoning Regulations from time to time. The Board of Planning initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. 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 proposed amendments to the City Zoning Regulations.

Section 2. DESCRIPTION. The zoning regulation shall apply to all land within the City of Billings in any zoning district as described in Section 27-301 in the Billings, Montana City Code.

Section 3. That the Billings, Montana City Code be amended by revising Section 27-201 to add certain language as follows:

COMMUNITY RESIDENTIAL FACILITIES:

- (1) **ADULT FOSTER FAMILY CARE HOME:** A private home licensed by the Montana Department of Family Services Public Health and Human Services owned by one (1) or more persons eighteen (18) years of age or older which offers light personal care or custodial care to disabled adults who are not related to the owner by blood or marriage or which offers light personal care or custodial care to aged persons. The number of aged persons or disabled adults in an adult foster family care home may total no more than four (4).
- (2) **COMMUNITY GROUP HOME:** A family oriented residence or home licensed by the appropriate state agency designed to provide residential services and facilities for developmentally, severely disabled or mentally disabled persons, but does not provide skilled or intermediate nursing care.
- (3) **HALFWAY HOUSE:** A place operated in accordance with the regulations of the Montana Department of Public Health and Human Services Health and Environmental Sciences for the rehabilitation of alcohol or drug dependent persons.
- (4) **YOUTH FOSTER HOME:** A youth care facility licensed by the Montana Department of Public Health and Human Services Family Services in which substitute care is provided to one (1) to six (6) foster children or youths, other than the foster parents' own children, stepchildren or wards.
- (5) **YOUTH GROUP HOME:** A youth care facility licensed by the Montana Department of Public Health and Human Services Family Services in which substitute care is provided to seven (7) to twelve (12) children or youth.
- (6) ASSISTED LIVING FACILITY:** An assisted living facility licensed by the Montana Department of Public Health and Human Services in a congregate residential setting that provides or coordinates personal care, 24-hour supervision and assistance, both scheduled and unscheduled, and activities and health-related services for persons 18 years old or older.

Section 4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. 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.

Section 6. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading_____, 2012.

PASSED, ADOPTED AND APPROVED on second reading_____, 2012.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel

ATTEST:

BY: _____
Cari Martin, City Clerk

Livestock and Fowl – City Only
ORDINANCE NO. 12 - _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-607 – LIVESTOCK AND FOWL – TO DELETE LANGUAGE AND TO ADD LANGUAGE TO CLARIFY THE REGULATION AND ADOPT THE REVISION AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC,* provide for amendment to the City Zoning Regulations from time to time. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. 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 proposed amendments to the City Zoning Regulations.

Section 2. DESCRIPTION. The zoning regulation shall apply to all land within the City of Billings.

Section 3. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-607 as follows:

1. SEC. 27-607. LIVESTOCK AND FOWL.

Livestock **and fowl**, as defined in BMCC Section 27-201, shall not be maintained in any zoning district located within the limits of the City of Billings **except as provided within Section 27-305 or 27-306. (see also BMCC Sections 4-501 through 4-505).** However, horses may be permitted in the City when located within a Planned Development, as described in Section 27-1303, that is specifically designed to accommodate horses and/or equestrian centers.

Section 4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. 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.

Section 6. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading _____, 2012.

PASSED, ADOPTED AND APPROVED on second reading _____, 2012.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel

ATTEST:

BY: _____
Cari Martin, City Clerk

Lot Area Calculations – City and County
ORDINANCE NO. 12 - _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-308 – AREA, YARD AND HEIGHT REQUIREMENTS – RESIDENTIAL; SECTION 27-305 – DISTRICT REGULATIONS – RESIDENTIAL; SECTION 27-617 – ZERO LOT LINE CONDITIONS; AND SECTION 27-618 ILLUSTRATION – FIGURE 5. ZERO LOT LINES – TO DELETE LANGUAGE AND TO ADD LANGUAGE TO CLARIFY THE REGULATION AND ADOPT THE REVISION AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC,* provide for amendment to the City Zoning Regulations from time to time. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. 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 proposed amendments to the City Zoning Regulations.

Section 2. DESCRIPTION. The zoning regulation shall apply to all land within the City of Billings.

Section 3. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-308 as follows:

| ZONING REQUIREMENTS | ZONING CLASSIFICATION DISTRICTS | | | | | | | | | | | | |
|---|---------------------------------|-----------------------|--------------------|-------------------|-------------------|------------------------------|-------------------|------------------------------|-----------------------|-------------------|--------------------------------------|--|-------------------------------|
| | Agricultural-Open Space | Agricultural-Suburban | Residential-15,000 | Residential-9,600 | Residential-8,000 | Residential-7,000 Restricted | Residential-7,000 | Residential-6,000 Restricted | Residential-6,000 (c) | Residential-5,000 | Residential Multi-Family | Residential Multi-Family – Restricted | Residential Manufactured Home |
| MINIMUM LOT AREA PER DWELLING UNIT: (a) (b) (e) One Unit Two Units <u>(attached or detached)</u> Three Units <u>(attached)</u> Four Units <u>(attached)</u> Five Units <u>(attached)</u> Six Units <u>(attached)</u> Seven Units <u>(attached)</u> Eight Units <u>(attached)</u> Nine Units <u>(attached)</u> Ten Units <u>(attached)</u> | 10A | 1A | 15,000 | 9,600 | 8,000 | 7,000 | 7,000 | 6,000 | 6,000 | 5,000 | 6,000 | | 6,000 |
| | | | | | 10,000 | | 9,600 | | 7,000 | 8,000 | | 7,000 | |
| | | | | | | | | | 8,500 | | | 8,500 | |
| | | | | | | | | | 10,000 | | | 10,000 | |
| | | | | | | | | | 11,500 | | | 11,500 | |
| | | | | | | | | | 13,000 | | | 13,000 | |
| | | | | | | | | | 14,500 | | | 14,500 | |
| | | | | | | | | | 16,000 | | | 16,000 | |
| | | | | | | | | | 17,500 | | | | |
| | | | | | | | | | 19,000 | | 400 each add. <u>(attached)</u> unit | 1,500 each add. <u>(attached)</u> unit | |
| MINIMUM YARD REQUIREMENTS: (d) (e) Front (f)(g) Side (h) (i) (j) (k) Side Adjacent to Street (l) Rear | 35 | 25 | 25 | 20 | 20 | 20 | 20 | 15 | 15 | 15 | 15 | | 20 |
| | 15 | 10 | 10 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | | 8 |
| | 35 | 25 | 25 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | | 10 |
| | 35 | 25 | 25 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 15 | | 20 |
| MAXIMUM HEIGHT (m) (n) | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | 34 | N/A | 40 | 34 |
| MAXIMUM LOT COVERAGE IN PERCENT | 15 | 25 | 30 | 30 | 30 | 30 | 30 | 40 | 40 | 40 | 55 | | 30 |

2. SEC. 27-308. AREA, YARD AND HEIGHT REQUIREMENTS – RESIDENTIAL

- (a) In the A-1 & A-S districts, minimum lot area figures are in Acres. All other minimum lot area figures denote square footage.
- (b) The above requirements are applicable to all structures located on a single lot. For building groups see BMCC Section 27-310(B).
- (c) In the Residential-6,000 zone, three-plexes up through ten-plexes up require Special Review approval, see BMCC Section 27-1503 or 27-1509.
- (d) For arterial setback and watercourse setback requirements, See BMCC Sections 27-602 and 27-616, respectively.
- (e) For yard setbacks on corner lots, refer to definitions of lot frontage and yard (side) in BMCC Section 27-201.
- (f) Block frontages which have buildings constructed prior to the effective date of this Resolution/Ordinance shall have a minimum twenty (20) foot front setback for all districts.
- (g) Garages and carports that have their approach from a street shall be setback a minimum of twenty (20) feet.
- (h) Required side yards shall be increased to eight (8) feet in distance from the nearest second story portion of the building, plus one (1) foot for each story in excess of two (2).
- (i) Townhouses are exempt from the side yard requirements in the Residential 5,000, Residential 6,000, Residential 7,000, Residential 8,000, RMF R and RMF zoning districts. In addition, townhouses require Special Review approval, as delineated in BMCC Section 27-1503 or 27-1509.
- (j) In the Residential 5,000 district, if no alley exists as a secondary means of access, one (1) side yard shall be increased to ten (10) feet.
- (k) In the Residential Manufactured Home district, a site built structure complying with the CABO One and Two Family Dwelling code, may be setback a minimum of five (5) feet from the side property line, unless the structure contains two (2) or more stories.
- (l) Front yard setbacks as required in the district shall be provided on side streets when a side street frontage exceeds one hundred and fifty (150) feet.
- (m) In the A-1 district, maximum height restrictions apply to buildings designed and constructed for human occupancy.
- (n) Where there is a change in the adjacent grade of three (3) feet or more the maximum height will be increased one (1) foot for each two (2) feet of grade change.

