CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

"THE MAGIC CITY – A VIBRANT, WELCOMING PLACE WHERE PEOPLE FLOURISH AND BUSINESS THRIVES."

AGENDA

COUNCIL CHAMBERS **August 27, 2012** **6:30 P.M.**

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Mayor Hanel

ROLL CALL: Councilmembers present on roll call were:

MINUTES: August 13, 2012

COURTESIES: 2012 Professional Achievement In Planning Award

PROCLAMATIONS:

ADMINISTRATOR REPORTS - TINA VOLEK

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: #1, #6A, AND #11 ONLY. Speaker sign-in required. (Comments offered here are limited to one (1) minute. Please sign up on the clipboard located at the podium or in the back of the room. Comment on items listed as public hearing items will be heard ONLY during the designated public hearing time for each respective item. For Items not on this agenda, public comment will be taken at the end of the agenda.)

1. **CONSENT AGENDA** -- Separations:

   A. **Bid Awards:**

      1. **W.O. 09-19, Zone 3 East Fox Reservoir Expansion.** (Opened 8/14/12) Recommend Natgun Corporation; $2,572,200.

      2. **Storm Water Detention Ponds A, B, and C Upgrades for Billings Logan International Airport.** (Opened 8/14/12) Recommend Asphalt Plus, Inc.; $99,032.50.

   B. **Change Order #7 - W.O. 10-08: Water Treatment Plant Clearwell Baffle Project.** COP Construction, $245,326.45.

C. **Contract for Professional Services** with Morrison-Maierle, Inc. for W.O. 12-31, East End Industrial Area Storm Drain; not to exceed $96,175.

D. **Cooperative Agreement** (20-year) with Yellowstone County for installation of radio infrastructure at 1310 West Wicks Lane.

E. **Acknowledge receipt of petition to vacate** the alley within Block 228, Original Townsite of Billings, located between 7th and 8th Avenues South behind the Montana Women's Prison at 701 S. 27th; State of Montana Department of Corrections, petitioner; and set a public hearing date of September 24, 2012.

F. **Acceptance of Warranty Deed** for Lot 18, Panoramic Heights Subdivision, from James E. Edwards, $25,000.

G. **Approval and acceptance** of the Montana Department of Transportation State-Wide Bus Livability Grant for the purchase of an updated Mobile Data System; $38,112.

H. **Approval and acceptance** of 2012 ConocoPhillips Company grant; $6,000 to the Police Department; $6,000 to the Fire Department.

I. **Resolution** temporarily suspending Section 24-411, BMCC, Parking for Camping Purposes, in the Shrine Auditorium parking lot, 1125 Broadwater Avenue, during the Big Sky Polka Club's Polkafest, August 31 through September 2, 2012.

J. **Resolution of Intent** amending the Expanded N. 27th Street Urban Renewal Plan to include a retail retention and recruitment program and setting a public hearing for September 10, 2012.

K. **Second and Final Reading Ordinance** designating Park 2 Expansion as an urban renewal project (delayed from 8/13/12).

L. **Bills and Payroll:**

1. July 30, 2012

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION** authorizing filing of the annual Federal Transit Administration Section 5307 Grant. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

3. **PUBLIC HEARING AND RESOLUTION** setting mill levy rates for Public Safety Fund, General Obligation Debt Service Parks, General Obligation Debt Service Streets, General Obligation Debt Service Library, General Obligation Debt Service Series A Baseball Stadium, and General Obligation Debt Service Series B Baseball Stadium for tax year 2012. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

4. **PUBLIC HEARING AND RESOLUTION** establishing the Park District 1 assessment for tax year 2012. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

5. **ZIMMERMAN ACREAGE TRACTS SUBDIVISION**

   A. **PUBLIC HEARING AND RESOLUTION FOR ANNEXATION #12-07:** one parcel totaling approximately two (2) acres, with approximately 7,260 additional square feet designated as street right-of-way, in Zimmerman Acreage Tracts Subdivision, generally located on the north side of Grand Avenue just west of the intersection of Grand Avenue and 48th Street West. John Clifford Zimmerman, owner and petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.)

   B. **PUBLIC HEARING AND SPECIAL REVIEW #900:** A special review for construction of a new 17,868 square foot, private elementary school with 6 classrooms, 25 parking spaces, a fenced playground, and landscaping in a Residential 9,600 (R-96) zone in Zimmerman Acreage Tracts Subdivision, a 2-acre parcel of land located at 4809 Grand Avenue. John Clifford Zimmerman, owner; Eggart Engineering Company, agent. Zoning Commission recommends conditional approval. (Action: approval or disapproval of Zoning Commission recommendation.)

6. **Urban Chickens**

   A. **FIRST READING ORDINANCE FOR ZONE CHANGE #899 - DELAYED FROM 7/23/12 (PUBLIC HEARING HELD AND CLOSED ON 7/23/12):** A text amendment to Section 27-305, Section 27-306, and Section 27-607 deleting language and adding language to allow the keeping of hens within residential zones and on property developed with residential uses; adopting the revision as an amendment to the Zoning Regulations; and setting a time period for the regulation to be effective. Zoning Commission recommends denial. (Action: approval or disapproval of Zoning Commission recommendation.)

   B. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Section 4-401 and Section 4-403 of the Billings, Montana Municipal Code allowing and regulating the keeping of up to six (6) female chickens in residential zones. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

7. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #901:** a text amendment and a map amendment to the zone classification for the East Billings Urban Renewal District (EBURD) adding a new section to the Unified Zoning Regulations specifying land uses, building types, signage allowances, landscaping requirements and location specific street improvements for new zoning districts in the EBURD. Staff recommends approval. (Action: approval or disapproval of staff recommendations.)

8. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #902:** A zone change from Neighborhood Commercial (NC) and Residential Multi-Family-Restricted (RMF-R) to Community Commercial on a 4.189-acre parcel described as Lots 1 through 5, Brittain Acres Subdivision, located on the northeast corner of the intersection of Hilltop Road and Bench Boulevard. Big Sky Floral Supply, owner; Chuck and Mick Gainan, agents. Zoning Commission recommends approval of the zone change and adoption of the determinations of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)

9. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #904:** A zone change from Residential Manufactured Home (RMH) to Community Commercial (CC) on a 4.77-acre parcel described as Tract 1, C/S 2537, and the north two acres of the south 10.41 acres east of the lateral and fractions of Section 22, Township 1 North, Range 26 East located at 1026, 1032 and 1040 Bench Boulevard ; Lee Steffanich, owner; Sanderson Stewart, agent. Zoning Commission recommends approval of the zone change and adoption of the determinations of the 10 criteria. (Action: approval or disapproval of staff recommendation.)

10. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Sections 22-901 and 22-902 of the Billings, Montana, Muncipal Code for the sale or donation of city-owned real property. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

11. **AMENDMENT TO THE 2009 BILLINGS URBAN AREA TRANSPORTATION PLAN** increasing costs and identifying additional funding for the North Bypass Project. Staff recommends City Council review and discuss the amendment at the August 27, 2012, meeting and make a recommendation to the Policy Coordinating Committee at the September 10, 2012, meeting. (Action: approval or disapproval of staff recommendation.)

PUBLIC COMMENT on Non-Agenda Items -- Speaker Sign-in required. (*Restricted to ONLY items not on this printed agenda. Comments here are limited to 3 minutes. Please sign up on the clipboard located at the podium or in the back of the room.)*

COUNCIL INITIATIVES

ADJOURN

Additional information on any of these items is available in the City Clerk's Office.

Reasonable accommodations will be made to enable individuals with disabilities to attend this meeting. Please notify Cari Martin, City Clerk, at 657-8210.

Consent **1. A. 1.**

Regular City Council Meeting
Meeting Date: 08/27/2012
TITLE: W.O. 09-19--Zone 3 East Fox Reservoir Expansion, Contract Award
PRESENTED BY: David Mumford
Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

The 2006 City Water and Wastewater Facilities Plan indicated a shortage of water storage in Zone 3 East serving Billings Heights. The proposed solution is to build a 2 MG (million gallon) concrete storage reservoir to meet current and near future storage deficits. The new tank, in conjunction with the existing Fox Reservoir, results in a total of 4 MG storage available. A 2 MG size was selected to match the existing reservoir and to minimize concerns with water age and disinfection by-products. As storage requirements increase in the future, a third reservoir could be added to the Fox site when needed or at another location to effectively serve Zone 3 East.

W.O. 09-19 includes the construction of a new 2 MG prestressed concrete reservoir with all associated piping and valves. The project also includes diffused aeration mixing systems in the new and existing reservoirs, including a blower and blower housing, to help reduce issues with water age and disinfection by-products; instrumentation control modifications; and electrical modifications.

The project was advertised August 2 and 9 in the Billings Times and on the City's website. Bids were opened August 14, 2012. Council is requested to award a contract based on the bids.

ALTERNATIVES ANALYZED

The Council may:

• Award a construction contract to the low bidder, NatGun Corporation, in the amount of $ 2,572,200.00;
OR
• Reject all bids, which will delay the project and the ability to provide needed water storage.

FINANCIAL IMPACT

There were three (3) bids received for the project, as shown below.

Contractor	Lump Sum Bid
NatGun Corporation	$ 2,572,200.00
Pre-Load Inc.	$ 3,082,000.00
Williams Brother Construction	$ 2,779,200.00

The low bidder is NatGun Corporation. The project was approved in the FY2013 CIP and is being funded from a SRF (State Revolving Fund) loan. There are adequate funds available to cover all project costs.

RECOMMENDATION

Staff recommends that Council approve the award of W.O. 09-19--Zone 3 East Fox Reservior Expansion to NatGun Corporation and authorize the Mayor to execute a contract in the amount of $2,572,200.00.

APPROVED BY CITY ADMINISTRATOR

Consent **1. A. 2.**

Regular City Council Meeting

Meeting Date: 08/27/2012

TITLE: Award of the Storm Water Detention Ponds A, B, and C Upgrades for Billings Logan International Airport

PRESENTED BY: Tom Binford

Department: Airport

Information

PROBLEM/ISSUE STATEMENT

Included in the Airport's Capital Improvement Program is the Storm Water Detention Ponds A, B, and C Upgrades. As a result of the extreme heavy rainfall events in 2010 and 2011, the Airport has undertaken measures to improve these storm detention ponds. The first improvement completed in 2011, increased the height of the spillways of ponds A, B, and C thereby increasing the ponds' overall capacity. This project will increase the height of the dikes that surround the ponds to a level that is two feet above the higher spillways. This will provide additional protection for the dikes from wave action (free board) that can be produced during extreme rainfall events when the ponds are near capacity and high winds are causing wave action. This project will remove the top four inches of soil and vegetation matter from the top of the dikes to provide a level and stable base for the new surface material. A clay/soil mixture will then be installed on the top of the dikes and covered with a two inch layer of rocks for added protection. Also included in this project, is the replacement of the existing metal grate over the outlet of Pond C, which flows into the 24" drainage pipe that continues on to Alkali Creek. The new larger trash rack will ensure that the outlet from Pond C to Alkali Creek will not become clogged with debris. This project was advertised in the *Billings Times* for three weeks and was on the City's Website. On August 14, 2012 the following bids were received:

CONTRACTOR	BID
Asphalt Plus, Inc.	$99,032.50
Donnes, Inc.	$107,050.00
Western Municipal Construction	$120,990.00
H.L. Ostermiller	$128,220.00

ALTERNATIVES ANALYZED

The City Council may:

- Approve the the award of the Storm Water Detention Ponds A, B, and C Upgrades; or
- Reject all bids and delay the project.

FINANCIAL IMPACT

The total cost of this project is $99,032.50 This project was included in the FY 2012 budget and funds are available in the Airport's capital account. Adjustments to the FY 2013 budget will be made during the first quarter budget adjustment later this year.

RECOMMENDATION

Staff recommends the City Council approve the award of the Storm Water Detention Ponds A, B, and C Upgrades to the low bidder, Asphalt Plus, Inc., for the amount of $99,032.50

APPROVED BY CITY ADMINISTRATOR

Consent **1. B.**

Regular City Council Meeting

Meeting Date: 08/27/2012

TITLE: W.O. 10-08, Water Treatment Plant Clearwell Baffle Project Change Order No. 7

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

As part of the Clearwell Baffle Project the contractor is required to sandblast and recoat Clearwell No. 1 at the Water Treatment Plant. When the clearwell was taken out of service to complete the work, it was discovered that the roof of the clearwell was severely corroded and rusted. A structural analysis of the roof was completed and it was determined that a new roof needed to be constructed. The structural work for the new roof has been completed, but additional work including power washing with a degreasing agent, sandblasting, and grinding of the welds needs to be done to prepare the roof for use in a potable water application.

ALTERNATIVES ANALYZED

The Council may:

- Approve Change Order No. 7 with COP Construction in the amount of $194,946.45; or
- Do not Approve Change Order No. 7. Disapproval of Change Order No. 7 means the clearwell will not be allowed to go back into service and under certain conditions the Water Treatment Plant may not be able to meet drinking water standards.

FINANCIAL IMPACT

Funding for this change order will be paid out of Water Funds.

The original contract amount for this project is $936,852.00. The contract amount including previous change orders is $1,030,443.91 which is an increase of 9.9%. The contract amount after this change order is $1,225,390.36 which is an increase of 31%. The work will be paid on a time and material basis not to exceed the amount of this change order.

RECOMMENDATION

Staff recommends that Council approve Change Order #7 for W.O. 10-08 Water Treatment Plant Clearwell Baffle Project with COP Construction in the amount of $194,946.45.

APPROVED BY CITY ADMINISTRATOR

Attachments

WO 10-08 CO#7

Change Order

No. 7

Date of Issuance: **August 16, 2012** Effective Date:

Project: **WTF Clearwell Baffle Project**	Owner: **City of Billings, MT**	Owner's Contract No.: **W.O. 10-08**
Contract: **WTF Clearwell Baffle Project, City of Billings W.O. 10-08**		Date of Contract: **January 10, 2011**
Contractor: **COP Construction LLC**		Engineer's Project No.: **0686.176**

The Contract Documents are modified as follows upon execution of this Change Order:

Description: **Change Order No. 7 includes the following: 1. Pressure wash and decontaminate new interior roof of Clearwell No. 1 and new interior appurtenances. 2. Sand blast new interior roof and appurtenances. Sand blasting will remove mill scale instead of existing paint. 3. A deduct of $50,400.00 is included in this change order in bid item 09 to sand blast existing paint.**

All work listed in items 1 through 2 will be completed on a time and materials basis with not to exceed costs noted in the supporting documentation.

Attachments: (List documents supporting change): **1. COP and MIC cost estimate summaries for pressure washing and decontamination. (+$77,373.53) 2. COP and MIC cost estimate summaries for sand blasting mill scale. (+$167,972.92) 3. MIC documentation for interior roof sand blasting deduct. (-$50,400.00)**

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price:	Original Contract Times: ☐ Working days ☐ Calendar days
	Substantial completion (days or date): **August 1, 2011**
$**936,852.00**	Ready for final payment (days or date): **September 1, 2011**
☒ [Increase] ☐ [Decrease] from previously approved Change Orders No.1 to No. 6:	☒[Increase] ☐[Decrease] from previously approved Change Orders No. 1 to No. 6:
	Substantial completion (days): **21 days**
$**93,591.91**	Ready for final payment (days): **21 days**
Contract Price prior to this Change Order:	Contract Times prior to this Change Order:
	Substantial completion (days or date): **97 days**
$**1,030,443.91**	Ready for final payment (days or date): **128 days**
☒ [Increase] ☐ [Decrease] of this Change Order:	☒[Increase] ☐[Decrease] of this Change Order:
	Substantial completion (days or date): **49 days**
$**194,946.45**	Ready for final payment (days or date): **49 days**
Contract Price incorporating this Change Order:	Contract Times with all approved Change Orders:
	Substantial completion (days or date): **146 days**
$**1,225,390.36**	Ready for final payment (days or date): **177 days**

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____	By: _____	By: _____
Engineer (Authorized Signature)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Date: _____	Date: _____	Date: _____

Approved by Funding Agency (if applicable): _____ Date: _____

Change Order
Instructions

A. GENERAL INFORMATION

This document was developed to provide a uniform format for handling contract changes that affect Contract Price or Contract Times. Changes that have been initiated by a Work Change Directive must be incorporated into a subsequent Change Order if they affect Price or Times.

Changes that affect Contract Price or Contract Times should be promptly covered by a Change Order. The practice of accumulating Change Orders to reduce the administrative burden may lead to unnecessary disputes.

If Milestones have been listed in the Agreement, any effect of a Change Order thereon should be addressed.

For supplemental instructions and minor changes not involving a change in the Contract Price or Contract Times, a Field Order should be used.

B. COMPLETING THE CHANGE ORDER FORM

Engineer normally initiates the form, including a description of the changes involved and attachments based upon documents and proposals submitted by Contractor, or requests from Owner, or both.

Once Engineer has completed and signed the form, all copies should be sent to Owner or Contractor for approval, depending on whether the Change Order is a true order to the Contractor or the formalization of a negotiated agreement for a previously performed change. After approval by one contracting party, all copies should be sent to the other party for approval. Engineer should make distribution of executed copies after approval by both parties.

If a change only applies to price or to times, cross out the part of the tabulation that does not apply.

DAILY FORCE ACCOUNT/BACKCHARGE/EXTRA WORK REPORT

EQUAL OPPORTUNITY EMPLOYER

Job No. 11106 Job Name/Location: W.O. 10-08 WTF Clearwell Baffle Project

Date: July 26, 2012 COP Internal Report No.:

Field Short Form - Form No.:

Describe Work Perfomed: Estimate to Pressure wash and decontaminate new Interior of Clearwell # 1 Roof and appurtenances, new overflow, manway, Ladder and platforms, etc installed on Clearwell #1

The information contained here-in shall represent the work performed on the date noted. COP Construction LLC reserves the right to include overlooked expenses before final invoice. Labor rates based on composite week hours as marked:

40 Hr Week ☐ 45 Hr Week ☐ 50 Hr Week ☐ 55 Hr Week ☐ 60 Hr Week ☐

LABOR USED - MARKUP INCLUDED

Name	Classification	Straight or Blended		Total St. Time	Overtime		Total Overtime	TOTAL
		Hours	Rate		Hours	Rate		
Joe Allen	Project Manager	40	$85.00	$3,400.00			$0.00	$3,400.00
Larry Riddle	Superintendent	80	$75.00	$6,000.00			$0.00	$6,000.00
	Laborer	80	$38.87	$3,109.60			$0.00	$3,109.60
	Estimator			$0.00			$0.00	$0.00
	Clerk			$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
		Subtotal Labor		**$12,509.60**	**Subtotal Labor**		**$0.00**	**Total Labor** **$12,509.60**

COP EQUIPMENT - MARKUP INCLUDED

Description	Hrs Wkd	Cost / Rate	Total
COP Transport			$0.00
Tool Vans	2.0	$60.00	$120.00
Mechanic Truck			$0.00
Project Manager Pickup	40.0	$16.99	$679.60
Superintendent Pickup	80.0	$16.99	$1,359.20
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
Subtotal Prior to Sales Tax			**$2,158.80**
Sales Tax if Applicable	**%**		$0.00
Subtotal COP Equipment			**$2,158.80**

RENTAL EQUIPMENT - MARKUP INCLUDED

Description	Hrs Wkd	Cost / Rate	Total
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
Subtotal Prior to Sales Tax			$0.00
Sales Tax if Applicable	**%**		$0.00
Subtotal Rental Equipment			**$0.00**
TOTAL EQUIPMENT			**$2,158.80**

DAILY FORCE ACCOUNT/BACKCHARGE/EXTRA WORK REPORT

MATERIALS USED / EXPENSES - WITHOUT MARKUP

Itemize Completely	Units	U of M	Cost / Rate	Total
Little Giant Pumps	3.0	EA	$134.00	$402.00
Garden Hoses	12.0	EA	$38.00	$456.00
				$0.00
				$0.00
				$0.00
				$0.00
				$0.00
				$0.00
				$0.00
				$0.00
				$0.00
		Subtotal Prior to Sales Tax		$858.00
		Sales Tax if Applicable	**%**	$0.00
			Total Materials / Expenses	**$858.00**

SUBCONTRACTORS - WITHOUT MARKUP

Itemize Completely	Units	U of M	Cost / Rate	Total
				$0.00
Montana Industrial Coatings - Interior Lid	10.0	Days	$5,640.46	$56,404.60
Soil Testing				$0.00
Concrete Testing				$0.00
Surveying				$0.00
Outside Transport				$0.00
				$0.00
				$0.00
				$0.00
			Total Subcontractors	**$56,404.60**

GENERAL CONDITIONS (Markup Included When Contract Allows)

Itemize Completely	Units	U of M	Cost / Rate	Total	Itemize Completely	Units	U of M	Cost / Rate	Total
Per Diem - Salary				$0.00	Small Tools				$0.00
Per Diem - Hourly				$0.00	Fuel Storage				$0.00
Safety Training				$0.00	Sanitary Facillities	2	WK	$120.00	$240.00
Employment Expenses				$0.00	Dumpster Units				$0.00
Safety Equip. & Supplies				$0.00					$0.00
Phone Service				$0.00					$0.00
Bonus (if applies)				$0.00					$0.00
Office Rent				$0.00					$0.00
Site Security				$0.00					$0.00
		Subtotal General Conditions		**$0.00**				**Subtotal General Conditions**	**$240.00**
								Total General Conditions	**$240.00**

SUMMARY

Labor			$12,509.60
Equipment			$2,158.80
Materials			$858.00
Subcontractor			$56,404.60
General Conditions			$240.00
Construction Time Affected : Yes ☐ No ☐		**Subtotal**	**$72,171.00**
Notes on Contract Time:	**Add Markup - Material**	**15 %**	$128.70
	Add Markup - Subcontractor	**5 %**	$2,820.23
		Subtotal	**$75,119.93**
	Add Gross Receipts Tax, Bonds & Insurance	**3 %**	$2,253.60
	**Gross Receipts Tax is included if applicable in your State.		
		Grand Total	**$77,373.53**

Signature of Project Representative

Signature of COP Construction Representative

Force Account Report

Project Number: 11106 **Contractor:** Montana Industrial Coatings
Project Name: W.O. 10-08 WTF Clearwell Project
Work Address: WTF Billings, Montana Date: 7/20/2012
Description of Work: This is an estimate only for T&M plus 15% for degreasing interior lid.
This is a estimate without having to use rags or wipedown to remove grease.
This is an estimate without additional products other than listed in materials.
This estimate does not include costs associated with disposing of water.

Labor Used

Name	Hours	Rate	Classification	Total
Kurt Grimsrud	80	$ 80.00	PM/Superintendent	$ 6,400.00
Kenney Parsons	80	$ 26.16	painter	$2,092.80
Joe Staudinger	80	$ 26.16	painter	$2,092.80
Mike Staudinger	80	$ 26.16	painter	$ 2,092.80
Dustin Hilliard	80	$ 26.16	painter	$ 2,092.80
				$ -
				$ -
				$ -
				$ -
				$ -
				$ -
			Sub Total =	$ 14,771.20
			Total To Date =	$ 14,771.20

Equipment Used

Equipment Description	Year	Hours	Rate	Amount
	2001			$ -
60' lift	2011	80	$ 55.55	$ 4,444.00
60' lift	2011	80	$ 55.55	$ 4,444.00
60' lift	2011	80	$ 55.55	$ 4,444.00
hot water pressure wash	2012	80	$ 50.00	$ 4,000.00
hot water pressure wash	2012	80	$ 50.00	$ 4,000.00
8000 lb. Forklift				$ -
PM pickup	2012	80	$ 26.75	$ 2,140.00
pickup	2000	80	$ 26.23	$ 2,098.40
hot water pressure wash	2012	80	$ 50.00	$ 4,000.00
			Sub Total =	$ 29,570.40
			Total To Date =	$ 29,570.40

Materials Used

Material	Quantity	Unit Price	Amount
degreaser attached description SW	533	$ 19.55	$ 10,420.15
			$ -
			$ -
			$ -
			$ -
		Sub Total =	$ 54,761.75
		Taxes, bonds, ins. 3%	$ 1,642.85
		Today Totals =	$ 56,404.60
		Total To Date =	$ 56,404.60

BY: _____
Signature of Contractor

BY: _____
Signature For Whom Work Was Done

SHERWIN WILLIAMS

SHERWIN-WILLIAMS
2051 ROSEBUD DR
BILLINGS MT 59102 6269
Store 3203 Phone (406)655-9801

PAINT-ALL INC.
809 4TH AVE N
BILLINGS MT 59101 1505

Attn: Kurt
Re: SSPC-SP 1 Solvent Cleaning for Clear Well project

1) There appears to be a lot of debris on the tank floor. Clean floor debris prior to pressure wash, by sweeping, vacuum, ect.

2) Pressure wash equipment- Hot Water Washer 180 F. @ 1000 psi with chemical injector.

3) Cleaner- Aero Green 4110 Paint Prep, used at 15:1 ratio.

4) Hot water wash areas to remove grease, oils, dirt, ect. Follow by immediate rinse with clean water, on roof areas, walls, and interior floor, hot water rinse would work best. All cleaning residue of cleaner, grease, oils needs to be rinsed off.

****NOTE****
This is the simple cleaing solution, in addition to hot water wash, scrubbing may also be necessary, will not know until hot water system is tried. If scrubbing is necessary time frame and costs would be much higher, a sample area would need to be done to determine cost estimate.

Keith Hagen
Sherwin Williams

#2

DAILY FORCE ACCOUNT/BACKCHARGE/EXTRA WORK REPORT

Job No. 11106 Job Name/Location: W.O. 10-08 WTF Clearwell Baffle Project

Date: July 20, 2012 COP Internal Report No.:

COP CONSTRUCTION

EQUAL OPPORTUNITY EMPLOYER

Field Short Form - Form No.:

Describe Work Perfomed: Estimate to Prep new Steel profile areas of Steel on interior of Clearwell # 1 Roof and appurtenances, new overflow, manway, Ladder and platforms, etc installed on Clearwell #1

The information contained here-in shall represent the work performed on the date noted. COP Construction LLC reserves the right to include overlooked expenses before final invoice. Labor rates based on composite week hours as marked:

40 Hr Week ☐ 45 Hr Week ☐ 50 Hr Week ☐ 55 Hr Week ☐ 60 Hr Week ☐

LABOR USED - MARKUP INCLUDED

Name	Classification	Straight or Blended		Total St. Time	Overtime		Total Overtime	TOTAL
		Hours	Rate		Hours	Rate		
Joe Allen	Project Manager	50	$85.00	$4,250.00			$0.00	$4,250.00
Larry Riddle	Superintendent	100	$75.00	$7,500.00			$0.00	$7,500.00
	Laborer		$38.87	$0.00			$0.00	$0.00
	Estimator			$0.00			$0.00	$0.00
	Clerk			$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
				$0.00			$0.00	$0.00
		Subtotal Labor		$11,750.00	Subtotal Labor		$0.00	Total Labor $11,750.00

COP EQUIPMENT - MARKUP INCLUDED

Description	Hrs Wkd	Cost / Rate	Total
COP Transport			$0.00
Tool Vans	5.0	$60.00	$300.00
Mechanic Truck			$0.00
Project Manager Pickup	50.0	$16.99	$849.50
Superintendent Pickup	100.0	$16.99	$1,699.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
Subtotal Prior to Sales Tax			$2,848.50
Sales Tax if Applicable		%	$0.00
Subtotal COP Equipment			$2,848.50

RENTAL EQUIPMENT - MARKUP INCLUDED

Description	Hrs Wkd	Cost / Rate	Total
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
Subtotal Prior to Sales Tax			$0.00
Sales Tax if Applicable		%	$0.00
Subtotal Rental Equipment			$0.00
TOTAL EQUIPMENT			$2,848.50

DAILY FORCE ACCOUNT/BACKCHARGE/EXTRA WORK REPORT

MATERIALS USED / EXPENSES - WITHOUT MARKUP

Itemize Completely	Units	U of M	Cost / Rate	Total
		EA		$0.00
		EA		$0.00
				$0.00
				$0.00
				$0.00
				$0.00
				$0.00
				$0.00
				$0.00
				$0.00
				$0.00
				$0.00
			Subtotal Prior to Sales Tax	$0.00
			Sales Tax if Applicable %	$0.00
			Total Materials / Expenses	**$0.00**

SUBCONTRACTORS - WITHOUT MARKUP

Itemize Completely	Units	U of M	Cost / Rate	Total
Montana Industrial Coatings - Interior of Clearwell #1	25.0	Days	$5,633.60	$140,840.00
				$0.00
Soil Testing				$0.00
Concrete Testing				$0.00
Surveying				$0.00
Outside Transport				$0.00
				$0.00
				$0.00
				$0.00
			Total Subcontractors	**$140,840.00**

GENERAL CONDITIONS (Markup Included When Contract Allows)

Itemize Completely	Units	U of M	Cost / Rate	Total	Itemize Completely	Units	U of M	Cost / Rate	Total
Per Diem - Salary				$0.00	Small Tools				$0.00
Per Diem - Hourly				$0.00	Fuel Storage				$0.00
Safety Training				$0.00	Sanitary Facillities	5	WK	$120.00	$600.00
Employment Expenses				$0.00	Dumpster Units				$0.00
Safety Equip. & Supplies				$0.00					$0.00
Phone Service				$0.00					$0.00
Bonus (if applies)				$0.00					$0.00
Office Rent				$0.00					$0.00
Site Security				$0.00					$0.00
		Subtotal General Conditions		**$0.00**				Subtotal General Conditions	**$600.00**
								Total General Conditions	**$600.00**

SUMMARY

Labor		$11,750.00
Equipment		$2,848.50
Materials		$0.00
Subcontractor		$140,840.00
General Conditions		$600.00
Construction Time Affected : Yes ☐ No ☐	Subtotal	**$156,038.50**
Notes on Contract Time:	**Add Markup - Material 15 %**	$0.00
	Add Markup - Subcontractor 5 %	$7,042.00
	Subtotal	**$163,080.50**
	Add Gross Receipts Tax, Bonds & Insurance 3 %	$4,892.42
	**Gross Receipts Tax is included if applicable in your State.	
	Grand Total	**$167,972.92**

Signature of Project Representative

Signature of COP Construction Representative

Force Account Report

Project Number: 11106 **Contractor:** Montana Industrial Coatings
Project Name: W.O. 10-08 WTF Clearwell Project
Work Address: WTF Billings, Montana Date: 7/20/2012
Description of Work: This is an estimate only for T&M plus 15% for sandblasting new steel on interior lid
This estimate does not include decontamination of steel or making welds paint grade ready. This estimate does not include overtime.