NOTE:

- All height and setback requirements denote feet.
- For height exceptions, see BMCC Section 27-310(F).
- For permitted projections, see BMCC Section 27-310(G)
- For setbacks for detached accessory structures, see BMCC Section 27-310(I)
- N/A = Not Applicable

Section 4. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-305 as follows:

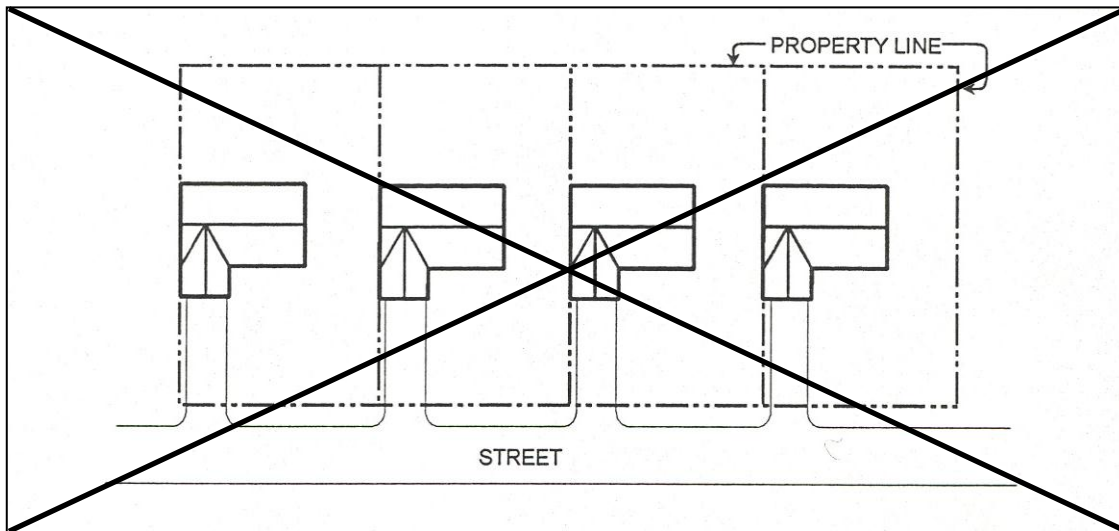
| TITLES AND DESCRIPTION OF INDUSTRIES SR - SPECIAL REVIEW A – ALLOWED | Agricultural - Open Space | Agricultural - Suburban | Residential - 15,000 | Residential - 9,600 | Residential - 8,000 | Residential - 7,000 Restricted | Residential - 7,000 | Residential - 6,000 Restricted | Residential - 6,000 | Residential - 5,000 | Residential Multi-Family | Residential Multi-Family - Restricted | Residential Manufactured Home |
|---|---------------------------|-------------------------|----------------------|---------------------|---------------------|--------------------------------|---------------------|--------------------------------|---------------------|---------------------|--------------------------|---------------------------------------|-------------------------------|
| CONVENTS | SR | SR | SR | SR | SR | | SR | | SR | SR | A | A | SR |
| DWELLINGS: | | | | | | | | | | | | | |
| – Single-family | A | A | A | A | A | A | A | A | A | A | A | A | A |
| – Two-family | | | | | A | | A | | A | A | A | A | |
| – Multiple-family | | | | | | | | | SR | | A | A | |
| – Manufactured Homes | | | | | | | | | | | | | |
| – Class A | A | A | A | | | | | | | | | | A |
| – Class B | A | SR | SR | | | | | | | | | | A |
| – Class C | SR | SR | SR | | | | | | | | | | A |
| – Modular Homes | A | A | A | A | A | A | A | A | A | A | A | A | A |
| – Townhouses (minimum 2,500 square feet) | | | | | | SR | SR | | SR | SR | SR | SR | |
| – Farm Tenant Houses | A | | | | | | | | | | | | |

Section 5. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-617 as follows:

SEC. 27-617. ZERO LOT LINE CONDITIONS.

Where an individual owns two (2) adjoining lots or where the owners of the two (2) adjoining lots make legal written agreement, a zero lot line may be used for single-family dwellings, but only so as to create a zero lot line on one (1) side of any lot (See BMCC Section 27-618, Figure 5).

Section 6. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-618 as follows:
FIGURE 5. ZERO LOT LINES



Section 7. REPEALER. All ordinances or parts of ordinances in conflict 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.

Section 9. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading _____, 2012.

PASSED, ADOPTED AND APPROVED on second reading _____, 2012.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel

ATTEST:

BY: _____
Cari Martin, City Clerk

Fees – City and County
ORDINANCE NO. 12 - _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-1704 – SCHEDULE OF FEES, CHARGES AND EXPENSES – TO DELETE LANGUAGE AND TO ADD LANGUAGE TO CLARIFY THE REGULATION AND ADOPT THE REVISION AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC,* provide for amendment to the City Zoning Regulations from time to time. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. 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 proposed amendments to the City Zoning Regulations.

Section 2. DESCRIPTION. The zoning regulation shall apply to all land within the City of Billings.

Section 3. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-1704 as follows:

Sec. 27-1704. - Schedule of fees, charges and expenses.

The city council and board of county commissioners shall establish a schedule of fees, charges and expenses and a collection procedure for appeals and other matters pertaining to this chapter. Said schedule may be amended from time to time by resolution/ordinance of the city council and or board of county commissioners. Within this schedule of fees, the city council administrator shall be solely responsible for setting the fee for the Medical Corridor Permit Zoning preliminary and final reviews, as established in BMCC section 27-909(B).

No zone change, special review or variance shall be issued unless or until such costs, charged, fees or expenses listed below have been paid in full nor shall any action be taken on proceedings before the city or county board of adjustment or zoning commission unless or until charges and fees have been paid in full to the planning and community services department.

SCHEDULE OF APPLICATION FEES

(1) Board of Adjustment Variance:

a. Residential \$325.00

b. Commercial 400.00

(2) Zoning Commission:

a. Zone change

Residential 650.00

Commercial 900.00

b. Special review

Residential 650.00

Commercial 900.00

~~(3) Planned development Preliminary review and zone change~~

Change to fees in Resolution 98-17350

Five acres or less 750.00

Over five acres 1,200.00

Section 4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. 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.

Section 6. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading _____, 2012.

PASSED, ADOPTED AND APPROVED on second reading _____, 2012.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel

ATTEST:

BY: _____
Cari Martin, City Clerk

Detached Accessory Buildings – City and County

ORDINANCE NO. 12 - _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-27-310(i) AND ADDING A NEW SECTION 27-310(j) – YARDS AND SETBACKS FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES - TO DELETE LANGUAGE AND ADD LANGUAGE TO CLAIRFY THE REGULATION AND ADOPT THE REVISION AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC,* provide for amendment to the City Zoning Regulations from time to time. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. 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 proposed amendments to the City Zoning Regulations.

Section 2. DESCRIPTION. The zoning regulation shall apply to all land within the City of Billings.

Section 3. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-310 (i) as follows:

(i) **Yards and Setbacks for Accessory Buildings in Residential Zones within the Billings city limits.** The following setbacks shall be provided for accessory buildings in Residential zones:

(1) Detached garages, carports, patios, tool or storage sheds, playhouses, greenhouses or other accessory buildings shall meet the setbacks required in below Table 1.

TABLE 1 Setbacks from property lines for detached garages, carports, tool or storage sheds, greenhouses or other detached accessory structures

| | Front (b) | Side Adjacent to Street (b) | Side | Rear with Alley (c) | Rear Without Alley |
|--|-----------|-----------------------------|------|---------------------|--------------------|
| BUILDINGS LESS THAN 18 FEET IN HEIGHT (a) (d) (e) (f) | | | | | |
| Approach from a street | 20 | 20 | 3 | 0 | 3 |
| Approach at right angle from an alley | 20 | 10 | 3 | 6 | N/A |
| All others | 20 | 10 | 3 | 0 | 3 |
| BUILDINGS GREATER THAN 18 FEET IN HEIGHT UP TO AND INCLUDING THE MAXIMUM ALLOWED HEIGHT (a) (d) (e) | | | | | |
| Approach from a street | 20 | 20 | 8 | 6 | 8 |
| Approach at right angle from an alley | 20 | 10 | 8 | 6 | N/A |
| All others. | 20 | 10 | 8 | 6 | 8 |

- (a) All setbacks are denoted in feet from the property line.
- (b) In districts with Front or Side Adjacent to Street setbacks greater than those required in above Table 1, the structure shall meet the most restrictive setback requirement.
- (c) No above building or structure nor any part thereof shall protrude into or hang over the public right-of-way.
- (d) Structures located adjacent to arterial streets must meet the Arterial Setbacks as outlined in BMCC Section 27-602.
- ~~(e) Detached accessory buildings used to house, keep or shelter livestock or fowl shall meet the setbacks described in BMCC Section 27-607.~~
- (f) (e) The side wall of detached accessory buildings in the R-9,600, R-8,000, R-7,000, R-7,000R, R-6,000, R-6,000R, R-5,000 and Residential Manufactured Home zoning districts within the Billings city limits shall be no greater in height than the side walls, excluding a gable wall, of an existing or proposed principal structure on the property.

N/A = Not Applicable

(2) Garages, carports and other accessory buildings attached to a dwelling shall be considered to be part of the dwelling and setbacks shall be the same as those required for such dwelling. In addition, garages and carports attached to the dwelling that have their approach from a street shall be setback from that street property line a minimum of twenty (20) feet or meet the front setback in the zoning district in which it is located, whichever is greater.

(3) In the R-9,600, R-8,000, R-7,000, R-7,000R, R-6,000, R-6,000R, R-5,000 and Residential Manufactured Home zoning districts within the Billings city limits detached accessory structure(s)

greater than 200 square feet in size shall not exceed the principal building first story square footage on the lot or 1,000 square feet, whichever is less. If the lot is greater than .25 acres maximum total square footage of a detached accessory structure shall be as calculated as follows or equal to the principal building first story square footage, whichever is less.