Labor Used

Name	Hours	Rate	Classification	Total
Kurt Grimsrud	200	$ 80.00	PM/Superintendent	$ 16,000.00
Kenney Parsons	200	$ 26.16	painter	$5,232.00
Joe Staudinger	200	$ 26.16	painter	$5,232.00
Mike Staudinger	200	$ 26.16	painter	$ 5,232.00
Dustin Hilliard	200	$ 26.16	painter	$ 5,232.00
			painter	$ -
			painter	$ -
				$ -
				$ -
				$ -
				$ -
			Sub Total =	$ 36,928.00
			Total To Date =	$ 36,928.00

Equipment Used

Equipment Description	Year	Hours	Rate	Amount
				$ -
Clemco Sandblast pot	2010	200	$ 100.00	$ 20,000.00
1200 CFM Compressor	2001	200	$ 113.00	$ 22,600.00
				$ -
60' lift	2011	200	$ 55.55	$ 11,110.00
				$ -
8000 lb. Forklift	2007	200	$ 50.62	$ 10,124.00
PM pickup	2012	200	$ 26.75	$ 5,350.00
pickup	2000	200	$ 26.23	$ 5,246.00
				$ -
			Sub Total =	$ 74,430.00
			Total To Date =	$ 74,430.00

Materials Used

Material	Quantity	Unit Price	Amount
sand 40/60	48	$ 460.00	$ 22,080.00
scaffold			$ -
spider stagin	1	$3,300.00	$ 3,300.00
			$ -
			$ -
		Sub Total =	$ 136,738.00
		Taxes, bonds, ins. 3%	$ 4,102.14
		Today Totals =	$ 140,840.14
		Total To Date =	$ 140,840.14

BY: _____
Signature of Contractor

BY: _____
Signature For Whom Work Was Done

Montana Industrial Coatings
A Division of Paint-All, Inc.
809 4th Ave. N.
Billings, MT. 59101
Phone: 406.256.1063
Fax: 406.256.1249

July 27, 2012

RE: WTF Clearwell Baffle Project credit

Joe Allen:

The credit in the amount of $75,600.00 is divided into $25,200.00 credit on the exterior lid to be deducted from the estimate dated 7/20/12 in the amount of $86,146.11. The interior lid has a $50,400.00 credit to be deducted from the estimate dated 7/20/12 in the amount of $140,840.14.

Thank You,

Kristen Grimsrud
Montana Industrial Coatings

Consent **1. C.**

Regular City Council Meeting

Meeting Date: 08/27/2012

TITLE: Contract for Professional Services for W.O. 12-31 East End Industrial Area Storm Drain

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

Staff is requesting that the City Council authorize a contract for professional services with Morrison-Maierle, Inc. to provide engineering services for W.O. 12-31 East End Industrial Area Storm Drain. The purpose of this project is to alleviate surcharging and flooding of the storm drain in 4th and 6th Avenues North. This contract will evaluate alignments for a new 72-inch diameter storm drain that would tie into and redirect flows from the existing 72-inch storm drain at North 23rd Street and 4th Avenue North and eventually discharge into the Yegen Drain. After this initial alignment evaluation and predesign, a contract amendment will be negotiated for the completion of the design and bidding. Morrison-Maierle Inc. was selected for this work through the RFP Process.

ALTERNATIVES ANALYZED

The Council may:

- Approve the Professional Services Contract with Morrison-Maierle, Inc.; or
- Do not approve the Professional Services Contract with Morrison-Maierle.

FINANCIAL IMPACT

Funding for the design and construction of this project has been approved in the CIP projects (FY12 Storm Drain Funds $400,000.00). The contract with Morrison-Maierle, Inc. is in the amount of $96,175.00.

RECOMMENDATION

Staff recommends that Council authorize the Mayor to sign a contract for professional services with Morrison-Maierle, Inc. for W.O. 12-31 East End Industrial Area Storm Drain in the amount not to exceed $96,175.00.

APPROVED BY CITY ADMINISTRATOR

Consent **1. D.**

Regular City Council Meeting
Meeting Date: 08/27/2012
TITLE: Site Land Use and Communication Site Use Agreement
PRESENTED BY: Paul Dextras
Department: Fire

Information

PROBLEM/ISSUE STATEMENT

Yellowstone County has secured federal grant funds to develop radio infrastructure and microwave connectivity to enhance interoperability between local and regional public safety responders. The City of Billings 800 MHz radio site located at 1310 W. Wicks Ln has been identified as an optimum location for this radio infrastructure. In exchange for the use of City land, Yellowstone County will allow the City of Billings to install, co-locate and operate public safety communication equipment in and on the new Yellowstone County infrastructure.

ALTERNATIVES ANALYZED

The Council may accept and approve the proposed cooperative agreement or the Council may reject the proposed cooperative agreement.

FINANCIAL IMPACT

There is no financial impact to the City of Billings.

RECOMMENDATION

Staff recommends that City Council accept and approve the cooperative agreement between the City of Billings and Yellowstone County for

APPROVED BY CITY ADMINISTRATOR

Attachments

Agreement Document

SITE LAND USE AND COMMUNICATION SITE USE AGREEMENT

A COOPERATIVE AGREEMENT BETWEEN

YELLOWSTONE COUNTY AND THE CITY OF BILLINGS

1) PURPOSE

a) The purpose of this memorandum is to define the criteria for joint utilization of the Northeast Billings Site, also known as the Fox site, located at 1310 W Wicks Lane in Billings Montana. The Fox site is one of three radio tower sites that provide public safety and city-wide 800 MHz communications for the City of Billings.

2) INTRODUCTION

a) The Interoperability Montana Project (IM) is a collaborative effort of local, tribal, state and federal public safety providers to improve interoperable communication among local, state and federal stakeholders throughout Montana.

b) The Northeast Billings site was selected as an important site for Yellowstone County and the City of Billings and was part of Investment Justification #1 of the Public Safety Interoperable Communication (PSIC) grant. This site provides important VHF radio coverage and provides a viable connection between the Coburn and Pompey's Pillar sites. Interoperability Montana initiated the development of the site with the City of Billings.

c) In June 2011 the Interoperability Montana Board of Project Directors officially disbanded, transferring state-wide coordination to a new Executive Committee and transferred grants to selected counties willing to take responsibility for them. The original PSIC funding was moved to other needs of the statewide project by the Executive Committee and they have allocated Homeland Security FY2010 grant funding to be used for the NE Billings project.

d) The City of Billings owns the property selected for the Northeast Billings (Fox) site and has determined that local zoning regulations have been met and that no variance is required to construct an additional tower at the Fox site.

e) Yellowstone County has been awarded $45,932.00 of Interoperable Emergency Communications FY2010 (IECGP) grant funds to complete the planning phase of the project. There is $ 623,805.00 of Homeland Security FY 2010 grant funds being

committed to develop the infrastructure and microwave connectivity at Northeast Billings. This funding is 100% Federal.

f) The original intent of the PSIC application and statewide radio project is to maximize cooperation among agencies to mutual benefit of all public safety responders.

g) An important part of this process is sharing resources and functionality to improve interoperable land-mobile radio communications. In order to complete this network, new radio sites and equipment will be identified, procured and accessed by local, tribal, and state agencies. This memorandum outlines specific rights and requirements to allow site participation and use by all parties.

h) The development of the Northeast Billings site, including the installation of the new tower, updates to the facility, proper grounding, emergency power, microwave equipment, grounding and other communication equipment were provided by joint local, state and federal grant funding through the Interoperability Montana Project, with the intent of joint use.

3) TERMS OF COOPERATION

a) The City of Billings will continue to own the property upon which the Northeast Billings site infrastructure is located. The City of Billings will lease the site to Yellowstone County for one (1) dollar and other considerations. Yellowstone County will be awarded the title to the new shelter, tower, generator, microwave equipment and other associated equipment, according to guidelines established by the Homeland Security grant.

b) Yellowstone County will allow the City of Billings to install, co-locate and operate public safety communication equipment in and on the Northeast Billings infrastructure for the sum of one (1) dollar per year

c) Yellowstone County and the City of Billings will share operational costs associated with operations at the Northeast Billings site, to include utilities, propane and generator maintenance, in proportion to facility use. Any other agency which may be approved to use the site will be responsible for their share of the operational costs.

d) The new Statewide Communication System Executive Committee will be responsible for monitoring (including system mapping and management) and general microwave equipment maintenance. In exchange, the statewide radio system will utilize the microwave system awarded to Yellowstone County to provide connectivity between radio sites and connect the Billings region to the second Trunking Zone Controller in Sydney, and to provide multi-agency interoperable communications.

e) The Yellowstone County Sheriff's Department will have the responsibility for facility management and cooperation among all parties.

f) Yellowstone County may provide access to other public safety communication users as long as such use does not interfere with any public safety communication by any party of this agreement.

g) Changes to this agreement may only be made by the mutual written consent of Yellowstone County and the City of Billings. Both parties will coordinate all changes with the state-wide radio project.

h) By entering into this agreement, all parties will have the responsibility of complying with Federal, State of Montana, and Yellowstone County regulations, and will abide by the terms of the specific site user agreement.

4) MUTUAL AGREEMENT

a) The length of this agreement shall be in place for twenty (20) years or until such time as an official modification is signed by the City of Billings and Yellowstone County or their successors
b) This agreement will become valid upon obtaining all required signatures.
c) This agreement may be modified through mutual written agreement.
d) Execution of the agreement neither creates a waiver of immunity for either party, nor any rights of action, public or private, in either party or any other entity.

5) PRINCIPLE CONTACTS

a) Yellowstone County Site Manager: Mike Linder
b) City of Billings: Anne Kindness, Communication Center Manager

6) INDEMNIFICATION

Yellowstone County agrees to indemnify, defend and save the City of Billings, its officers, agents and employees harmless from any and all losses, damage and liability occasioned by, growing out of, or in any way arising or resulting from any intentional or negligent act or omission on the part of Yellowstone County or its agents or employees during the performance of its duties and responsibilities in this MOU.

Similarly, the City of Billings agrees to indemnify, defend and save Yellowstone County, its officers, agents and employees harmless from any and all losses, damage and liability occasioned by, growing out of, or in any way arising or resulting from any intentional or negligent act or omission on the part of Yellowstone County or its agents or employees during the performance of its duties and responsibilities in this MOU.

The parties agree that where concurrent negligence results in liability and damages assessed against both entities, the negligence of the parties will be apportioned and the percent of negligence attributable to each will determine the amount of damages or other financial responsibility each party will pay.

7) <u>SIGNATURES</u>

a) By signature hereon, the undersigned agencies agree to support and participate in the activities of the joint communication site.

_____	_____	_____	_____
	Date		Date
Yellowstone County Commission		City of Billings	

Consent **1. E.**

Regular City Council Meeting

Meeting Date: 08/27/2012

TITLE: Acknowledge Receipt of Petition to Vacate Alley within Block 228 of Original Townsite of Billings and Set a Public Hearing

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

The Women's Prison has petitioned to vacate the alley within Block 228 of the Original Townsite of Billings between 7th Avenue South and 8th Avenue South. The State is proposing to expand the yard for the Women's Prison and would like to fence off the yard, including the alley. Currently, there is a sanitary sewer line running through the alley. If vacated, the city would retain an easement for the sanitary sewer line. The area of the alley proposed to be vacated is 6,000 square feet.

ALTERNATIVES ANALYZED

The Council may:

- Approve acknowledgment of petition to vacate the above-mentioned right-of-way and set a public hearing for September 24, 2012.
- Do not acknowledge the petition and terminate the right-of-way vacation process.

FINANCIAL IMPACT

The State received a letter from Charlie Hamwey with an opinion of value of the alley. Mr. Hamwey has valued the land at $3.50/square foot. The total area of the alley is 6,000 square feet. Total compensation for the alley will be $21,000.

RECOMMENDATION

Staff recommends that Council acknowledge the receipt of petition to vacate the alley within Block 228 of the Orginal Townsite of Billings and set a public hearing for September 24, 2012.

APPROVED BY CITY ADMINISTRATOR

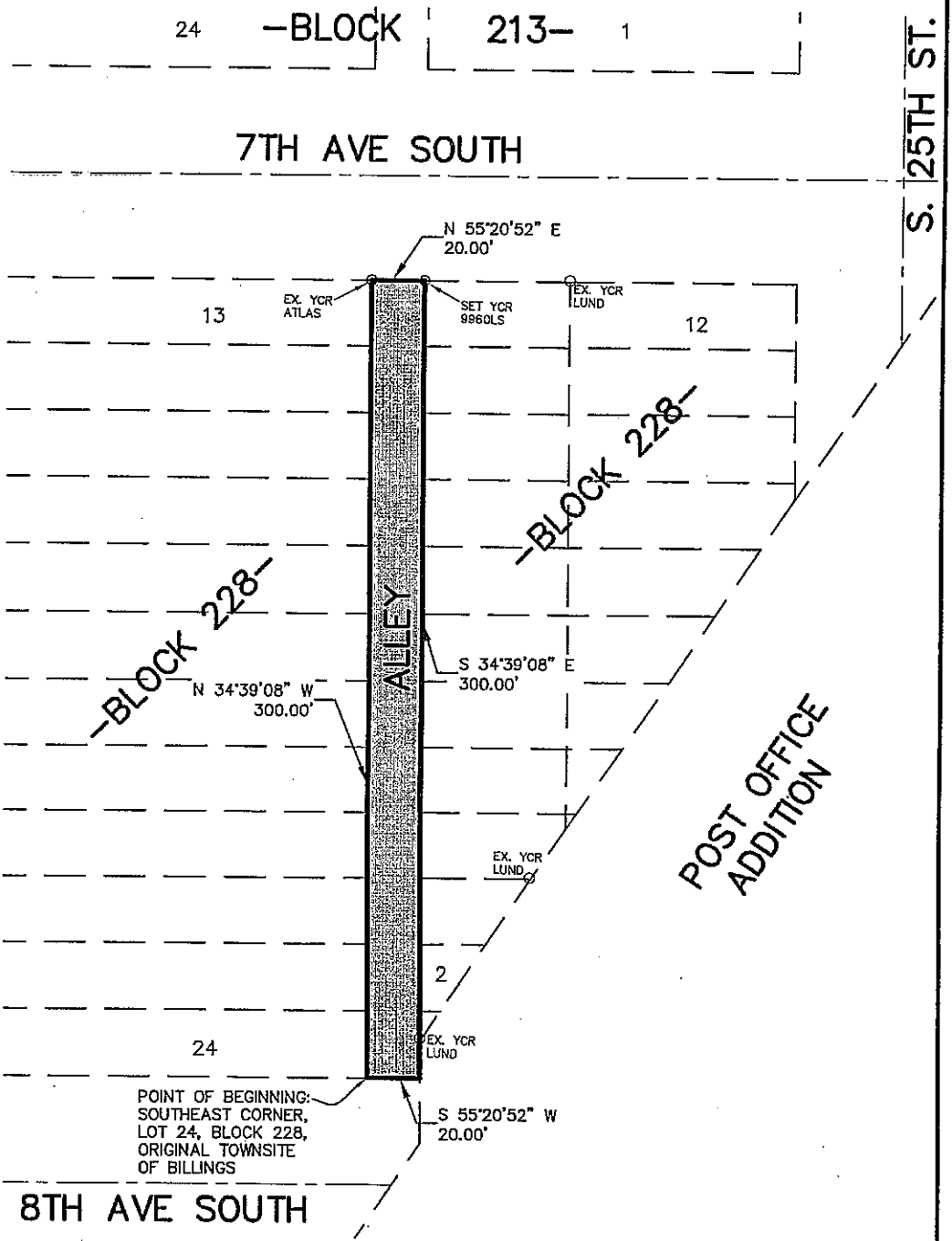
Attachments

Exhibit of Area

Letter from Charlie Hamwey

EXHIBIT "A"

ALLEY RIGHT-OF-WAY VACATION WITHIN
BLOCK 228 OF THE ORIGINAL TOWNSITE OF BILLINGS



25 12.5 0 25 50

SCALE: 1" = 50'

DESCRIPTION: ALLEY VACATION

A tract of land situated in the SE1/4 of Section 3, T. 1 S., R. 26 E., P.M.M., in the city of Billings, Yellowstone County, Montana; more particularly described as follows, to-wit:

Beginning at a point which is the southeast corner Lot 24, Block 228, of the Original Townsite of Billings, thence, from said Point of Beginning, along the easterly line of Lots 13 through 24 of said Block 228, N 34°39'08" W a distance of 300.00 feet to the northeasterly corner of Lot 13 of said Block 228; thence, N 55°20'52" W a distance of 20.00 feet to the northwesterly corner of Lot 12 of said Block 228; thence, along the westerly line of Lots 1 through 12 of said Block 228, S 34°39'08" E a distance of 300.00 feet to a point on the westerly line of the Post Office Addition, said point being perpendicular to the southeast corner of said Lot 24; thence S 55°20'52" W a distance of 20.00 feet to the Point of Beginning; said described tract having an area of 6,000 square feet.

PM/11024 11024_WPRISON_ROW-VAC.DWG ATV

DATE: 5/25/11 SHEET 1 of 1

RealEstate by HAMWEY
1010 Grand Ave.
Billings, Montana 59102
(406) 248-2020
FAX (406) 248-3949
www.hamwey.com

July 24, 2012

RECEIVED
JUL 26 2012
DEPT. OF CORRECTIONS
LEGAL SERVICES BUREAU

Ira Eakin
Staff Attorney, MDOC
Department of Corrections
P.O. Box 201301
Helena, MT 59620-1301

RE: Request to Vacate Public Right of Way
Alley Between 7th Ave. South and 8th Ave. South
Behind Montana Women's Prison; 701 S. 27th Street

Dear Mr. Eakin,

Upon your request I have made a personal inspection of above subject property on May 16, to review the condition and location of the property.

In reviewing the Yellowstone County Court House records this property is owned by the City of Billings and this alley way contains 6,000 sq.ft or 20' X 300'. The alleyway is located behind the Montana Women's Prison.

In determining the value of this subject property I have went back as far as 2006 to review sales that occurred on South 27th St. and also along 1st Ave S. I have also reviewed sales that occurred in the eastern portion of Billings on 2nd, 3rd and 4th Ave S. All of these sales have ranged in value from $3.50 per sq.ft to $7.04 per sq.ft.

In determining value of subject property I have reviewed all of the comparable sales. In taking consideration the alley way that belongs to the City of Billings which is between the Women Prison and the Department of Corrections property. It is my opinion that the Estimated Fair Market Value of subject property is $3.50 per square foot or

$21,000

If you have any further questions please feel free to call.

Sincerely,

Charlie Hamwey

Charlie Hamwey

REALTOR

Consent **1. F.**

Regular City Council Meeting

Meeting Date: 08/27/2012

TITLE: Warranty Deed for Land Acquistion of Lot 18, Panoramic Heights, 96 Mountain View Boulevard

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

During the design phase for a private contract to install a sanitary sewer main, it was discovered that the traveled roadway in Mountain View Boulevard was actually located within private property and out of the platted right of way. Due to the constraints of the existing ground conditions in this area it would not be economical to relocate the roadway back to the platted right of way. As such, a monetary offer was made to the record owner of the property to purchase the lot based on the appraised value of the vacant piece of property plus 5%. The offer was accepted by the property owner. This property also is bordered on each side by Black Otter Trail Park. With the city owning this tract of land the traveled road surface will be on public property and Black Otter Trail Park will be contiguous with public land.

ALTERNATIVES ANALYZED

The Council may:

- Accept the warranty deed for Lot 18 of Panoramic Heights Subdivision, or
- Do not accept the warranty deed, which would keep Mountain View Boulevard within private property.

FINANCIAL IMPACT

The property was appraised at $19,451.25. The city offered that amount plus 5%, totaling $20,475.00 to the property owner, Mr. Edwards. Mr. Edwards requested $25,000.00 for the property. Jim Powell, the property owner just east of this property is willing to make up the difference between $25,000 and the City's offer because the ROW is needed to allow him to get sanitary sewer to his property. Mr. Powell will make a cash contribution to the City in the amount of $4,525.00 and the City would pay Mr. Edwards $25,000.00 for the property. The funds will be out of gas tax, sanitary sewer funds, and a cash contribution from Mr. Powell.

RECOMMENDATION

Staff recommends that council accept the warranty deed for Lot 18, Panoramic Heights Subdivision.

APPROVED BY CITY ADMINISTRATOR

Attachments

Warranty Deed

Map of Area to be Purchased

WARRANTY DEED

THIS INDENTURE, made this _____ day of _____, 20___.

FOR VALUABLE CONSIDERATION, lawful money of the United States to them in hand paid by the **CITY OF BILLINGS,** THE receipt whereof is acknowledged, **WITNESSTH THAT:**

James E. Edwards

PO Box 1793

Billings, MT 59103-1793

does hereby **GRANT, BARGAIN, SELL CONVEY, WARRANT AND CONFIRM** unto the **CITY OF BILLINGS** for the benefit and use of **The Public** the following described real property, to wit:

Lot 18, Panoramic Heights, located in the NE1/4 NE1/4 of Section 32, T.1N.,R.26E., P.M.M., City of Billings, Yellowstone County, Montana, on file and of record in the office of the Clerk and Recorded of said County, Recorded May 10, 1947, Under Document No. 426171, Records of Yellowstone County, Montana

PURPOSE OF ACQUISITION. Acquisition of this lot will place an existing traveled roadway known as Mountain View Boulevard to a publicly owned parcel in which public utilities shall also be located. Also, Lot 18 is bounded by existing public lands also known as Black Otter Trail Park. Purchase of this lot will create contiguous publicly owned land.

TO HAVE AND TO HOLD the above described and conveyed premises, with all the reversions, remainders, tenements, hereditaments and appurtenances thereto, unto the **CITY OF BILLINGS,** and to its successors and assigns forever.

SUBJECT TO:

EXCEPTING AND RESERVING any interest in minerals, including oil, gas and other hydrocarbons, beneath the surface of the above described and conveyed premises, together with the right to extract the same, provided that in the exercise of such right the surface thereof shall not be disturbed, interfered with, or in anyway damaged.

FURTHER EXCEPTING AND RESERVING, unto the grantors, their successors and assigns all water, water rights, ditches, canals, irrigation systems, existing or as relocated, if any, including but not limited to, water stock or shares, bonds, certificates, contracts and any and al other indicia, of water, water right and ditch ownership, or any interest therein, appurtenant to the land described herein.

IN WITNESSTH WHEREOF, the undersigned have executed these premises the day and year first above written.

James E. Edwards

PO Box 1793

Billings, MT 59103-1793

STATE OF MONTANA)
:ss
County of _____)

On this_____ day of_____, 200___, before me the undersigned Notary Public for the State of Montana, personally appeared ___James E. Edwards_____, known to me to be the person who signed the foregoing instrument and who acknowledged to me that she executed the same. Witness my hand and seal the day and year herein above written.

_____ _____
Notary Public in and for the State of Montana Print Name
Residing in _____
My commission expires _____

ACKNOWLEDGMENT AND ACCEPTANCE OF CONVEYANCE

The Mayor and City Council of the City of Billings acknowledges receipt of this deed and hereby accepts the property interest conveyed through this instrument.

_____
Mayor, City of Billings Date

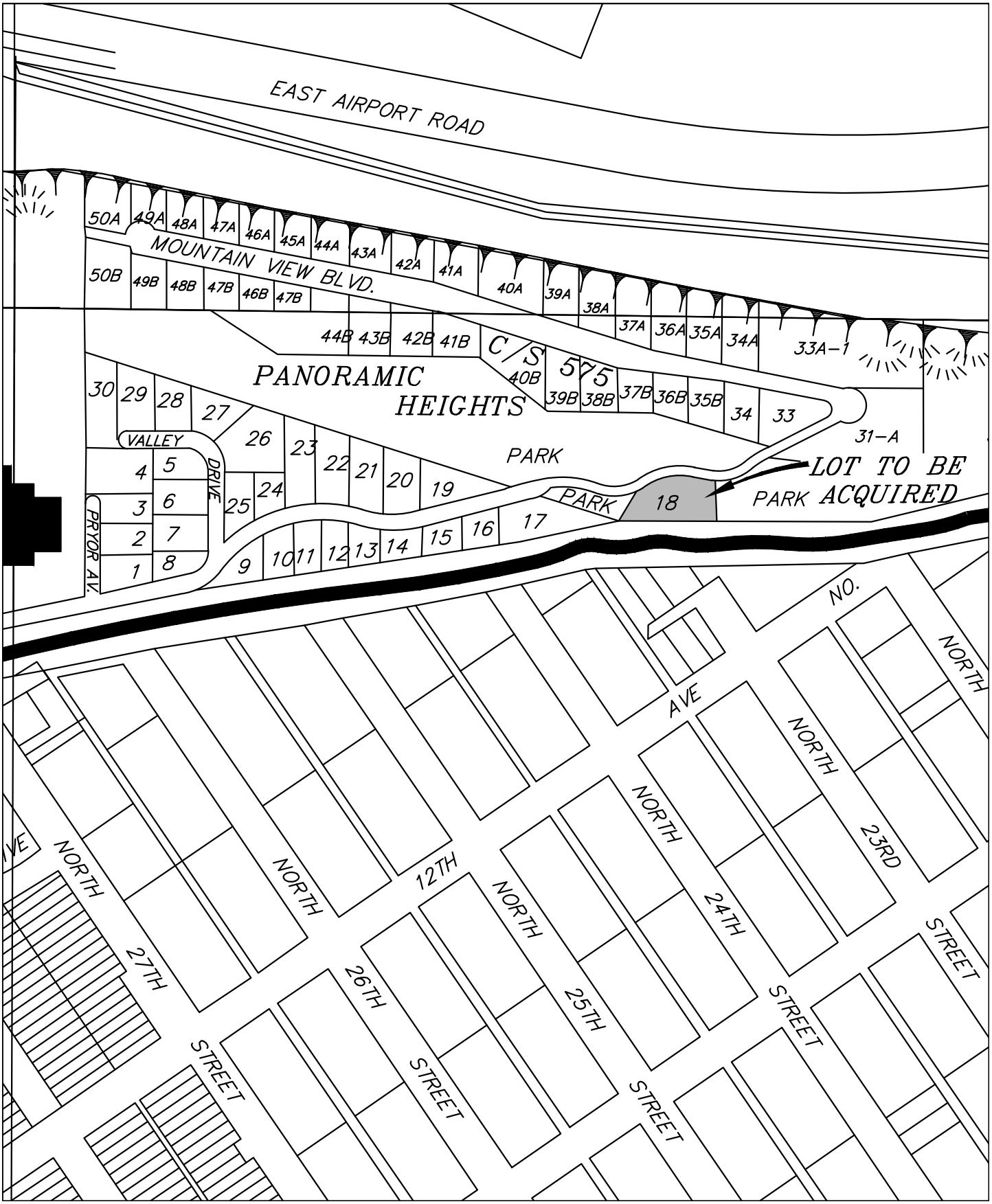
ATTEST:_____
City Clerk

STATE OF MONATNA)
:SS
County of Yellowstone)

On this _____ day of _____, 200___, before me, a Notary Public in and for the State of Montana, personally appeared _____as Mayor and _____City Clerk of Billings known to me to be the persons who signed, respectively, and acknowledge to me that they executed the foregoing instrument. IN WITNESS WHEREOF, I have hereunto set my hand and my seal the day and year herein above written.