Except in the R-9600, R-8,000, R-7,000, R-7,000R, R-6,000, R-6,000R, R-5,000, and Residential Manufactured Home zoning districts within the Billings city limits the maximum size allowed for detached accessory structures shall be based on the following criteria, based on the size of the lot:

- Lots containing less than .25 acres = 1,000 square feet maximum size.
- Lots containing .25 acres up to 1 acre shall use the following formula:
(667 x lot acreage) + 833 = maximum detached structure size)
- Lots containing more than 1 acre = 1,500 square foot maximum size.

~~This provision shall not apply in the Agricultural-Open or Agricultural-Suburban zoning districts.~~

No detached accessory structure within these residential zoning districts in the Billings city limits shall exceed 1,500 square feet or that amount which, when added to the square footage of the principal structure(s), will achieve the maximum lot coverage allowable in that district, whichever is less. The maximum total square footage in detached accessory structures on any lot within these residential zoning districts in the Billings city limits shall not exceed 2,000 square feet or the total principal building first story square footage on the lot, whichever is less.

~~(4) Except in the R-9600, R-8,000, R-7,000, R-7,000R, R-6,000, R-6,000R, R-5,000 and Residential Manufactured Home zoning districts within the Billings city limits the maximum total square footage in detached accessory structures on any lot shall not exceed three thousand (3,000) square feet or that amount which, when added to the square footage of the principal structure(s), will achieve the maximum lot coverage allowable in that district, whichever is less. This three thousand (3,000) square foot limit shall not apply in the Agricultural-Open zoning district.~~

~~(5) See BMCC Section 27-607, for setbacks regarding detached structures used to house livestock or fowl.~~

~~(6) (4) For watercourse setbacks, see BMCC Section 27-616.~~

~~(7) (5) No above allowed building or structure nor any part thereof shall protrude into or hang over any public right-of-way.~~

~~(8) In the R-9,600, R-8,000, R-7,000, R-7,000R, R-6,000, R-6,000R, R-5,000 and Residential Manufactured Home zoning districts within the Billings city limits detached accessory structure(s) greater than 200 square feet in size shall not exceed the principal building first story square footage on the lot or 1,000 square feet, whichever is less. If the lot is greater than .25 acres maximum total square footage of a detached accessory structure shall be as calculated in Section 3 above or equal to the principal building first story square footage, whichever is less. No detached accessory structure within these residential zoning districts in the Billings city limits shall exceed 1,500 square feet. The maximum total square footage in detached accessory structures on any lot within these residential zoning districts in the Billings city limits shall not exceed 2,000 square feet or the total principal building first story square footage on the lot, whichever is less.~~

~~(9) (6) In the R-9,600, R-8,000, R-7,000, R-7,000R, R-6,000, R-6,000R, R-5,000 and Residential Manufactured Home zoning districts within the Billings city limits, horizontal exterior siding is required on detached accessory structures greater than 200 square feet in size, unless the principle structure has vertical siding or a combination of horizontal and vertical siding. The detached accessory structure siding shall match the design and material of the principle structure to the maximum extent practicable.~~

Section 4. AMENDMENT. That the Billings, Montana City Code be amended by adding new Section 27-310 (j) as follows:

(j) **Yards and Setbacks for Accessory Buildings in Residential Zones outside the Billings city limits and within the County jurisdictional zoning area.** The following setbacks shall be provided for accessory buildings in Residential zones:

(1) Detached garages, carports, patios, tool or storage sheds, playhouses, greenhouses or other accessory buildings shall meet the setbacks required in below Table 1.

| TABLE 1 Setbacks from property lines for detached garages, carports, tool or storage sheds, greenhouses or other detached accessory structures | | | | | |
|--|-----------|-----------------------------|------|---------------------|--------------------|
| | Front (b) | Side Adjacent to Street (b) | Side | Rear with Alley (c) | Rear Without Alley |
| BUILDINGS LESS THAN 18 FEET IN HEIGHT (a) (d) (e) | | | | | |
| Approach from a street | 20 | 20 | 3 | 0 | 3 |
| Approach at right angle from an alley | 20 | 10 | 3 | 6 | N/A |
| All others | 20 | 10 | 3 | 0 | 3 |
| BUILDINGS GREATER THAN 18 FEET IN HEIGHT UP TO AND INCLUDING THE MAXIMUM ALLOWED HEIGHT (a) (d) (e) | | | | | |
| Approach from a street | 20 | 20 | 8 | 6 | 8 |
| Approach at right angle from an alley | 20 | 10 | 8 | 6 | N/A |
| All others. | 20 | 10 | 8 | 6 | 8 |

- (a) All setbacks are denoted in feet from the property line.
 - (b) In districts with Front or Side Adjacent to Street setbacks greater than those required in above Table 1, the structure shall meet the most restrictive setback requirement.
 - (c) No above building or structure nor any part thereof shall protrude into or hang over the public right-of-way.
 - (d) Structures located adjacent to arterial streets must meet the Arterial Setbacks as outlined in BMCC Section 27-602.
 - (e) Detached accessory buildings used to house, keep or shelter livestock or fowl shall meet the setbacks described in BMCC Section 27-607.
- N/A = Not Applicable

(2) Garages, carports and other accessory buildings attached to a dwelling shall be considered to be part of the dwelling and setbacks shall be the same as those required for such dwelling. In addition, garages and carports attached to the dwelling that have their approach from

a street shall be setback from that street property line a minimum of twenty (20) feet or meet the front setback in the zoning district in which it is located, whichever is greater.

(3) The maximum size allowed for detached accessory structures shall be based on the following criteria, based on the size of the lot:

- Lots containing less than .25 acres = 1,000 square feet maximum size.

- Lots containing .25 acres up to 1 acre shall use the following formula:

$(667 \times \text{lot acreage}) + 833 = \text{maximum detached structure size}$

- Lots containing more than 1 acre = 1,500 square foot maximum size.

This provision shall not apply in the Agricultural-Open Space or Agricultural-Suburban zoning districts.

(4) The maximum total square footage in detached accessory structures on any lot shall not exceed three thousand (3,000) square feet or that amount which, when added to the square footage of the principal structure(s), will achieve the maximum lot coverage allowable in that district, whichever is less. This three thousand (3,000) square foot limit shall not apply in the Agricultural-Open Space zoning district.

(5) See BMCC Section 27-607, for setbacks regarding detached structures used to house livestock or fowl.

(6) For watercourse setbacks, see BMCC Section 27-616.

(7) No above allowed building or structure nor any part thereof shall protrude into or hang over any public right-of-way.

Section 5. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. 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.

Section 7. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading _____, 2012.

PASSED, ADOPTED AND APPROVED on second reading _____, 2012.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel

ATTEST:

BY: _____
Cari Martin, City Clerk

North Shiloh Corridor – City Only
ORDINANCE NO. 12 - _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-1404(a); 27-1406; 27-1409; 27-1411; 27-1414; 27-1415; 27-1416; 27-1417; 27-1424 – SHILOH CORRIDOR OVERLAY DISTRICT - TO DELETE LANGUAGE AND ADD LANGUAGE TO CLARIFY THE REGULATION AND ADOPT THE REVISION AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC,* provide for amendment to the City Zoning Regulations from time to time. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. 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 proposed amendments to the City Zoning Regulations.

Section 2. DESCRIPTION. The zoning regulation shall apply to all land within the City of Billings.

Section 3. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-1404 through 27-1424 as follows:

Sec. 27-1404. - Application and approval process.

(a) *Approval required.* This chapter applies only to properties within the city. Any new development or remodel requires a building permit from the city Building Division. Planning Division approval is also required prior to construction. Planning Division approval is to ensure compliance with the zoning regulations. This does not in **any way** imply approval by any other city department.

Sec. 27-1406. - Absolute criteria.

(a) *Development standards.*

(1) *Shiloh road frontage setbacks.* The minimum frontage setback from the property line along Shiloh Road for all developments excluding residential single family or duplex shall be twenty (20) feet. The clear vision triangle will be maintained as required in section 27-615. Side and rear building setbacks shall be the same as the underlying zoning district. All arterial setbacks as outlined in section 27-602 must also be maintained.

(2) *Other regulations.* All other city **and county** codes shall apply, including but not limited to the following: building, zoning, site development, parking and drainage regulations that are not directly addressed in this chapter. Where requirements are addressed in both this section and other codes, those in this section apply.

Sec. 27-1409. - Development features required to earn points (relative criteria).

(2) *Access:*

a. A transit or school bus stop.

b. Easement granted for bike path or pedestrian trail other than sidewalk. The easement must be in addition to what is required by the Subdivision Regulations.

c. Construction of bike path or pedestrian trail other than sidewalk (one (1) point for each fifty (50) feet of ten (10) foot wide concrete or comparably durable hard surface pathway, four (4) points maximum).

- d. Provision for internal access between lots.
- e. Shared driveway.
- f. Internal sidewalks incorporating stone, brick, patterned or colored concrete.
- g. Installation of a curvilinear boulevard walk.

Sec. 27-1411. - Definitions.

The definitions used in this chapter may be found below and in section 27-703 of the city sign regulations or article x, section of the Yellowstone County sign regulations.

Sec. 27-1414. - Signs permitted in all zones in connection with specific uses.

The following signs may be permitted in any zone, subject to the limitations as provided herein.