_____ _____
Notary Public in and for the State of Montana Print Name
Residing in _____
My commission expires _____

EXHIBIT "A"


EAST AIRPORT ROAD
MOUNTAIN VIEW BLVD.
PANORAMIC HEIGHTS
C/S 575
PARK
PARK
LOT TO BE PARK ACQUIRED
VALLEY DRIVE
PRYOR AV.
NO. NORTH AVE
NORTH 12TH STREET
NORTH 23RD STREET
NORTH 24TH STREET
NORTH 25TH STREET
NORTH 26TH STREET
NORTH 27TH STREET

Consent **1. G.**

Regular City Council Meeting

Meeting Date: 08/27/2012

TITLE: Acceptance of Bus Livability Grant Award for Mobile Data System

PRESENTED BY: Thomas H. Binford

Department: Transit

Information

PROBLEM/ISSUE STATEMENT

MET Transit submitted a Solicitation of Project Proposal through the Montana Department of Transportation's State Wide Bus Livability grant application in the amount of $38,112, for the purchase of a customer-focused Intelligent Transportation Systems (ITS).

Through this project proposal MET Transit requested the replacement of sixteen on-board vehicle Mobile Data Computers (MDC's) with newer less costly tablets and the purchase of Fixed Route Integration Module software. Through the expanded use of the new tablet MDC technology, our staff will have instant access to real-time information on the Paratransit vehicle's location, better enabling our staff to promote more efficient and effective management of our routes and schedules.

The Fixed Route Integration Module software will assist MET Transit's staff to seamlessly create its own fixed route data in the General Transit Feed Specification (GTFS) protocol. This process will enable MET Transit's staff to provide their fixed route data to Google Transit, which will allow our customers to build trip itineraries on-line similar to the information currently provided by our route specialist.

The Project Proposal is for $47,640, with a Federal share of $38,112 (80%) and a local share of $9,528 (20%).

The Aviation and Transit Department, MET Transit Division, is seeking approval to accept the Bus Livability Grant Award for the purchase of an updated Mobile Data System.

ALTERNATIVES ANALYZED

The City Council may:

- Approve the acceptance of the Bus Livability Grant Award; or
- Not approve the acceptance of the Bus Livability Grant Award, subsequently delaying the replacement of the existing Mobile Data System and the integration of the MET route schedule into Google Transit.

FINANCIAL IMPACT

With the use of the newer MDC technology, MET Transit will be able to better manage and track its fleet to be more efficient in its routing, subsequently reducing fuel and maintenance costs.

RECOMMENDATION

Staff recommends that the City Council approve the acceptance of the Bus Livability Grant award for the purchase of an updated Mobile Data System.

APPROVED BY CITY ADMINISTRATOR

Consent **1. H.**

Regular City Council Meeting

Meeting Date: 08/27/2012

TITLE: Application Submittal - 2013 ConocoPhillips Company - $12,000 Police Department & Fire Department

PRESENTED BY: Rich St. John

Department: Police

Information

PROBLEM/ISSUE STATEMENT

The ConocoPhillips Company - Billings Refinery notified the Police and Fire Departments that they are eligible for a $12,000 company grant. ConocoPhillips designated $6,000 to fund Police Department School Resource Officer (SRO) training. The SRO's have attended several training opportunities with the assistance of funding such as this. ConocoPhillips designated $6,000 for the Fire Department which will be used for public education/fire safety programs. The City must submit a written application to obtain the grant funds.

ALTERNATIVES ANALYZED

The City Council may:

- Approve the application submittal and finalization of the 2013 ConocoPhillips Company Grant, or
- Do not approve the application submittal and finalization of the 2013 ConocoPhillips Company Grant, which would result in the cancellation of SRO training and public education/fire safety programs due to non-existant funds.

FINANCIAL IMPACT

There is no impact to the General Fund as there is no City match required for this grant.

RECOMMENDATION

Staff recommends that City Council approve the submittal of the 2013 ConocoPhillips Company Grant application and acceptance of the grant award in the amount of $12,000 for the Billings Police and Fire Departments.

APPROVED BY CITY ADMINISTRATOR

Consent **1. I.**

Regular City Council Meeting
Meeting Date: 08/27/2012
TITLE: Polka Festival Parking Exemption
PRESENTED BY: Tina Volek
Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

The Big Sky Polka Club of Billings is requesting City Council approval of a resolution allowing recreational vehicle (RV) parking at the Shrine Auditorium parking lot, 1125 Broadwater Ave., for its annual polka festival event to be held Aug. 31-Sept. 2. About 8-14 RV owners are expected at the event.

MCA 24.411 Parking for Camping Purposes, limits parking in non-campground areas for more than 10 hours, unless the City Council approves a resolution allowing the use. RVs then may arrive up to 48 hours before an event begins and depart up to 48 hours after the event ends.

This resolution has been adopted for the club in past years and the Shrine lot has been used by the club without incident.

A simple majority of Council votes is needed for approval.

ALTERNATIVES ANALYZED

The Council may:

- Adopt the resolution to allow the parking; or
- Modify the resolution; or
- Deny the resolution, requiring the RV owners to park in nearby campgrounds.

FINANCIAL IMPACT

There is no known financial impact on the City from approving the resolution.

RECOMMENDATION

Staff recommends that the City Council approve the resolution as presented.

APPROVED BY CITY ADMINISTRATOR

Attachments

Polka Resolution

Attachment A

RESOLUTION NO. 12-_____

A RESOLUTION OF THE BILLINGS, MONTANA, CITY COUNCIL TEMPORARILY SUSPENDING BMCC 24-411 TO ALLOW CAMPING IN THE SHRINE AUDITORIUM PAKING LOT FOR THE 2012 BIG SKY POLKA FESTIVAL

WHEREAS, BMCC 24-411, Parking for Camping Purposes, prohibits parking for camping in the City of Billings in anything but authorized tourist parks, but allows a temporary suspension 48 hours before and after special events held within the City if a resolution is obtained from the City Council; and

WHEREAS, the Big Sky Polka Club, Inc., will holds its annual Big Sky Polka Festival from Aug. 31 through Sept. 2, 2012, at the Shrine Auditorium, 1125 Broadwater Avenue; and

WHEREAS, the owners of 8-14 recreational vehicles and campers are expected to attend the event, and the Big Sky Polka Club has asked that they be allowed to park their vehicles at the event site.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, that BMCC 24-411 is hereby temporarily suspended for a period of 48 hours on either side of Aug. 31 through Sept. 2, 2012, at the Shrine Auditorium, 1125 Broadwater Avenue, for the Big Sky Polka Festival.

PASSED AND APPROVED by the City Council this 27th day of Aug., 2012.

THE CITY OF BILLINGS

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

BY: _____
Cari Martin, City Clerk

Consent **1. J.**

Regular City Council Meeting

Meeting Date: 08/27/2012

TITLE: Resolution of Intent, Designating a Retail Retention and Recruitment Program as an Expanded N. 27th Street Urban Renewal District Project

PRESENTED BY: Bruce McCandless, Asst. City Administrator

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

In order to use Tax Increment Financing within an Urban Renewal District, legal counsel advises that all projects be specifically identified in the urban renewal plan or as amendments to the plan. The Downtown Billings Alliance (DBA) is recommending that the Council amend the Expanded N. 27th Street Urban Renewal Plan by adding a retail retention and recruitment program so that funding can be committed to it at a future date. State law requires a two (2) step process to amend an urban renewal plan and this proposed resolution of intent is the first step. If Council approves the resolution, it will describe the proposed project, state the Council's intent to amend the plan to include the project, will post or publish a proposed ordinance that will be the actual plan amendment and set a public hearing date for September 10, 2012.

ALTERNATIVES ANALYZED

The City Council may

- Approve the resolution of intent. This is the first step in a two (2) step process. The resolution of intent describes the proposed urban renewal plan amendment, contains a proposed ordinance that will amend the plan and sets a public hearing date for the Council to accept public comments and consider adopting the ordinance/plan amendment.
- Disapprove the resolution of intent. The resolution is the required first step of amending an urban renewal plan. If the Council does not approve the resolution, the plan will not be amended and the program will not be eligible for expenditure of tax increment financing.

FINANCIAL IMPACT

There is no immediate financial impact. The DBA is not proposing to fund the project at this time, but the options that are being discussed have relatively low cost.

RECOMMENDATION

The Downtown Billings Alliance and staff recommend that the City Council approve the resolution of intent to amend the Expanded N. 27th Street Urban Renewal Plan to include a retail retention and recruitment program as a project that is eligible for tax increment financing.

APPROVED BY CITY ADMINISTRATOR

Consent **1. K.**

Regular City Council Meeting

Meeting Date: 08/27/2012

TITLE: Second Reading Ordinance Establishing Park 2 Garage Expansion as an Expanded N. 27th Street Urban Renewal Area Project

PRESENTED BY: Bruce McCandless, Asst City Administrator

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

At the July 23, 2012 meeting, the City Council approved an ordinance on first reading that names the Park 2 expansion project as an urban renewal project in the Expanded N. 27t Street district. This action is necessary in order to expend tax increment funds on the Park 2 refinancing debt. At its August 13, 2012 meeting, the City Council tabled the second reading of the ordinance. Councilmember Cimmino requested changes to Section 1.03 to state the estimated amount of proceeds from the Park 4 sale that will be used to retire a portion of the Park 2 expansion debt and a time limit on transfering $100,000/yr of tax increment to the Parking Fund to help pay the remaining debt on that project. Staff consulted with bond counsel and made the requested changes. In addition, the ordinance now states that the transfer is subject to the Council's annual approval and the same statements were added to Section 3.

ALTERNATIVES ANALYZED

The City Council may approve or disapprove the ordinance. If Council does not approve it, the City may not use tax increment funds for the project and those funds will have to come from the Parking Fund revenues, which will probably require downtown parking rate increases.

FINANCIAL IMPACT

There are no immediate financial impacts to the City. The FY 13 budget calls for reducing the Park 2 debt and using tax increment for a portion of the remaining debt. If the Council approves the ordinance, staff will proceed with refinancing and make the transfer sometime during the fiscal year.

RECOMMENDATION

Staff recommends that the City Council approve the revised ordinance on second reading.

APPROVED BY CITY ADMINISTRATOR

Attachments

Ordinance approving Park 2 expansion as URD project

CERTIFICATE AS TO ORDINANCE AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the "City"), hereby certify that the attached ordinance is a true copy of an Ordinance entitled: "ORDINANCE APPROVING THE PARK 2 EXPANSION AS AN URBAN RENEWAL PROJECT IN THE EXPANDED NORTH 27TH STREET URBAN RENEWAL AREA - 2008; AND AUTHORIZING A PORTION OF THE FINANCING THEREOF WITH TAX INCREMENT REVENUES" (the "Ordinance"), on file in the original records of the City in my legal custody; that the Ordinance was duly presented for first reading by the City Council of the City at a regular meeting on July 23, 2012, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

WITNESS my hand and seal officially this 23rd day of July, 2012.

(SEAL)

City Clerk

I further certify that the Ordinance was duly adopted on second reading by the City Council of the City at a special meeting on August 27, 2012, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Ordinance at said meeting, the following Council members voted in favor thereof: _____ _____; voted against the same: _____ _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand and seal officially this 27th day of August, 2012.

(SEAL)

City Clerk

ORDINANCE NO. _____

ORDINANCE APPROVING THE PARK 2 EXPANSION AS AN URBAN RENEWAL PROJECT IN THE EXPANDED NORTH 27TH STREET URBAN RENEWAL AREA - 2008; AND AUTHORIZING A PORTION OF THE FINANCING THEREOF WITH TAX INCREMENT REVENUES

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

WHEREAS, on July 11, 2005, the City Council adopted Ordinance No. 05-5333, which created the North 27th Street District Urban Renewal Area as an urban renewal district and approved the North 27 Street Urban Renewal Plan (the "North 27th Street Plan") containing a tax increment financing provision.

WHEREAS, on November 13, 2006 and December 8, 2008, the City Council adopted Ordinance Nos. 06-5394 and 08-5483, respectively, which expanded the boundaries of the North 27th Street Urban Renewal Area and amended the North 27th Street Plan to create the Expanded North 27th Street Urban Renewal Area – 2008 (the "District").

WHEREAS, in adopting the North 27th Street Plan, the City noted the need for additional public parking in the District, and the North 27th Street Plan contemplates the development of additional parking in the District.

WHEREAS, the North 27th Street Plan determined it necessary to use tax increment financing to encourage private reinvestment within the District, and provided for the segregation of the tax increment; and the North 27th Street Plan further contemplates the use of tax increment received in the District to finance the costs of development projects approved by the Council, including issuing bonds secured by the tax increment, as a way of encouraging private investment, and development and redevelopment in the District.

WHEREAS, this Council on July 23, 2012, conducted a public hearing on a proposal with respect to an urban renewal project in the District and to finance a portion of the costs thereof with tax increment revenues under Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended (the "Act").

Section 1. Recitals.

1.01 The City is a party to that certain Lease Purchase Agreement (the "Park 2 Lease Purchase Agreement"), dated August 31, 2006, between the City and Capital One, N.A., as successor to Koch Financial Corporation. The Park 2 Lease Purchase Agreement was entered into in order to finance the 2006 expansion of the City's Park 2 parking garage (the "Project"), located in the District at the intersection of 2nd Avenue North and North 26th Street ("Park 2"). Amounts due under the Park 2 Lease Purchase

Agreement are secured by and payable solely from parking revenues of the City. The original aggregate principal amount payable under the Park 2 Lease Purchase Agreement was $5,930,000, of which $4,979,186 remains outstanding.

1.02 Parking revenues of the City are insufficient to pay the annual lease payments under the Park 2 Lease Purchase Agreement and reserves in the City Parking Fund have been used for such purposes. The City Parking Fund has been further depleted as a result of increased operating costs and capital expenditures.

1.03 The City Parking Advisory Board has requested that the City refinance the Park 2 Lease Purchase Agreement in order to achieve lower annual payments with respect to amounts owing thereunder. Such refinancing would be achieved by (i) applying proceeds (less expenses) of the sale of the City's Park 4 parking garage, located in the District at the intersection of 6th Avenue North and North 31st Street ("Park 4"), to the repayment of amounts due under the Park 2 Lease Purchase Agreement and (ii) applying the proceeds of parking revenue refunding bonds, payable primarily from parking revenues, to the repayment of the remaining amounts due under the Park 2 Lease Purchase Agreement. The City estimates that it will receive $2.62 million from the sale of Park 4 and such amount (less expenses) shall be applied to the repayment of the Park 2 Lease Purchase Agreement. The City Parking Advisory Board has also requested that the City declare the Project as an urban renewal project under the Act in order to apply $100,000 annually of tax increment from the District toward the repayment of such parking revenue refunding bonds until the earlier of (a) the termination of the District or (b) the repayment in full of the parking revenue refunding bonds. The application of such tax increment would be subject to annual appropriations by the Council.

1.04. Pursuant to the Act and the procedures contained in the North 27th Street Plan, and Resolution No. 12-19185, adopted July 9, 2012, the City has set forth its intention to use tax increment in an amount sufficient to finance a portion of the Project.

1.05. Pursuant to Resolution No. 12-19185, a public hearing was duly noticed and held on July 23, 2012, at which all persons wishing to speak were given the opportunity to address the Council with respect to approval of the Project as an urban renewal project and to finance a portion of the costs thereof with tax increment revenues.

Section 2. Findings. The Council hereby finds, with respect to the Project, as follows:

(a) the Project enhances rehabilitation and redevelopment of the District by private enterprise, and the construction of the Project eliminated blight in the Sunsetted District and the District;

(b) the taxable value of property in the District is increased by the availability of sufficient public parking for employees and customers;

(c) the loss of Park 2, including the Project, will substantially negatively affect the rehabilitation and redevelopment of the District by

significantly reducing public parking in the primary downtown Billings business corridor;

(d) no persons were displaced from their housing by the construction of the Project;

(e) the Urban Renewal Plan and the Project conform to the comprehensive plan and growth policy of the City;

(f) the Urban Renewal Plan and the Project afford maximum opportunity consistent with the needs of the City as a whole for the rehabilitation and redevelopment of the District by private enterprise;

(g) there is a workable and feasible plan of financing for the Project as more particularly described in Section 1.03 hereof; and

(h) the Project constitutes an urban renewal project within the meaning of the Act and the Urban Renewal Plan and the Project is eligible for financing from the tax increment of the District.

Section 3. Approval of Project and Financing. The Project is hereby approved as an urban renewal project, eligible for financing from the tax increment of the District until the earlier of (a) termination of the District or (b) the repayment in full of the parking revenue refunding bonds (or such other instrument or obligation issued to refinance the remaining amounts due under the Park 2 Lease Purchase Agreement). The application of such tax increment shall be subject to annual appropriation by the Council.

Section 4. Effective Date. This Ordinance shall take effect from and after 30 days of its passage by the City Council and approval by the Mayor.

PASSED AND APPROVED by the City Council of the City of Billings, Montana, on the second reading this 27th day of August, 2012.

_____
Thomas W. Hanel, Mayor

Attest: _____
Cari Martin, City Clerk

Consent **1. L. 1.**

Regular City Council Meeting
Meeting Date: 08/27/2012
TITLE: Payment of Claims July 30, 2012.
PRESENTED BY: Pat M. Weber, Finance Director
Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

Claims in the amount of $1,941,406.25 have been audited and are presented for your approval for payment. A complete listing of the claims dated July 30, 2012 is available in the Finance Department.

ALTERNATIVES ANALYZED

No other alternatives were analyzed.

FINANCIAL IMPACT

Claims have a varying impact on department budgets, but are submitted by the departments and reviewed by Finance staff before being sent to the Council.

RECOMMENDATION

Staff recommends that Council approve the Payment of Claims.

APPROVED BY CITY ADMINISTRATOR

Attachments

List of claims greater than $2500.

AP Report > $2,500 for 07/30/2012

Check Date	Check	Name	Amount	Account	Item Desc
07/30/2012	757721	3M Pai5548	8,484.09	2600-55180-403690	Invoice OF52449 3M RFID Maintenance Agreement
07/30/2012	757725	Ace Electric Inc	764.50	5210-15920-402450	PARK 2 POWER PAD REPAIR / PARK 4 ROOF LIGHTS
07/30/2012	757725	Ace Electric Inc	599.16	5210-15940-402450	PARK 2 POWER PAD REPAIR / PARK 4 ROOF LIGHTS
07/30/2012	757725	Ace Electric Inc	2,805.78	2110-31320-403590	poured base at 1st S between 35th & 36th
07/30/2012	757725	Ace Electric Inc	1,782.00	2110-31320-403590	poured base for pole at King E and Calhoun
07/30/2012	757732	Appassure Software Inc.	1,976.50	6200-19110-405315	Pro Support Windows Server Exchange 7/1/11-6/30/13
07/30/2012	757732	Appassure Software Inc.	3,589.50	6200-19110-405315	Pro Support Network Server Backup 10/1/12-6/30/13
07/30/2012	757740	Billings Community Cable	25,000.00	0100-14110-407266	Quarterly Disbursement July - September 2012
07/30/2012	757747	Bruco Inc	4,382.96	5020-00000-141000	SYSTEMS PO NUM 290129
07/30/2012	757747	Bruco Inc	468.28	5120-84000-402240	Janitorial supplies
07/30/2012	757749	Business Tax Section	73.75	5050-75150-403671	Water Service Repair List 05.25.12
07/30/2012	757749	Business Tax Section	954.72	5130-84910-409390	WO 09-26 WWTP CLARIFIER REHAB; CO#1 Apprvd 05/24/12
07/30/2012	757749	Business Tax Section	1,092.35	5030-74910-409390	WO 10-08 WTP Clearwell No.1 Roof Replc; CO#1 Apprvd 05/11/12
07/30/2012	757749	Business Tax Section	3,297.80	4980-55110-409220	WO 12-27 Over excavation of Library site. 1% Business Tax
07/30/2012	757749	Business Tax Section	4,732.38	5130-85910-409340	WO1201 Water & Sewer Replacement
07/30/2012	757751	Cmg Construction, Inc.	326,482.55	4980-55110-409220	WO 12-27 Over excavation of Library site.
07/30/2012	757754	Community Seven	23,499.98	0100-00000-229150	PEG fees - 2nd quarter 2012
07/30/2012	757755	Cop Construction Co	468,505.85	5130-85910-409340	WO1201 Water & Sewer Replacement
07/30/2012	757755	Cop Construction Co	94,516.53	5130-84910-409390	WO 09-26 WWTP CLARIFIER REHAB; CO#1 Apprvd 05/24/12
07/30/2012	757765	Dell Computer L P	533.69	5120-83110-402925	D Hart - FY13 TRP computer replacement
07/30/2012	757765	Dell Computer L P	800.54	5020-75000-402925	J Stovall - FY13 TRP Computer replacemen
07/30/2012	757765	Dell Computer L P	800.54	5020-73110-402925	D Hart - FY13 TRP computer replacement
07/30/2012	757765	Dell Computer L P	533.69	5120-85000-402925	J Stovall - FY13 TRP Computer replacemen

07/30/2012	757767	Denny Menholt Frontier Chevrolet	17,849.20	6700-31410-409440	MID SIZE EXT CAB 2WD PICKUP; EXTERIOR - WHITE: INTERIOR - PEUTER
07/30/2012	757772	Ennis Paint Inc.	7,347.75	2110-31320-402340	white totes of paint
07/30/2012	757772	Ennis Paint Inc.	17,073.00	2110-31320-402340	yellow totes of paint
07/30/2012	757772	Ennis Paint Inc.	2,592.24	2110-31320-402340	white buckets of paint
07/30/2012	757779	Ferguson Enterprises Inc	224.52	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 290099
07/30/2012	757779	Ferguson Enterprises Inc	874.23	5020-00000-141000	SYSTEMS PO NUM 290104
07/30/2012	757779	Ferguson Enterprises Inc	1,755.79	5020-00000-141000	SYSTEMS PO NUM 290099
07/30/2012	757784	Gallagher Benefit Services Inc	24,625.00	6270-17520-403560	July-December 2012 Consulting Fees
07/30/2012	757790	Granite Peak Pump Service Inc	2,403.41	0100-51120-402330	Parts for pumps.
07/30/2012	757790	Granite Peak Pump Service Inc	638.51	0100-51120-403690	Repair pump at Castlerock Park.
07/30/2012	757790	Granite Peak Pump Service Inc	180.00	0100-51120-403690	Repairs to Rose Park pump.
07/30/2012	757792	Guardian Security Inc	5,757.50	2600-55120-403574	Invoice 995749 Security Service - June 2012
07/30/2012	757797	Hardy Construction	108,142.85	5030-74910-409390	WO 10-08 WTP Clearwell No.1 Roof Replc; CO#1 Apprvd 05/11/12
07/30/2012	757799	Hdr Inc	10,743.53	5120-82110-403540	WO 12-15 IWPI WWTF Plan
07/30/2012	757799	Hdr Inc	1,342.51	5130-84910-409390	WO 12-23 WWTP Headworks Backup Power & West Mechanical Room MCC-B5 Approved by C.Volek
07/30/2012	757799	Hdr Inc	1,144.67	5030-74910-409390	WO 12-28 WTP Transformer Replacement
07/30/2012	757799	Hdr Inc	2,152.72	4160-74930-409220	WO0426 Zone 4 Reservoir & Facilities
07/30/2012	757799	Hdr Inc	678.60	4210-84930-409340	WO0822 WWTP Disinfection Systems
07/30/2012	757799	Hdr Inc	120.05	5020-72110-403540	Drinking Water Source Study
07/30/2012	757799	Hdr Inc	491.19	5020-72110-403540	Drinking Water Source Study
07/30/2012	757801	Iaff	4,175.60	9000-00000-209920	PAYROLL SUMMARY
07/30/2012	757802	Industrial Communications &Electron	3,960.00	5610-71150-402440	Invoice #C25976. Installed 11 remotes & reprogrammed MC2000 for tower. Alert phones.
07/30/2012	757804	Ingram Library Services	3,431.18	2600-55190-403226	Library Materials On Order
07/30/2012	757804	Ingram Library Services	0.00	2600-55190-403227	Library Materials On Order
07/30/2012	757804	Ingram Library Services	0.00	2600-55190-403336	Library Materials On Order
07/30/2012	757809	Istate Truck Center	237.29	2110-31320-402320	111785
07/30/2012	757809	Istate Truck Center	101.64	1500-22310-402320	12516.01
07/30/2012	757809	Istate Truck Center	140,226.00	5410-31230-409410	this is a roll off truck for the landfill per the ERP. Approved by council Nov.14,2011

07/30/2012	757809	Istate Truck Center	2,925.00	5410-31230-409410	warranties for new rolloff truck for the landfill per ERP PO 12-000803
07/30/2012	757809	Istate Truck Center	77.00	2110-31320-402320	12196.01
07/30/2012	757809	Istate Truck Center	55.89	5410-31220-402320	12010.01
07/30/2012	757817	Knife River	2,649.35	2110-31320-404710	asphalt
07/30/2012	757817	Knife River	2,910.60	2110-31320-404710	asphalt
07/30/2012	757817	Knife River	1,441.55	2110-31320-404710	asphalt
07/30/2012	757817	Knife River	1,755.05	2110-31320-404710	asphalt
07/30/2012	757819	L N Curtis & Sons	1,056.00	1500-22290-402490	Ansul 2.5 gallon pressurezed water extinguishers
07/30/2012	757819	L N Curtis & Sons	1,024.78	1500-22260-402320	3124321-00
07/30/2012	757819	L N Curtis & Sons	69.85	1500-22290-402490	estimated shipping
07/30/2012	757819	L N Curtis & Sons	396.00	1500-22290-402490	Ansul vehicle bracket for Ansul extinguisher
07/30/2012	757831	MONTANA CSED	4,355.05	9000-00000-209926	Child Support
07/30/2012	757836	Montana State Fireman's Assoc	2,830.77	9000-00000-209924	PAYROLL SUMMARY
07/30/2012	757837	Montana State Library	13,125.00	2600-55190-403221	FY13 MyMontanaLibraryToGo Annual Subscription
07/30/2012	757839	Morrison Maierle Inc	20,046.60	4050-71250-409695	Invoice #120835. AIP 42 Project Overlay of Runway 10L/28R-Federal
07/30/2012	757839	Morrison Maierle Inc	1,055.08	4050-71250-409696	Invoice #120835. AIP 42 Project Overlay of Runway 10L28R-Local
07/30/2012	757839	Morrison Maierle Inc	6,807.49	5030-75910-409340	WO 10-08 WTP Clearwell CT Improvements
07/30/2012	757843	Mppa	2,505.73	9000-00000-209923	PAYROLL SUMMARY
07/30/2012	757844	MT Waterworks	171.03	5030-75910-409340	parts/supplies
07/30/2012	757844	MT Waterworks	1,576.62	5030-75910-409340	parts/supplies
07/30/2012	757844	MT Waterworks	1,636.00	5030-75910-409340	parts/supplies
07/30/2012	757844	MT Waterworks	281.40	5020-00000-141000	SYSTEMS PO NUM 290119
07/30/2012	757845	Municipal Code Corp	489.50	0100-11000-403230	Supplement 42, Update 1, Billings, MT Municipal Code
07/30/2012	757845	Municipal Code Corp	293.70	0100-12120-403390	Supplement 42, Update 1, Billings, MT Municipal Code
07/30/2012	757845	Municipal Code Corp	97.90	0100-13140-403220	Supplement 42, Update 1, Billings, MT Municipal Code
07/30/2012	757845	Municipal Code Corp	550.40	0100-13140-403590	Supplement 42, Update 1, Billings, MT Municipal Code
07/30/2012	757845	Municipal Code Corp	195.80	0100-15120-403330	Supplement 42, Update 1, Billings, MT Municipal Code