- (1) *Bulletin boards.* In addition to the permanent signs allowed in 27-1415 below, Bulletin boards may be permitted on the premises property used for public or private assembly of public, charitable or religious institutions, subject to the following:
 - a. Such sign shall contain not more than thirty-two (32) square feet in area on a face and may be double-faced.
 - b. No part of the sign shall exceed a height of six (6) feet above the ground.
 - c. The sign, if lighted illuminated, shall use external low-intensity lighting.
 - d. A thirty-two (32) square foot, double-faced sign, no higher than fourteen (14) feet above grade, is authorized for a public or private school on property not less than three (3) acres in size.
- (5) *Real estate sign.*
 - a. Residential and agricultural use or property. One (1) temporary on-premise sign per frontage road, advertising the sale, lease or rental of the building, property or premises, is permitted on the property. Such sign shall be unlighted, no more than five (5) square feet and no higher than five (5) feet above grade. A thirty-two (32) square foot sign is allowed on agricultural property of twenty (20) acres or more, with or without a dwelling on site.

Sec. 27-1415. - Sign standards in agricultural (A-O) and residential (A-S, R-150, R-96, R80, R-70R, R-70, R-60R, R-60, R-50, RMF, RMF-R, RMH) zones.

- (a) *Permitted signs by zone.* Sign structures are permitted in the agricultural and residential zones in accordance with the following uses and standards:
 - (1) A nameplate, which indicates no more than the name and address of the occupant of the premises, is permitted, provided that such sign shall not exceed a maximum area of five (5) square feet and a maximum height of four (4) feet above grade.
 - (2) A freestanding or wall sign identifying a community residential facility, family day-care home, child day-care center in a residence, nursery school, or similar institution is permitted, provided that such sign shall not exceed a maximum area of five (5) square feet, a maximum height of four (4) feet above grade and is unlighted.
- (b) *Permitted signs by use.*
 - (1) The standards in tables 1 and 2 apply to the following uses: public or private assembly and non-residential uses within residential zones.
 - a. Residential/semi-public uses include a church, public park, multiple family dwelling, dormitory, fraternity, sorority, nursing home, retirement apartment, public building, child day-care center, family day-care provider, non-profit community hall or lodge, animal clinic, cemetery, or sanitarium.
 - b. School/public uses include a school (kindergarten through university), hospital, police station, fire station, post office, or public golf course, incinerator, solid waste recycling transfer site, or landfills.
 - (2) Wall signs. On-premises wall signs are permitted, not to exceed the maximum number and size as shown in table 1. Wall signs shall be unlighted non-illuminated or have low-intensity external lighting, and shall be placed flat against the outside wall of a the main building.

| Use per Paragraph 2(a) | Maximum Number of Signs | Maximum Sign Area |
|-------------------------|-------------------------|-------------------|
| Residential/Semi-Public | 4 | 20 square feet |
| Schools/Public Use | 1 | 32 square feet |

Table 1—Wall Signs—Agricultural and Residential Zones
 (3) Freestanding signs. On-premises freestanding signs are permitted, not to exceed the maximum number, size and height as shown in table 2. On-premises freestanding signs shall be unlighted non-illuminated or have low-intensity external lighting.

| Use per Paragraph 2(a) | Maximum Number of Signs | Maximum Sign Area | Maximum Sign Height |
|-------------------------|-------------------------|-------------------|---------------------|
| Residential/Semi-Public | 4 | 16 square feet | 6 feet |
| Schools/Public Use | 1 | 32 square feet* | 15 feet |

*Maximum sign area may be increased to forty-eight (48) square feet for monument signs seven (7) feet or less in height.

Table 2 - Freestanding Signs - Agricultural and Residential Zones
 (c) Multiple arterials. In the event the use or group of uses is adjacent to more than one arterial, including through and corner lots, they will be allowed a freestanding sign exclusively oriented to the additional arterial. The above allowance shall be calculated independently, using only the additional arterial frontage. However, in no instance shall the square footage allowance from one arterial be transferred to the other.

Sec. 27-1416. - Sign standards for business-commercial and industrial (RP, NC, CC, HC, CI, HI, ELG, EGC, EMU, ELI) zones.

Sec. 27-1417. - Modification to sign standards in CC, HC, CI, HI, EGC, ELI zoning districts.

(4) The sign plan shall be consistent with the Yellowstone County - City of Billings 2003 Growth Policy, the West Billings Master Plan, and the purpose and intent of this section, as determined by the zoning coordinator.

Sec. 27-1424. - Shiloh corridor overlay district application form.

| | | |
|----|--|-----|
| 3. | LIGHTING | |
| a. | Demonstrate light does not spill over to adjacent residential properties | --- |

| | | |
|----|--|-----|
| 6. | LANDSCAPING | |
| i. | Installation of curvilinear boulevard walk | --- |
| j. | Incorporates existing trees in landscape design. | — |
| k. | | |

| | | |
|----|---|---|
| 7. | ARCHITECTURAL DESIGN | |
| h. | Significant variation in building masses and/or forms | — |

Section 4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. 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.

Section 6. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading _____, 2012.

PASSED, ADOPTED AND APPROVED on second reading _____, 2012.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel

ATTEST:

BY: _____
Cari Martin, City Clerk

South Shiloh Corridor – City Only
ORDINANCE NO. 12 - _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-1429; 27-1430; 27-1431; 27-1433; 27-1436; 27-1438; 27-1441; 27-1442; 27-1443; 27-1444; 27-1451 – SOUTH SHILOH CORRIDOR OVERLAY DISTRICT - TO DELETE LANGUAGE AND ADD LANGUAGE TO CLARIFY THE REGULATION AND ADOPT THE REVISION AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC,* provide for amendment to the City Zoning Regulations from time to time. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. 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 proposed amendments to the City Zoning Regulations.

Section 2. DESCRIPTION. The zoning regulation shall apply to all land within the City of Billings.

Section 3. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-1429 through 27-1451 as follows:

Sec. 27-1429. - District boundaries.

The boundaries of the South Shiloh corridor overlay district shall be that displayed on the map at the end of section 27-1430. In no case shall the boundaries of the district exceed a depth of five hundred (500) feet from the centerline of the right-of-way of Shiloh Road from King Avenue south to Interstate 90 and Zoo Drive from Interstate 90 to the intersection of Shiloh Road; and from the centerline of King Avenue West, extending five hundred (500) feet to the south, between the intersection of Shiloh Road and King Avenue West and the intersection of King Avenue West and 32nd Street West. If only a portion of the property falls within the boundaries of the district, the entire property will be subject to the regulations in section 27-1500-27-1427.

Sec. 27-1430. - Review criteria.

(b) *Absolute criteria.* A developer must meet all absolute criteria to obtain planning and community services department approval. The absolute criteria are defined in sections 27-1506 27-1433 through 27-1436 27-1508. Absolute criteria also include all other applicable codes, ordinances, and statutes, including, but not necessarily limited to, minimum engineering and building standards, public service and utility requirements, and environmental regulations.

(c) *Relative criteria.* Relative criteria are the "points" of the review process. Each development must obtain a specified minimum number of points based on the relative criteria identified in section 27-1436 27-1509. The development plans are evaluated against the relative criteria and scored on a point chart.

Sec. 27-1431. - Application and approval process.

(a) *Approval required.* This chapter applies only to properties within the city. Any new development or remodel requires a building permit from the city Building Division. Planning Division approval is also required prior to construction. Planning Division approval is to ensure compliance with the zoning regulations. This does not in any way imply approval by any other city department.

(b) *Content of application.* Each application for development located in the South Shiloh corridor overlay district shall include the following:

(8) A complete form showing compliance with the relative criteria and points assigned (see

section 27-1451 27-1424);

Sec. 27-1433. - Absolute criteria.

(a) *Development standards.*

(2) *Other regulations.* All other city and county codes shall apply, including but not limited to the following: building, zoning, site development, parking and drainage regulations that are not directly addressed in this chapter. Where requirements are addressed in both this section and other codes, those in this section apply.

Sec. 27-1436. - Development features required to earn points (relative criteria).

In accordance with section 27-1430 27-1503, each application for development in South Shiloh corridor overlay district must score a minimum number of points based on the relative criteria described below. Design elements are listed under nine (9) category headings. A project shall earn one (1) point for each design element that it incorporates. At least one (1) point shall be earned from six (6) out of the nine (9) categories listed. The developer must attain a minimum of fifteen (15) points.

Sec. 27-1436. - Development features required to earn points (relative criteria).

(8) *Signage.*

- a. Signage is not internally illuminated.
- b. Monument signs used in lieu of pole signs.
- c. Area of signage is at least twenty (20) percent less than total area allowable for each sign type.
- d. Maximum sign height does not exceed one-third (1/3) the maximum height of the building(s).
- e. Comprehensive sign plan (See also section 27-1444 27-1517).

Sec. 27-1438. - Definitions.

The definitions used in this chapter may be found below and in section 27-703 of the city sign regulations or article X of the Yellowstone County Sign Regulations.

Sec. 27-1441. - Signs permitted in all zones in connection with specific uses.

The following signs may be permitted in any zone, subject to the limitations as provided herein.

(1) *Bulletin boards.* In addition to the permanent signs allowed in 27-1442 below, Bulletin boards may be permitted on the premises property used for public or private assembly of public, charitable or religious institutions, subject to the following:
a. Such sign shall contain not more than thirty-two (32) square feet in area on a face and may be double-faced.
b. No part of the sign shall exceed a height of six (6) feet above the ground.
c. The sign, if lighted illuminated, shall use external low-intensity lighting.
d. A thirty-two (32) square foot, double-faced sign, no higher than fourteen (14) feet above grade, is authorized for a public or private school on property not less than three (3) acres in size.