07/30/2012	757845	Municipal Code Corp	391.60	0100-16110-403330	Supplement 42, Update 1, Billings, MT Municipal Code
07/30/2012	757845	Municipal Code Corp	97.90	0100-43210-403220	Supplement 42, Update 1, Billings, MT Municipal Code
07/30/2012	757845	Municipal Code Corp	293.70	0100-43210-403240	Supplement 42, Update 1, Billings, MT Municipal Code
07/30/2012	757845	Municipal Code Corp	97.90	0100-51100-403240	Supplement 42, Update 1, Billings, MT Municipal Code
07/30/2012	757845	Municipal Code Corp	97.90	0100-51400-402290	Supplement 42, Update 1, Billings, MT Municipal Code
07/30/2012	757845	Municipal Code Corp	97.90	1500-21150-402285	Supplement 42, Update 1, Billings, MT Municipal Code
07/30/2012	757845	Municipal Code Corp	489.50	1500-21500-403210	Supplement 42, Update 1, Billings, MT Municipal Code
07/30/2012	757845	Municipal Code Corp	97.90	1500-21700-402190	Supplement 42, Update 1, Billings, MT Municipal Code
07/30/2012	757845	Municipal Code Corp	195.80	1500-22230-402520	Supplement 42, Update 1, Billings, MT Municipal Code
07/30/2012	757845	Municipal Code Corp	195.80	2090-44510-402520	Supplement 42, Update 1, Billings, MT Municipal Code
07/30/2012	757845	Municipal Code Corp	97.90	2110-31320-403370	Supplement 42, Update 1, Billings, MT Municipal Code
07/30/2012	757845	Municipal Code Corp	195.80	2400-43010-403210	Supplement 42, Update 1, Billings, MT Municipal Code
07/30/2012	757845	Municipal Code Corp	97.90	2600-55190-403227	Supplement 42, Update 1, Billings, MT Municipal Code
07/30/2012	757845	Municipal Code Corp	195.80	5020-74000-402190	Supplement 42, Update 1, Billings, MT Municipal Code
07/30/2012	757845	Municipal Code Corp	97.90	5410-31210-403330	Supplement 42, Update 1, Billings, MT Municipal Code
07/30/2012	757845	Municipal Code Corp	97.90	5610-71100-403390	Supplement 42, Update 1, Billings, MT Municipal Code
07/30/2012	757845	Municipal Code Corp	97.90	5710-71410-403230	Supplement 42, Update 1, Billings, MT Municipal Code
07/30/2012	757845	Municipal Code Corp	97.90	6200-19110-402290	Supplement 42, Update 1, Billings, MT Municipal Code

07/30/2012	757845	Municipal Code Corp	97.90	6600-31100-402190	Supplement 42, Update 1, Billings, MT Municipal Code
07/30/2012	757845	Municipal Code Corp	97.90	6700-31410-402190	Supplement 42, Update 1, Billings, MT Municipal Code
07/30/2012	757846	Nai Business Properties	7,645.16	5210-15950-403370	BIG SKY IMAGINARIUM
07/30/2012	757850	Northwestern Energy	3,357.16	1500-22210-403410	FIRE 1: JULY 2012 - ELECTIC SERVICE - 38,400 KWH USED - CURRENT METER READING 48491
07/30/2012	757850	Northwestern Energy	35,540.40	5120-84000-403410	725 Hwy 87 East
07/30/2012	757850	Northwestern Energy	875.73	5020-74000-403410	Airport Rd/17th West/Hwy 3/Waldo
07/30/2012	757850	Northwestern Energy	138.95	5710-71480-403410	17847567
07/30/2012	757850	Northwestern Energy	8,173.40	6500-15670-403410	01005073
07/30/2012	757850	Northwestern Energy	346.14	5610-71170-403410	07127920-1. IP #7 July 12 utilities
07/30/2012	757850	Northwestern Energy	8.95	0100-51120-403410	07230907
07/30/2012	757850	Northwestern Energy	139.29	8720-51980-403410	10590933
07/30/2012	757850	Northwestern Energy	14.11	5610-71170-403410	0712799-6. IP#8 July 12 utilities
07/30/2012	757850	Northwestern Energy	318.53	5210-15950-403410	07208291
07/30/2012	757850	Northwestern Energy	7.15	0100-51120-403410	07231624
07/30/2012	757850	Northwestern Energy	966.04	0100-51120-403410	15942824
07/30/2012	757850	Northwestern Energy	441.34	6600-31100-403410	17413147
07/30/2012	757850	Northwestern Energy	662.00	6700-31410-403410	17413147
07/30/2012	757850	Northwestern Energy	1,282.01	5610-71170-403410	0712800-2. IP#9 July 12 utilities
07/30/2012	757850	Northwestern Energy	1,289.60	5210-15920-403410	07208341
07/30/2012	757850	Northwestern Energy	1,822.59	0100-51120-403410	07231707
07/30/2012	757850	Northwestern Energy	7.15	5610-71170-403410	0712809-3. IP#11 July 12 utilities
07/30/2012	757850	Northwestern Energy	271.99	6070-22350-403410	07215809
07/30/2012	757850	Northwestern Energy	7.15	0100-51120-403410	07236441
07/30/2012	757850	Northwestern Energy	11.31	5610-71170-403410	0712817-6. IP House July 12 utilities
07/30/2012	757850	Northwestern Energy	12.62	0100-51120-403410	07222375
07/30/2012	757850	Northwestern Energy	7.55	0100-51120-403410	07236458
07/30/2012	757850	Northwestern Energy	56.45	5610-71130-403410	0719616-5. ARFF building lights July 12 utilities
07/30/2012	757850	Northwestern Energy	7.15	0100-51120-403410	07222474
07/30/2012	757850	Northwestern Energy	20.98	0100-51120-403410	07894371
07/30/2012	757850	Northwestern Energy	211.71	0100-51120-403410	07222516
07/30/2012	757850	Northwestern Energy	0.19	0100-51120-403410	07222540
07/30/2012	757850	Northwestern Energy	88.39	0100-51120-403410	07222557

07/30/2012	757850	Northwestern Energy	327.87	0100-51120-403410	07222573
07/30/2012	757850	Northwestern Energy	220.58	0100-51120-403410	07222607
07/30/2012	757850	Northwestern Energy	22.07	0100-51120-403410	07222615
07/30/2012	757850	Northwestern Energy	45.18	0100-51120-403410	07222623
07/30/2012	757850	Northwestern Energy	7.24	0100-51120-403410	07222631
07/30/2012	757850	Northwestern Energy	134.06	0100-51120-403410	07222656
07/30/2012	757850	Northwestern Energy	43.61	0100-51120-403410	07222664
07/30/2012	757850	Northwestern Energy	4.06	0100-51120-403410	07222680
07/30/2012	757850	Northwestern Energy	13.35	0100-51120-403410	07222698
07/30/2012	757850	Northwestern Energy	11.29	0100-51120-403410	07222920
07/30/2012	757850	Northwestern Energy	69.89	0100-51120-403410	07222938
07/30/2012	757850	Northwestern Energy	9.64	0100-51120-403410	07229057
07/30/2012	757850	Northwestern Energy	241.76	0100-51120-403410	07230352
07/30/2012	757850	Northwestern Energy	8.60	0100-51120-403410	07230360
07/30/2012	757850	Northwestern Energy	180.10	0100-51120-403410	07230378
07/30/2012	757850	Northwestern Energy	21.83	0100-51120-403410	07230386
07/30/2012	757850	Northwestern Energy	31.95	0100-51120-403410	07230428
07/30/2012	757850	Northwestern Energy	403.74	0100-51120-403410	07230444
07/30/2012	757850	Northwestern Energy	73.48	0100-51120-403410	07230485
07/30/2012	757850	Northwestern Energy	35.02	0100-51120-403410	07230501
07/30/2012	757850	Northwestern Energy	6.42	0100-51120-403410	07230519
07/30/2012	757850	Northwestern Energy	67.08	0100-51120-403410	07230527
07/30/2012	757850	Northwestern Energy	603.57	0100-51120-403410	07230543
07/30/2012	757850	Northwestern Energy	7.55	0100-51120-403410	07230550
07/30/2012	757850	Northwestern Energy	227.43	0100-51120-403410	07229339
07/30/2012	757850	Northwestern Energy	14.38	0100-51120-403410	07230568
07/30/2012	757850	Northwestern Energy	7.55	0100-51120-403410	07230576
07/30/2012	757850	Northwestern Energy	19.04	0100-51120-403410	07230584
07/30/2012	757854	Paddock Heating & Cooling	-55.50	1500-22260-402450	1% CONTRACTORS GROSS RECEIPTS TAX PAYABLE TO STATE OF MONTANA - DEPARTMENT OF REVENUE
07/30/2012	757854	Paddock Heating & Cooling	-400.00	1500-22260-402450	DISCOUNT ON PROJECT IF REPLACED AT SAME TIME AS CENTER SECTION WHICH WAS ENCUMBERED IN FY2012
07/30/2012	757854	Paddock Heating & Cooling	-64.50	1500-22260-402450	1% contractor's gross receipts payment

07/30/2012	757854	Paddock Heating & Cooling	5,950.00	1500-22260-402450	REPLACE 1975 3-TON ROOFTOP UNIT WITH NEW HIGH EFFICIENCY 4-TON, 3-PHASE UNIT WITH ECONOMIZER. FABRICATE ALL DUCT WORK, ELECTRICAL, GAS, DRAIN AND REMOVAL OF OLD UNIT AND COST OF CRANE
07/30/2012	757854	Paddock Heating & Cooling	6,450.00	1500-22260-402450	REPLACE CENT 1975 4-TON ROOFTOP UNIT WITH A NEW HIGH EFFICIENCY 5-TON, 3-PHASE UNIT WITH ECONOMIZER. fABRICATE ALL DUCT WORK, ELECTRICAL, GAS, DRAIN & REMOVAL OF OLD UNIT.
07/30/2012	757859	Premier Vehicle Installation	-446.25	2500-21350-402120	Item 425-5485, Exchange Plate for Havis Mount
07/30/2012	757859	Premier Vehicle Installation	2,499.00	2500-21350-402120	Item 425-6174, Console Contour Ford Interceptor Sedar 2013
07/30/2012	757859	Premier Vehicle Installation	1,808.80	2500-21350-402120	Item 425-5542, NHM Computer Stand for Charger Console
07/30/2012	757859	Premier Vehicle Installation	374.85	2500-21350-402120	Item 425-6260, Upper Portion of Adjustable Arm Rest
07/30/2012	757859	Premier Vehicle Installation	422.45	2500-21350-402120	Item 425-6042, Cup Holder - Standard Console
07/30/2012	757859	Premier Vehicle Installation	297.50	2500-21350-402120	Item 425-1485, 4" Utility Box for the Console
07/30/2012	757860	Public Utilities	271.25	8720-51980-403420	490833852
07/30/2012	757860	Public Utilities	150,817.31	8050-15700-405350	6712510003200
07/30/2012	757860	Public Utilities	95.10	0100-51120-403420	675073994
07/30/2012	757860	Public Utilities	95.10	0100-51120-403420	675873987
07/30/2012	757860	Public Utilities	163.96	8720-51980-403420	14662318478
07/30/2012	757860	Public Utilities	129.37	2110-31320-403420	671294847
07/30/2012	757860	Public Utilities	474.19	5120-85000-403420	671274846
07/30/2012	757860	Public Utilities	483.58	8720-51980-403420	8934540476600
07/30/2012	757863	Qwest Communications	90.26	5610-71100-403450	Qwest 406-252-9412 Airport
07/30/2012	757863	Qwest Communications	45.01	0100-51400-403450	Qwest 406-652-0269 Cemetery FAX Line
07/30/2012	757863	Qwest Communications	43.40	5210-15920-403450	Qwest 406-252-2041 Park 2 Elevator Phone
07/30/2012	757863	Qwest Communications	35.21	0100-51210-403450	Qwest 406-652-8403 Stewart Park Batting Cages
07/30/2012	757863	Qwest Communications	31.25	2110-31320-403450	Qwest 406-652-8104 PW Traffice Signal 24 Central
07/30/2012	757863	Qwest Communications	45.17	0100-51120-403450	Qwest 406-652-5507 Parks

07/30/2012	757863	Qwest Communications	30.51	0100-51120-403450	Qwest 406-657-3014 Parks 3890 Stillwater
07/30/2012	757863	Qwest Communications	3,277.14	6060-19310-403450	Qwest 406-657-8377 Main System Centrex
07/30/2012	757863	Qwest Communications	47.72	2250-22320-403450	Qwest 406-245-7102 9-1-1 Center Fox Reservoir #2
07/30/2012	757863	Qwest Communications	95.42	6060-19310-403450	Qwest 406-657-3009 PUD Measured Lines 406-247-8579
07/30/2012	757877	Sanderson Stewart	36,709.97	5030-75910-409340	WO 12-01 2012 Water & Sewer Replacement Sch 1 CONTRACT $766,533.00 APPROVED BY CC 10/24/11
07/30/2012	757877	Sanderson Stewart	864.88	5130-85910-409340	WO 12-12 Bench Blvd Sewer Extensions
07/30/2012	757890	Smiths Detection	7,000.00	2200-22330-402410	HAZMAT ID 360 COMMAND UPGRADE, SERIAL NUMBER 08220305E (SC & ES S/N #709 & ABOVE)
07/30/2012	757901	Sunset Excavation	7,301.25	5050-75150-403671	Water Service Repair List 05.25.12
07/30/2012	757908	Timber Line Electric and Control Corp	1,270.35	5020-74000-402360	radio repairs
07/30/2012	757908	Timber Line Electric and Control Corp	2,662.11	5020-74000-402360	radio repairs
07/30/2012	757910	Town & Country Supply Association	18,200.69	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 290108
07/30/2012	757910	Town & Country Supply Association	530.39	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 290132
07/30/2012	757910	Town & Country Supply Association	12,439.82	6010-00000-141000	97460 PO NUM 290123
07/30/2012	757910	Town & Country Supply Association	473.49	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 290133
07/30/2012	757910	Town & Country Supply Association	19,152.83	6010-00000-141000	95056 PO NUM 290123
07/30/2012	757910	Town & Country Supply Association	931.26	1500-22260-402310	FIRE1: UNLEADED (300 GALLONS) DELIVERED ON 7/18/2012
07/30/2012	757910	Town & Country Supply Association	15,410.47	6010-00000-141000	95055 PO NUM 290123
07/30/2012	757917	Verizon Wireless	455.99	5610-71100-403450	Airport
07/30/2012	757917	Verizon Wireless	200.07	1500-21700-403450	Animal Shelter MDT
07/30/2012	757917	Verizon Wireless	151.71	1500-21700-403450	Animal Shelter
07/30/2012	757917	Verizon Wireless	358.94	7170-21660-403450	CCSIU Cell/PTT
07/30/2012	757917	Verizon Wireless	85.88	7170-21660-403450	CCSIU
07/30/2012	757917	Verizon Wireless	40.01	7170-21660-403450	CCSIU Air Card
07/30/2012	757917	Verizon Wireless	394.23	2110-31320-403450	Streets
07/30/2012	757917	Verizon Wireless	70.09	5410-31210-403450	Solid Waste
07/30/2012	757917	Verizon Wireless	430.41	6700-31410-403450	Engineering