(5) *Real estate sign.*

a. *Residential and agricultural use or property.* One (1) temporary on-premise sign per frontage road, advertising the sale, lease or rental of the building, property or premises, is permitted on the property. Such sign shall be unlighted, no more than five (5) square feet and no higher than five (5) feet above grade. A thirty-two (32) square foot sign is allowed on agricultural property of twenty (20) acres or more, with or without a dwelling on site.

(6) *Electronically changeable message sign.* Electronically changeable message signs shall be permitted in community commercial, highway commercial, controlled industrial, heavy industrial, entryway general commercial, and entryway light industrial zones in accordance with the standards of sections 27-1443 27-1417 through 27-1446 27-1423 and their definitions.

Sec. 27-1442. - Sign standards in agricultural (A-O) and residential (A-S, R-150, R-96, R80 R-70R R-70, R-60R, R-60, R-50, RMF, RMF-R, RMH) zones.

(a) *Permitted signs by zone.* Sign structures are permitted in the agricultural and residential zones in

accordance with the following uses and standards:

(1) A nameplate, which indicates no more than the name and address of the occupant of the premises, is permitted, provided that such sign shall not exceed a maximum area of five (5) square feet and a maximum height of four (4) feet above grade.

(2) A freestanding or wall sign identifying a community residential facility, family day-care home, child day-care center in a residence, nursery school, or similar institution is permitted, provided that such sign shall not exceed a maximum area of five (5) square feet, a maximum height of four (4) feet above grade and is unlighted.

(b) *Permitted signs by use.*

(1) The standards in tables 1 and 2 apply to ~~the following uses: public or private assembly and non-residential uses within residential zones.~~

a. ~~Residential/semi-public uses include a church, public park, multiple-family dwelling, dormitory, fraternity, sorority, nursing home, retirement apartment, public building, child day-care center, family day-care provider, non-profit community hall or lodge, animal clinic, cemetery, or sanitarium.~~

b. ~~School/public uses include a school (kindergarten through university), hospital, police station, fire station, post office, or public golf course, incinerator, solid waste recycling transfer site, or landfills.~~

(2) Wall signs. On-premises wall signs are permitted, not to exceed the maximum number and size as shown in table 1. Wall signs shall be ~~unlighted non-illuminated~~ or have low-intensity ~~external~~ lighting, and shall be placed flat against the outside wall of ~~a the main~~ building.

| Use per Paragraph (b)(1) | Maximum Number of Signs | Maximum Sign Area |
|--------------------------|-------------------------|-------------------|
| Residential/Semi-Public | 4 | 20 square feet |
| Schools/Public Use | 1 | 32 square feet |

Table 1—Wall Signs—~~Agricultural and~~ Residential Zones

(3) Freestanding signs. On-premises freestanding signs are permitted, not to exceed the maximum number, size and height as shown in table 2. On-premises freestanding signs shall be ~~unlighted non-illuminated~~ or have low-intensity ~~external~~ lighting.

| Use per Paragraph (b)(1) | Maximum Number of Signs | Maximum Sign Area | Maximum Sign Height |
|--------------------------|-------------------------|-------------------|---------------------|
| Residential/Semi-Public | 4 | 16 square feet | 6 feet |
| Schools/Public Use | 1 | 32 square feet* | 15 feet |

*Maximum sign area may be increased to forty-eight (48) square feet for monument signs seven (7) feet or less in height.

Table 2—Freestanding Signs—~~Agricultural and~~ Residential Zones

(c) *Multiple arterials.* In the event the use or group of uses is adjacent to more than one (1) arterial, including through and corner lots, they will be allowed a freestanding sign exclusively oriented to the additional arterial. The above allowance shall be calculated independently, using only the additional arterial frontage. However, in no instance shall the square footage allowance from one (1) arterial be transferred to the other.

Sec. 27-1443. - Sign standards for ~~business-commercial~~ and industrial (RP, NC, CC, HC, CI, HI, ELG, EGC, EMU, ELI) zones.

Sec. 27-1444. - Comprehensive sign plan.

For shopping centers, industrial parks, mixed use developments, and hotel conference centers; the zoning coordinator may approve a comprehensive sign plan that deviates from the provisions set forth in section ~~27-1443 27-1416~~ above, provided the following standards and conditions are met:

(3) The sign plan shall conform to the standards of section ~~27-1443 27-1416~~; except that a maximum of three (3) of the allowed signs under section ~~27-1443 27-1416~~ may be allowed an increase of twenty (20) percent in sign height and area over the maximum allowed in the underlying zone.

Sec. 27-1451. - South Shiloh corridor overlay district application form.

RELATIVE CRITERIA

| | | | |
|----|-------------|---|---|
| 6. | LANDSCAPING | | |
| | b. | Landscaping exceeds minimum number of trees and shrubs that are required by ten percent (10%) each. | — |

| | | | |
|----|----------------------|---|--|
| 7. | ARCHITECTURAL DESIGN | | |
| | h. | • Significant variation in building masses and/or forms | |

Section 4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. 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.

Section 6. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading _____, 2012.

PASSED, ADOPTED AND APPROVED on second reading _____, 2012.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel

ATTEST:

BY: _____
Cari Martin, City Clerk

LEGISLATIVE CHANGES
Townhomes – City and County
ORDINANCE NO. 12 - _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-201- DEFINITIONS AND SECTION 27-622 – NEW CONDOMINIUMS AND MULTI-UNIT DEVELOPMENTS - TO DELETE LANGUAGE AND ADD LANGUAGE TO CLARIFY THE REGULATION AND ADOPT THE REVISION AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC,* provide for amendment to the City Zoning Regulations from time to time. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. 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 proposed amendments to the City Zoning Regulations.

Section 2. DESCRIPTION. The zoning regulation shall apply to all land within the City of Billings.

Section 3. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-201 as follows:

3. SEC. 27-201. DEFINITIONS.

CONDOMINIUM: ~~Ownership in common with others of a parcel of land and certain parts of a building, together with individual ownership in fee of a particular unit in such building or of an individual detached unit. Property that is owned as single units with common elements located on property submitted to the provisions of MCA Title 70 Chapter 23. This term does not include a townhome or townhouse.~~

TOWNHOME OR TOWNHOUSE: ~~A building or structure that has two (2) or more one (1) family dwelling units erected as a single building, each being separated from the adjoining unit or units by an approved fire wall or walls along individual property lines and providing for fee simple ownership of land and dwelling unit.~~

~~Property that is owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units, but under which they may jointly own the common areas and facilities.~~

MULTI-UNIT DEVELOPMENTS:

- Condominium, **Townhome, Townhouse** or Commercial development projects that include common, private facilities shared by buildings or lots.
- Residential developments that have more than two dwelling units and include common, private facilities shared by buildings or lots.

Section 4. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-622 as follows:

Sec. 27-622. New Condominiums, **Townhome, Townhouse and Multi-Unit Developments.**

New Condominiums, **Townhouse, Townhome** and Multi-Unit Developments are allowed in all zoning districts if they meet all applicable zoning district requirements, and supplementary general provisions, site development, building and fire safety regulations as per Sections 6-1200, 14-300, 27-622 and 27-623 of the Billings Municipal Code. Projects subject to these regulations include condominium, **townhome, townhouse** or commercial development projects that include common, private facilities shared by

buildings or lots, and residential developments that have more than two dwelling units and include common, private facilities shared by buildings or lots.

Prior to filing a condominium, townhome or townhouse Declaration of Unit Ownership with the County Clerk and Recorder, or applying for building permits for the multi-unit development, the owner(s) shall submit to the Planning Division:

- (1) A City approved master site plan showing the dimensions of the lot(s) containing the condominium, townhouse, townhome units or multiple commercial units and the location and dimensions of all buildings containing the units.
- (2) A copy of the Declaration of Unit Ownership if creating a condominium, townhouse or townhome.

Only after determining that the condominium, townhome, townhouse or multi-unit development project has a City approved master site plan, as required in Section 1 above, that complies with the applicable zoning district requirements, and supplementary general provisions, site development, building and fire safety regulations as per Sections 6-1200, 14-300, 27-622, and 27-623 of the Billings Municipal Code will the Planning Division issue a condominium, townhome or townhouse Certificate of Compliance or approve a building permit.

For condominiums, townhomes or townhouses, the Certificate of Compliance will be filed with the County Clerk and Recorder prior to recording the Declaration of Unit Ownership. The Certificate shall state:

- (1) The legal description of the property.
- (2) The condominium, townhomes or townhouse units are exempt from 76-3-203, MCA because they comply with zoning, or in the case of new development, comply with zoning based on the City approved master site plan.
- (3) Any changes to the City approved Master Site Plan must be reviewed by the City through the Planning Division.

Section 5. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. 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.

Section 7. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading _____, 2012.

PASSED, ADOPTED AND APPROVED on second reading _____, 2012.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel

ATTEST:

BY: _____
Cari Martin, City Clerk

City Zone Changes – City Only
ORDINANCE NO. 12 - _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-1502 – AMENDMENTS TO CHAPTER - TO DELETE LANGUAGE AND ADD LANGUAGE TO CLARIFY THE REGULATION AND ADOPT THE REVISION AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC,* provide for amendment to the City Zoning Regulations from time to time. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. 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 proposed amendments to the City Zoning Regulations.

Section 2. DESCRIPTION. The zoning regulation shall apply to all land within the City of Billings.

Section 3. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-1502 as follows:

SEC. 27-1502. AMENDMENTS TO CHAPTER.

(c) *Planning department study and responsibility.* The zoning coordinator, upon receiving an application for rezoning of an area or a particular piece of property shall do the following:

- (2) Study each application with reference to its appropriateness and effect on existing and proposed land use, and references to the growth policy comprehensive plan;
- (4) Advertise- Publish notice of the application in a newspaper of general circulation at least fifteen (15) days in advance of the date of the city zoning commission public hearing. The notice shall contain: the classification sought, the location of the property, and the date, time and place of the city zoning commission public hearing;

(d) *City zoning commission action.* The city zoning commission shall review and take action upon each application in accordance with the provisions of this chapter, and after a public hearing at which the application has been legally advertised. Each application shall be presented to the city zoning commission by the zoning coordinator, together with his/her findings and conclusions on the matter. The city zoning commission may, by a majority vote of the members present, delay action for a period not to exceed thirty (30) days, without prejudice to the applicant. A report of the commission's recommendation decision and the zoning coordinator's findings and conclusions shall be submitted to the city council. The city zoning commission shall make a recommendation to the city council to:

- (1) Deny the application; or
- (2) Grant the application.

The city zoning commission shall submit its recommendations in writing along with a statement indicating its reasons for the recommendation to granting, denying, or allow recommending withdrawal of the amendment within fifteen (15) days following the public hearing. In no case shall the city zoning commission make a recommendation that an amendment be granted for an amendment that was not legally advertised.

In making its recommendation to the city council for an amendment to the official map or text of this chapter, the city zoning commission shall consider, among other things, the following:

- (1) Whether the new zoning ~~was is~~ designed in accordance with the growth policy comprehensive plan;
- (2) Whether the new zoning ~~was is~~ designed to lessen congestion in the streets secure from fire and other dangers;
- (3) Whether the new zoning will promote public health, public safety and general welfare;
- (4) Whether the new zoning will secure safety from fire, panic and other dangers facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (5) Whether the new zoning will provide adequate light and air;
- (6) Whether the new zoning will prevent the overcrowding of land effect motorized and nonmotorized transportation;
- (7) Whether the new zoning will avoid undue concentration of population promote compatible urban growth;
- ~~(8) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks, fire, police and other public requirements;~~
- ~~(9) Whether the new zoning gives reasonable consideration to the character of the district;~~
- ~~(10) (8) Whether the new zoning gives reasonable consideration to the character of the district and the peculiar suitability of the property for particular uses;~~
- ~~(11) (9) Whether the new zoning was adopted with a view to will conserve ing the value of buildings; and~~
- ~~(12) (10) Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.~~

~~The city zoning commission shall adopt such rules and regulations for the conduct of public hearings and meetings, which shall be published and available to the public, as well as conflict of interest rules, to ensure that no member is entitled to vote on a matter in which he/she has a direct or indirect interest.~~

(e) *City council public hearing.* Before taking action on an application for an amendment to the official map, and after presentation of the city zoning commission report, the city council shall hold a public hearing on the application.

As provided in Montana Code Annotated, Section 76-2-305(2) ~~(1999)~~, in the event of a protest petition against such zone change signed by the owners of twenty-five (25) percent or more of: (1) the area of the lots included in any proposed change; or (2) those lots or units, as defined in MCA 70-23-102, one hundred fifty (150) feet from a lot included in a proposed change, such proposed amendment shall not become effective except by the favorable vote of two-thirds (2/3) of the present and voting members of the city council. For purposes of this protest provision, each unit owner is entitled to have the percentage of the unit owner's undivided interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest. If the property, as defined in 70-23-102, spans more than one lot, the percentage of the unit owner's undivided interest in the common elements must be multiplied by the total number of lots upon which the property is located. The percentage of the unit owner's undivided interest must be certified as correct by the unit owner seeking to protest a change or by the presiding officer of the association of unit owners. The protest petition must be received in the planning department office by 5:00 p.m. on the Friday preceding the first reading of the amendment by the city council.

Section 4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. 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.

Section 6. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading _____, 2012.

PASSED, ADOPTED AND APPROVED on second reading _____, 2012.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel

ATTEST:

BY: _____
Cari Martin, City Clerk

County Zone Change – County Only

Final Resolution 12-_____

A RESOLUTION TO AMEND THE UNIFIED ZONING REGULATIONS FOR THE YELLOWSTONE COUNTY JURISDICTIONAL AREA BY REVISING SECTIONS 27-1508 – AMENDMENTS TO CHAPTER AND SECTION 27-1604 – PENALTIES FOR VIOLATION

WHEREAS, pursuant to Title 76, Chapter 2, Montana Code Annotated, the Board of County Commissioners of Yellowstone County, Montana, held a public hearing and adopted a resolution of intent on the ___ day of _____, 2012, on the following proposed amendments and additions to the City of Billings – Yellowstone County Unified Zoning Regulations.

Section 1. That the Unified Zoning Regulations for the City of Billings and Yellowstone County Jurisdictional Area be amended by revising Section 27-1508 and 27-1604 to delete language and add new language as follows:

SEC. 27-1508. AMENDMENTS TO CHAPTER

(c) *Planning department action.* The zoning coordinator, upon receiving an application for rezoning an area or a particular piece of property, shall do the following:

- (2) Study each application with reference to its appropriateness and effect on existing and proposed land uses, and its correspondence with ~~the growth policy comprehensive plan;~~
- (3) ~~Advertise~~ **Publish** notice of the application in a newspaper of general circulation at least fifteen (15) days in advance of the date of the county zoning commission public hearing. The notice shall contain: the classification sought, the location of the property, ~~and the date, time and place of the county zoning commission public hearing~~ **and that the proposed zone change information is on file for public inspection at the office of county clerk and recorder;**
- (6) Place notice of the county zoning commission public hearing ~~and Board of County Commissioners public hearing~~ **and Board of County Commissioners public hearing** on the property subject to rezoning ~~and in four (4) other public places~~ **and in four (4) other public places** at least ~~forty-five (45) fifteen (15)~~ **forty-five (45) fifteen (15)** days in advance of the date of the ~~Board of County Commissioners~~ **Board of County Commissioners** public hearing; and

(d) *County zoning commission action.* The county zoning commission shall review and take action upon each application in accordance with the provisions of this chapter, and after a public hearing for which the application has been legally advertised. Each application shall be presented to the county zoning commission by the zoning coordinator or his/her designee, together with his/her findings and conclusions on the matter. The county zoning commission may, by a majority vote of the members present, delay action for a period not to exceed thirty (30) days, without prejudice to the applicant. A report of the commission's ~~recommendation decision~~ **recommendation** ~~and the zoning coordinator's findings and conclusions~~ shall be submitted to the board of county commissioners.

The county zoning commission shall make a recommendation to the board of county commissioners to:

- (1) Approve the application; or
- (2) Deny the application.

The county zoning commission shall submit its recommendations in writing along with a statement indicating its reasons for ~~the recommendation to granting, denying, or allowing~~ withdrawal of the amendment within fifteen (15) days following the public hearing. In no case shall the county zoning commission make a recommendation that an amendment be granted for an amendment that was not legally advertised.

In making its recommendation to the board of county commissioners for an amendment to the official map or text of this chapter, the county zoning commission shall consider, among other things, the following:

- (1) Whether the new zoning ~~was~~ is designed in accordance with the growth policy comprehensive plan;
- (2) Whether the new zoning ~~was~~ is designed to lessen congestion in the streets secure from fire and other dangers;
- (3) Whether the new zoning will promote public health, public safety and general welfare;
- (4) Whether the new zoning will secure safety from fire, panic and other dangers facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (5) Whether the new zoning will provide adequate light and air;
- (6) Whether the new zoning will prevent the overcrowding of land effect motorized and nonmotorized transportation;
- (7) Whether the new zoning will avoid undue concentration of population be compatible with urban growth in the vicinity of cities or towns;
- ~~(8) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks, fire, police and other public requirements;~~
- ~~(9) Whether the new zoning gives reasonable consideration to the character of the district;~~
- ~~(10) (8) Whether the new zoning gives reasonable consideration to the character of the district and the peculiar suitability of the property for particular uses;~~
- ~~(11) (9) Whether the new zoning was adopted with a view to will conserve ing the value of buildings; and~~
- ~~(12) (10) Whether the new zoning will encourage the most appropriate use of land throughout Yellowstone County; and~~
- ~~(11) Whether the new zoning will, as nearly as possible, be compatible with the zoning of nearby cities and towns.~~

(e) *Board of county commissioners action.* Notice of the board of county commissioners public hearing shall be ~~placed~~ published once a week for two weeks in a newspaper of general circulation. The notice shall contain the time, date and place of the board of county commissioners public hearing, the boundaries of the proposed district, the general character of the proposed zoning district or regulations and that the proposed zoning regulations or district boundary change are on file for public inspection at the office of the county clerk and recorder. Before taking any action on an application for an amendment to the official map, or amendment to the text of this chapter the board of county commissioners shall first consider the findings and recommendations of the county zoning commission. In no case shall the board approve an amendment for a classification other than the one advertised. The board shall:

- (1) Approve the application;
- (2) Deny the application;
- (3) Allow withdrawal of the application; or
- (4) Delay action on the application for a period not to exceed thirty (30) days.

4. SEC. 27-1604. PENALTIES FOR VIOLATION.

(b) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this act, or of any Resolution/Ordinance made under authority conferred hereby, the proper authorities of the City or County may institute any appropriate action or proceedings, in addition to other remedies, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct, or abate such violation to prevent the occupancy of such building, structure, or land to prevent any illegal act, conduct, business, or use in or about such

premises. Outside the Billings city limits and for the purposes of enforcing this section, the county shall attempt to obtain voluntary compliance at least 30 days before filing a complaint for a violation of this part that is subject to the penalties under section (a) above.

WHEREAS, the Board of County Commissioner received and considered the recommendations of the City/County Planning staff and the Yellowstone County Zoning Commission on the proposed amendment and additions.

NOW, THEREFORE, BE IT RESOLVED that it is the intent of the Board of County Commissioners that the above-described amendment to the Unified Zoning Regulations for the City of Billings and Yellowstone County Jurisdictional Area be adopted.

PASSED AND ADOPTED by the Board of County Commissioners of Yellowstone County, Montana, this ____ day of _____, 2012.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

John Ostlund, Chairman

James E. Reno, Member

Bill Kennedy, Member

(SEAL)
ATTEST:

Jeff Martin
Clerk and Recorder

NEIGHBORHOOD MANNERS AND DISCRETIONARY CHANGES

Fences – Height in Front Yard – City and County ORDINANCE NO. 12 - _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-604 – FENCES, WALLS AND HEDGES; AND 27-618 FIGURE 6. ILLUSTRATIONS - TO DELETE LANGUAGE AND ADD LANGUAGE TO CLARIFY THE REGULATION AND ADOPT THE REVISION AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC,* provide for amendment to the City Zoning Regulations from time to time. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. 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 proposed amendments to the City Zoning Regulations.

Section 2. DESCRIPTION. The zoning regulation shall apply to all land within the City of Billings.

Section 3. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-604 as follows:

SEC. 27-604. FENCES, WALLS AND HEDGES.

(a) Fences, walls and hedges may be erected or maintained in any zoning district provided the height, setback, and material provisions outlined below are followed and a permit is secured. "Fence" for the purposes of this section means any **fence, wall** or hedge. No fence shall be erected or maintained in a public right-of-way.

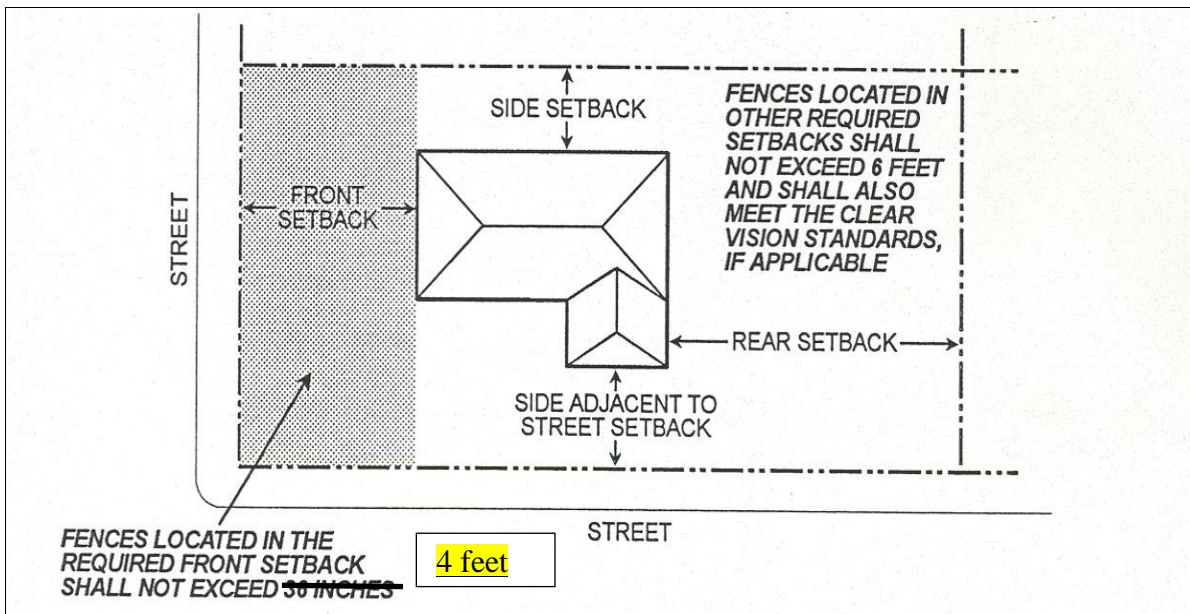
(b) *Height.* Height for the purposes of this section shall be defined as the vertical distance from the top rail, board or wire to the ground directly below.

(c) Setbacks required. Fences, walls or hedges of up to **three (3) four (4)** feet may be erected or maintained in the required front yard setback as defined in sections 27-308 or 27-309. Fences, walls or hedges between a height of **three (3) four (4)** and six (6) feet may be erected or maintained anywhere outside of the front yard setback, except as described in subsection (d) below. (see figure 6, section 27-618). Any fence, wall or hedge in excess of six (6) feet shall meet all of the yard setback requirements for structures as defined in sections 27-308 or 27-309. None of the above setback requirements shall apply to lands located in the agricultural-open space (A-1), central business district (CBD), controlled industrial (CI), or heavy industrial (HI) zones.

(d) Setbacks for clear vision zones. No fence, wall or hedge greater than **three (3) feet thirty (30) inches** in height may be erected or maintained in any zoning district within a clear vision zone pursuant to Section 27-615 and as illustrated in figures 1, 2, and 3 of section 27-618.

(h) Permit required. Any fence between a height of **three (3) four (4) feet** and six (6) feet shall require a permit from the planning department. Any retaining wall exceeding a height of four (4) feet or any fence exceeding a height of six (6) feet shall require a permit from the building department.

Section 4. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-618 as follows:
FIGURE 6. FENCE



Section 5. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. 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.

Section 7. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading _____, 2012.

PASSED, ADOPTED AND APPROVED on second reading _____, 2012.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel

ATTEST:

BY: _____
Cari Martin, City Clerk

Recreational Vehicle Setbacks – City and County
ORDINANCE NO. 12 - _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-601 (a) – PARKING AND STORAGE RESTRICTIONS TO DELETE LANGUAGE AND ADD LANGUAGE TO CLARIFY THE REGULATION AND ADOPT THE REVISION AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC,* provide for amendment to the City Zoning Regulations from time to time. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. 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 proposed amendments to the City Zoning Regulations.

Section 2. DESCRIPTION. The zoning regulation shall apply to all land within the City of Billings.

Section 3. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-601 (a) as follows:

5. SEC. 27-601. PARKING AND STORAGE RESTRICTIONS.

(a) **Residential.** The following standards for off-street parking and storage shall apply in all residential zoning districts and on property that is developed for residential use.

6. Open storage and off-street parking of licensed and operable recreational vehicles including but not limited to snowmobiles, boats, and campers, all-terrain vehicles, off-road motorcycles, and sport/utility trailers is an allowed accessory use in any rear yard. Open storage and off-street parking of licensed and operable recreational vehicles is an allowed accessory use in a front or side yard only if there is no access to a rear yard. Within the Billings city limits open storage and off-street parking of licensed and operable recreational vehicles in a front or side yard shall be on a surface prepared with asphalt or concrete. Open storage of licensed and operable recreational vehicles in a rear yard may be on any type of surface. Open storage and off-street parking of licensed and operable recreational vehicles in any yard shall provide at least a five (5) foot separation between such recreational vehicle and any door, window or other opening of a dwelling or accessory building that provides ventilation or access to the structure. Open storage and off-street parking of licensed and operable recreational vehicles in any yard shall provide setbacks to property lines at a minimum of three (3) feet to a side or rear property line and eight (8) feet from the back of a sidewalk. If no sidewalk exists, all measurements shall be made from the front and side adjacent to street property lines, equal to or greater than accessory building zoning code setback requirements.

Section 4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. 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.

Section 6. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading_____, 2012.

PASSED, ADOPTED AND APPROVED on second reading_____,2012.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel

ATTEST:

BY: _____
Cari Martin, City Clerk

**Clear Vision at Alleys and Driveways – City and County
ORDINANCE NO. 12 - _____**

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-615 (c) – VISIBILITY AT INTERSECTIONS AND 27-618 – FIGURE 1a. TO DELETE LANGUAGE AND ADD LANGUAGE TO CLARIFY THE REGULATION AND ADOPT THE REVISION AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC,* provide for amendment to the City Zoning Regulations from time to time. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. 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 proposed amendments to the City Zoning Regulations.

Section 2. DESCRIPTION. The zoning regulation shall apply to all land within the City of Billings.

Section 3. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-615 (c) as follows:

SEC. 27-615. VISIBILITY AT INTERSECTIONS.

- (c) On the street side of all lots where an alley or private driveway enters the street right-of-way, a triangular clear vision area shall be maintained. Such area shall be measured as defined in Table 2. No fence, hedge, wall, shrub or structure over thirty (30) inches in height above an established top-of-curb grade shall be erected or maintained within the above defined this clear vision area (See BMCC Section 27-618, Figure 1a). If no sidewalk exists, all measurements shall be made from and along the property line.

Table 2—Clear Vision Area at Driveways and Alley Approaches

| Approach Type | Clear Vision Area Required |
|--|---|
| --Commercial drives and all alleys (commercial includes 3-plex and larger) | 15' from back curb or 10' from back walk, whichever is greater, measured into the property along the edge of the driveway, then continuing to a point 5' behind walk and 30' from the edge of the driveway, then continuing along a line 5' from and parallel to the back of walk to a point located --- 70' from centerline drive along local streets --- 90' from centerline drive along collector streets --- 110' from centerline drive along arterial streets (See Note 1) |
| --Residential (Single Family or duplex) | 12' from back of walk into property measured along the edge of the drive, to a point 5' behind sidewalk & 20 feet from edge of drive, thence continuing along a line 5' behind and parallel to the back of walk to a point --- 70' from centerline drive on local streets --- 90' from centerline drive on collector streets --- 110' from centerline drive on arterial streets |

Notes for Table 2:

- 1) For commercial driveways the point of reference for “centerline” shall be the actual marked centerline when there are two (2) or more exit lanes.
- 2) For driveways entering a street with a posted speed limit greater than 45 MPH, the required clear vision area will be based on an engineering review subject to approval by the City Traffic Engineer.

Section 4. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-618 Figure 1a. as follows:

6. SEC. 27-618. ILLUSTRATIONS.

FIGURE 1a. VISIBILITY AT ALLEY AND DRIVE APPROACHES

At the intersection of any alley or any driveway and a public street outside of the Central Business District, the illustrated clear vision area shall be maintained.

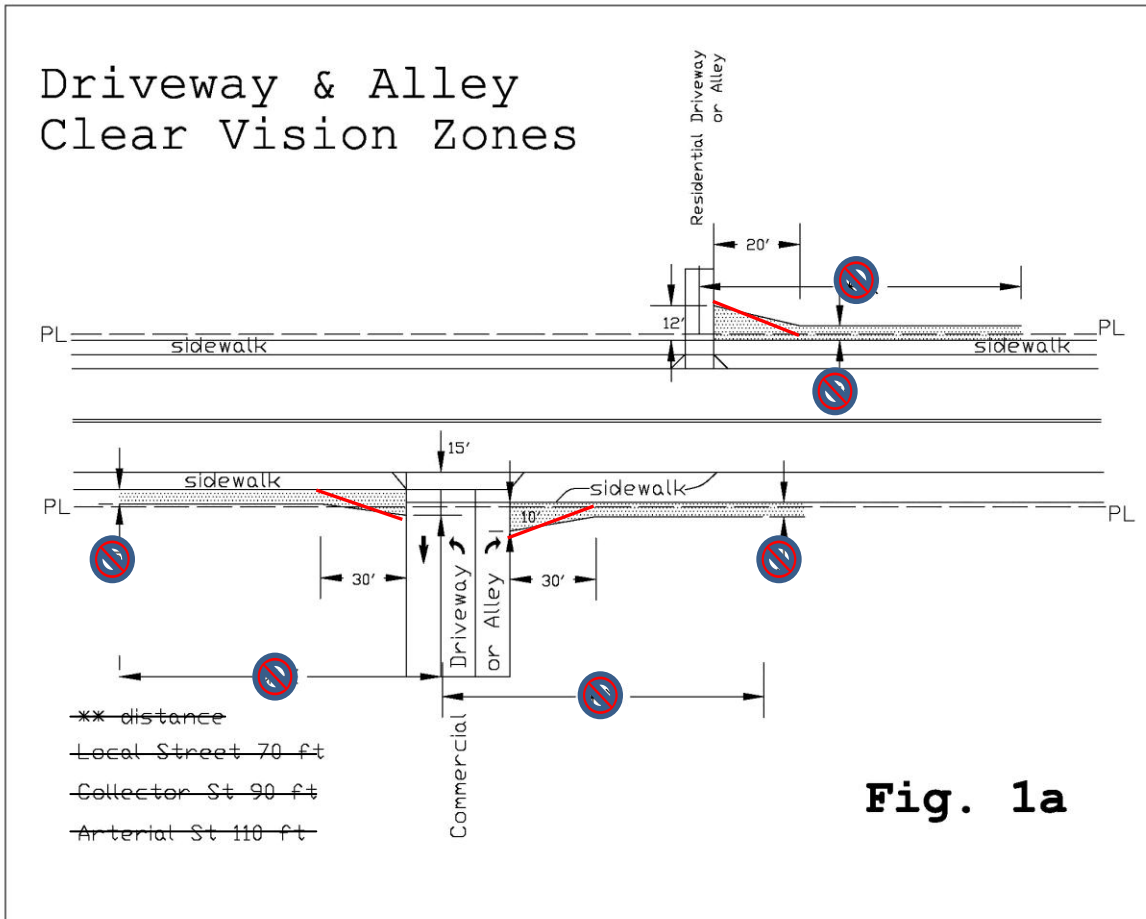


Fig. 1a

Section 5. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. 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.

Section 7. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading _____, 2012.

PASSED, ADOPTED AND APPROVED on second reading _____, 2012.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel

ATTEST:

BY: _____
Cari Martin, City Clerk

Commercial Adjacent to Residential – City Only
ORDINANCE NO. 12 - _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-612 – SUPPLEMENTAL COMMERCIAL DEVELOPMENT STANDARDS AND BY ADDING A NEW SECTION 27-612(e) TO DELETE LANGUAGE AND ADD LANGUAGE TO CLARIFY THE REGULATION AND ADOPT THE REVISION AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC,* provide for amendment to the City Zoning Regulations from time to time. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. 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 proposed amendments to the City Zoning Regulations.

Section 2. DESCRIPTION. The zoning regulation shall apply to all land within the City of Billings.

Section 3. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-612 (b) as follows:

SEC. 27-612. SUPPLEMENTAL COMMERCIAL DEVELOPMENT STANDARDS.

Certain commercial uses shall be specifically restricted as follows:

(b) Drive-in Service. Any persons desiring to use any premises or to erect, construct or alter any new or existing building or structure for a drive-in service as defined in BMCC Section 27-201 shall satisfy the following criteria, based upon the adjoining zoning district(s).

(1) When a drive-in establishment adjoins (including any location across an alley) residentially zoned property, the use shall obtain approval of a Special Review as outlined in BMCC Sections 27-1503 and 27-1509. The application will conform to all the standards within subsection 27-612(e).

Section 4. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-612 to add a new section as follows:

e. Commercial and Industrial Uses. All Commercial and Industrial Uses, as listed within Section 27-306, that are within 50 feet of any Residential zoning district, including a Planned Development that allows residential use, shall comply with these site development standards:

(1) All buildings shall be setback a minimum of 30 feet from a property line that adjoins a residential zone and a minimum of 15 feet from a property line that parallels but does not adjoin a residential zone.

(2) All outdoor lighting, with the exception of signage, shall have full cutoff shields so no part of the fixture or lens projects below the cutoff shield. Light pole standards must be 20 feet in height or less.

(3) Mechanical equipment, including but not limited to air conditioning units, air handling units, back-up power generators, installed at ground level or on a roof must be fully screened from view. The screening shall be at least the height of the mechanical equipment. Mechanical equipment that generates or is expected to generate noise in excess of 55 decibels (DbA) within three (3) feet of the equipment location must provide sound abatement or suppression which may require the equipment to be enclosed in a structure.

- (4) Loading docks, if necessary or required by the operation, must be located the farthest distance practicable from the residential zone. This may require loading to be done through a building entrance or along a building front.
- (5) Outdoor storage of merchandise or equipment must be within an area enclosed with a sight obscuring fence at least six (6) feet in height that is architecturally coordinated in color and design with the building. Vehicle sales lots and plant materials may be displayed outside of an approved building or enclosed area so long as they are on the same site wherein the business displays the bulk of its goods for sale. Outside promotional displays are allowed during business hours only.
- (6) No fascia of a building or canopy may be internally illuminated.
- (7) No signs may be placed on a building wall that parallels a residential zone. No freestanding advertising signs may be placed within 30 feet of a property line that adjoins a residential zone or within 15 feet of a property line that parallels a residential zone.
- (8) No outdoor waste storage shall be within 30 feet of a property line that adjoins a residential zone or within 15 feet of a property line that parallels a residential zone. All solid waste storage shall be located within an area enclosed with a solid, masonry wall that is architecturally coordinated in color and design with the building.
- (9) No outdoor announcement system or music system, whether permanent or temporary, is allowed.
- (10) Existing developments that do not conform to one or more of these development standards, may continue unless the site is re-developed for a new use, a new building is added to the existing development, or the floor area of the existing structures is increased by more than 10% of the gross floor area. At the time of re-development, change in use or expansion, the property will conform with these standards.

Section 5. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. 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.

Section 7. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading _____, 2012.

PASSED, ADOPTED AND APPROVED on second reading _____, 2012.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel

ATTEST:

BY: _____
Cari Martin, City Clerk

ATTACHMENT A
Letter from Billings Association of Realtors



1643 Lewis Avenue, Suite 12 ♦ Billings, Montana 59102
Phone: 406.248.7145 ♦ Fax: 406.248.7478
www.Billings.org ♦ BoardOffice@Billings.org

December 21, 2011



Billings City Council
210 N. 27th Street
Billings, MT 59101

Dear Council Members,

Recently, the Billings Association of REALTORS® reviewed the proposed amendments to the City/County Unified Zoning Regulations that were presented to you by Nicole Cromwell at your November 21st Work Session.

That presentation (under Area Requirements in Residential Zones) states the Planning Division would like to clarify section 27-308 to ensure understanding that lot area requirements for multiple units refers to attached units in a single structure and not separate units on a single lot. It is our opinion that Residential 7,000 should allow for separate units, such as two houses on one lot.

This allowance would likely require a change of the definition of R-70 under Article 27-300.

Thank you for your consideration of our suggestion. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Dennis Cook".

Dennis Cook
President

Cc: Tina Volek, Candi Beaudry, Wyeth Friday, Nicole Cromwell

Enclosure

REALTOR® is a registered collective membership which may be used only by real estate professionals who are members of the NATIONAL ASSOCIATION OF REALTORS® and subscribe to its strict Code of Ethics.



MEMBER
National Association of Realtors®
Montana Association of Realtors®