07/30/2012	757917	Verizon Wireless	169.62	5410-31230-403450	Solid Waste On Call
07/30/2012	757917	Verizon Wireless	468.81	5020-75000-403450	Distribution & Collection 60% 5020-75000-403450 Distribution & Collection 40$ 5120-85000-403450
07/30/2012	757917	Verizon Wireless	312.54	5120-85000-403450	Distribution & Collection 60% 5020-75000-403450 Distribution & Collection 40$ 5120-85000-403450
07/30/2012	757917	Verizon Wireless	19.28	5020-77000-403450	PUD Environmental 50% 5020-77000-403450 PUD Environmental 50% 5120-87000-403450
07/30/2012	757917	Verizon Wireless	19.28	5120-87000-403450	PUD Environmental 50% 5020-77000-403450 PUD Environmental 50% 5120-87000-403450
07/30/2012	757917	Verizon Wireless	809.30	5020-74000-403450	Water Treatment PWBelknap-WT
07/30/2012	757917	Verizon Wireless	439.85	5020-73120-403450	PWBLKNP MTRSHOP
07/30/2012	757917	Verizon Wireless	69.44	5020-73110-403450	Belknap Office 60% 5020-73110-403450 Belknap Office 40$ 5120-83110-403450
07/30/2012	757917	Verizon Wireless	46.28	5120-83110-403450	Belknap Office 60% 5020-73110-403450 Belknap Office 40$ 5120-83110-403450
07/30/2012	757917	Verizon Wireless	86.76	5020-73140-403450	PWBLKNP STORES 75% 5020-73140-403450 PWBLKNP STORES 25% 5120-83140-403450
07/30/2012	757917	Verizon Wireless	28.92	5120-83140-403450	PWBLKNP STORES 75% 5020-73140-403450 PWBLKNP STORES 25% 5120-83140-403450
07/30/2012	757917	Verizon Wireless	1,190.89	5120-84000-403450	Wastewater Treatment Plant
07/30/2012	757917	Verizon Wireless	22.75	6060-19310-403450	TeleComm Manager
07/30/2012	757917	Verizon Wireless	91.63	5710-71420-403160	On Call MET
07/30/2012	757917	Verizon Wireless	37.54	5710-71410-403450	MET Transit
07/30/2012	757917	Verizon Wireless	90.92	0100-43210-403450	Code Enforcement
07/30/2012	757917	Verizon Wireless	178.10	5710-71470-403160	MET Transit AVL Account 770599076-00001
07/30/2012	757917	Verizon Wireless	842.99	0100-51120-403450	PRPL Parks Seasonal
07/30/2012	757917	Verizon Wireless	141.14	2090-44510-403450	Building
07/30/2012	757917	Verizon Wireless	120.91	6600-31100-403450	Public Works Admin
07/30/2012	757917	Verizon Wireless	218.65	0100-51120-403450	Parks Irrigation
07/30/2012	757917	Verizon Wireless	911.77	0100-51120-403450	Parks
07/30/2012	757917	Verizon Wireless	43.75	0100-51120-403450	Parks PMD
07/30/2012	757917	Verizon Wireless	75.03	0100-51400-403450	Cemetery

07/30/2012	757917	Verizon Wireless	161.58	0100-51210-403450	PRPL Seasonal
07/30/2012	757917	Verizon Wireless	127.09	0100-51210-403450	PRPL Recreation
07/30/2012	757917	Verizon Wireless	73.95	0100-17500-403450	Human Resources
07/30/2012	757917	Verizon Wireless	40.01	1500-21110-403450	Police ICAC
07/30/2012	757917	Verizon Wireless	583.08	1500-22210-403450	Fire Department
07/30/2012	757917	Verizon Wireless	3,371.58	1500-21110-403450	Police MDT Toughbook
07/30/2012	757917	Verizon Wireless	90.97	0100-15120-403450	Finance Pat Weber
07/30/2012	757917	Verizon Wireless	120.03	2600-55170-403450	Library Outreach Air Cards
07/30/2012	757917	Verizon Wireless	83.93	6500-15670-403450	Facilities City Hall Plus 30% of 406-672-3027
07/30/2012	757917	Verizon Wireless	120.03	6200-19110-403450	ITD Air Card & MIFI
07/30/2012	757917	Verizon Wireless	49.06	0100-16110-403450	Legal
07/30/2012	757917	Verizon Wireless	80.02	7170-21660-403450	CCSIU RAVEN
07/30/2012	757917	Verizon Wireless	64.48	6500-15650-403450	Facilites BOC Plus 70% of 406-672-3027
07/30/2012	757917	Verizon Wireless	640.20	1500-22210-403450	Fire MDT
07/30/2012	757917	Verizon Wireless	52.76	1500-22250-403450	Comm Center 911
07/30/2012	757917	Verizon Wireless	40.01	1500-22210-403450	Fire MIFI
07/30/2012	757917	Verizon Wireless	75.55	0100-51100-403450	PRPL Admin
07/30/2012	757917	Verizon Wireless	47.75	5210-15210-403450	Parking
07/30/2012	757917	Verizon Wireless	24.51	2490-21960-403450	Police DV 406-698-1391
07/30/2012	757917	Verizon Wireless	334.63	1500-21110-403450	Police Resource Officers
07/30/2012	757917	Verizon Wireless	90.37	2510-21870-403450	Police Forensic 406-794-6880
07/30/2012	757917	Verizon Wireless	2,914.02	1500-21110-403450	Police
07/30/2012	757917	Verizon Wireless	13.07	2400-43010-403450	Planning
07/30/2012	757917	Verizon Wireless	140.57	0100-12120-403450	Municipal Court Judge
07/30/2012	757917	Verizon Wireless	40.01	0100-13130-403450	Administration Bruce McCandless IPad 406-839-4295
07/30/2012	757917	Verizon Wireless	53.67	0100-12200-403450	Drug Court
07/30/2012	757917	Verizon Wireless	80.04	0100-43210-403450	Code Enforcement Air Cards
07/30/2012	757917	Verizon Wireless	48.87	6010-15500-403450	Motor Pool
07/30/2012	757917	Verizon Wireless	42.72	0100-11000-403450	Mayor
07/30/2012	757917	Verizon Wireless	18.02	5020-75000-403450	PUD Air Card 406-794-8054 60% 5020 75000 403450 40% 5120 85000 403450

07/30/2012	757917	Verizon Wireless	12.00	5120-85000-403450	PUD Air Card 406-794-8054 60% 5020 75000 403450 40% 5120 85000 403450
07/30/2012	757917	Verizon Wireless	40.01	6700-31410-403450	Engineering Air Card
07/30/2012	757917	Verizon Wireless	169.70	2600-55120-403450	Library
07/30/2012	757917	Verizon Wireless	240.06	2090-44510-403450	Building Air Cards
07/30/2012	757917	Verizon Wireless	26.14	2600-55170-403450	Library Outreach
07/30/2012	757917	Verizon Wireless	34.22	6200-19110-403450	ITD
07/30/2012	757917	Verizon Wireless	40.01	0100-51120-403450	Parks PMD Air Card
07/30/2012	757917	Verizon Wireless	13.07	6200-19130-403450	ITD GIS
07/30/2012	757917	Verizon Wireless	156.94	1500-21110-403450	Police US Marshall MDT
07/30/2012	757924	Western Heritage Center	4,166.67	2600-55110-403590	MT Room Digitization Project
07/30/2012	757929	Yellowstone County Finance Dpt	97.38	1500-21110-403590	June 2012 Inmate Medical Billing
07/30/2012	757929	Yellowstone County Finance Dpt	15,400.00	1500-21110-403590	June 2012 Prisoner Billing
07/30/2012	757930	Yellowstone County Sheriffs	10,147.69	2500-21350-402120	2011 JAG Reimbursement to County for 4-wheeler and upholstery repairs, mobile data radio, & holsters.
07/30/2012	757932	Yellowstone Valley Animal Shelter	20,666.67	1500-21700-403990	contract 5-22-12\6-21-12
07/30/2012	757932	Yellowstone Valley Animal Shelter	20,666.67	1500-21700-403990	contract 6-22-12\7-21-12
07/30/2012	757935	Frasca	25,000.00	5210-15950-409390	Lease agreement for remodel at 2906 3rd Ave N. Maximum reimbursement is $25,000
07/31/2012	757936	Petty Cash CCSIU	5,056.80	7180-21600-407910	PE/PI Reimbursement for July 2012.

Regular City Council Meeting

Meeting Date: 08/27/2012

TITLE: Public Hearing and Resolution Authorizing Filing of the Annual Federal Transit Administration Section 5307 Grant

PRESENTED BY: Thomas H. Binford

Department: Transit

Information

PROBLEM/ISSUE STATEMENT

Each year the City of Billings MET Transit Division applies for a Federal Transit Administration (FTA) Section 5307 formula grant through the U.S. Department of Transportation's Federal Transit Act, SAFETEA-LU. Through this Act, grant funds are allocated for the MET, which can be utilized for both operating costs and capital assistance. For FY 13, the MET is intending to utilize this grant for operating costs as it has in the past. This is a matching grant with 50% Federal and 50% local dollars. The FTA will reimburse the City up to the apportioned allocation for the year, which will be $1,426,389.

This grant application requires a Resolution formally authorizing the Mayor to execute the grant agreement with the Department of Transportation (DOT). A public hearing is required for this grant application. Public hearing notices were published in the *Billings Times* on July 26 and August 2, 2012.

ALTERNATIVES ANALYZED

The City Council may:

- Approve the Resolution that authorizes filing of the grant application in the amount of $1,426,389 for operating assistance and authorizing the Mayor to execute the grant when received; or
- Not approve the Resolution and do not file the grant application, which would reduce the MET's operating revenue by about 30% and force MET to make severe service reductions.

FINANCIAL IMPACT

For FY 13, the Section 5307 Federal grant application for operating assistance is $1,426,389, which represents approximately 30% of the MET's operating revenue. This amount was included in MET Transit's FY 13 budget.

RECOMMENDATION

Staff recommends that Council conduct a pubic hearing and approve the Resolution authorizing the filing of a grant application, and for the Mayor to execute the grant agreement with the DOT FTA upon receipt of the grant offer provided under the authorization of the Federal SAFETEA-LU Act.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution

RESOLUTION NO. 12-

A RESOLUTION AUTHORIZING THE FILING OF ALL APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION PLANNING, CAPITAL, TRAINING, DEMONSTRATION, AND/OR OPERATING ASSISTANCE GRANTS AUTHORIZED BY 49 U.S.C. CHAPTER 53, TITLE 23 UNITED STATES CODE, AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION

WHEREAS, the City of Billings has the power to enter into agreements with the Federal Transit Administration; and

WHEREAS, the Federal Transit Administration has been delegated authority to award Federal financial assistance for mass transportation projects; and

WHEREAS, all contracts for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs; and

WHEREAS, the applicant has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF BILLINGS, MONTANA:

1. That the City of Billings Mayor is authorized to execute and file all applications on behalf of the City of Billings with the U.S. Department of Transportation, Federal Transit Administration to aid in the financing of all planning, capital, training, demonstration and/or operating assistance projects authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration.

2. That the City of Billings Mayor is authorized to execute and file with such applications the annual certifications and assurances, and any other documents required by the U.S. Department of Transportation, Federal Transit Administration effectuating the purpose of the proposed projects, including the local share.

3. That the City of Billings Mayor is authorized to execute grant and cooperative agreements with the U.S. Department of Transportation, Federal Transit Administration, on behalf of the City of Billings.

4. That the Transit Manager is designated to furnish such additional information as the U.S. Department of Transportation, Federal Transit Administration may require in connection with all the applications.

APPROVED this 27th day of August 2012.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

BY: _____
Cari Martin, City Clerk

CERTIFICATE

The undersigned duly qualified and acting City Clerk of the City of Billings certifies that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the Billings City Council held on August 27, 2012.

If applicant has an Official Seal, impress here.

(Seal)

_____
Signature of Recording Officer

_____
Title of Recording Clerk

_____
Date

Regular City Council Meeting
Meeting Date: 08/27/2012
TITLE: Public Hearing and Resolution for Setting Mill Levy Rates
PRESENTED BY: Patrick M. Weber, Financial Services Director
Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

This resolution establishes the city property tax mill levy rates for the Public Safety Fund (51.11 mills), General Obligation Debt Service Parks (.59 mills), General Obligation Debt Service Streets (2.08 mills), General Obligation Debt Service Library (6.12), General Obligation Debt Service Series A Baseball Stadium (5.05 mills) and General Obligation Debt Service Series B Baseball Stadium (.63 mills) for the 2012 tax year. These levies are based on the certified taxable valuation from the Montana Department of Revenue.

The total mill levy rate for tax year 2012 will be 174.58, which is 5.85 mills more than tax year 2011. This increase in the total mill levy rate is due to the new General Obligation Service Debt for the Library of 6.12 mills. However, the other General Obligation Debt Service mills have decreased resulting in a net effect of a 5.85 mills increase due to cash received from the collection of delinquent taxes.

ALTERNATIVES ANALYZED

The Council must hold a public hearing and then may:

- Approve the resolution; or
- Not approve the resolution.

FINANCIAL IMPACT

Applied to a $200,000 home, the 174.58 mills would result in a City property tax of about $471 for 2012 compared to $456 for 2011.

RECOMMENDATION

Staff recommends that the City Council hold the public hearing and approve the resolution setting the mill levy rates for tax year 2012.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution MIlls

RESOLUTION 12-_____

A RESOLUTION ESTABLISHING THE MILL LEVIES FOR PUBLIC SAFETY, GENERAL OBLIGATION DEBT FOR PARKS, STREET, LIBRARY, AND BASEBALL STADIUM DEBT SERVICE FOR TAX YEAR 2012.

WHEREAS, pursuant to law, the City of Billings is required to make annual mill levies.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. That a Public Safety Mill Levy, which voters approved in November of 2004 in the amount of $8.2 million (51.11 mills), is hereby imposed on all taxable property within the City of Billings, Montana, for the Fiscal Year **July 1, 2012 through June 30, 2013**.

2. That additional Mill Levies in the amounts stated are hereby imposed on all taxable property within the City of Billings, Montana, to provide payment for the following:

   A. .59 mills-General Obligation Debt Service Parks
   B. 2.08 mills-General Obligation Debt Service Streets
   C. 6.12 mills-General Obligation Debt Service Library
   D. 5.05 mills-General Obligation Debt Service Baseball Stadium Series A
   E. .63 mills-General Obligation Debt Service Baseball Stadium Series B

3. That when said taxes are collected, the same shall be placed in respective funds for the City and expended pursuant to the annual budget.

4. This Resolution shall be effective upon adoption.

ADOPTED and APPROVED by the City Council on the **27th day of August, 2012**

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, MAYOR

ATTEST:

BY: _____
Cari Martin, CITY CLERK

Regular **4.**

Regular City Council Meeting
Meeting Date: 08/27/2012
TITLE: Public Hearing and Resolution for Park District 1 Assessment
PRESENTED BY: Patrick M. Weber, Financial Services Director
Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

This resolution establishes the Park District 1 assessment of 1.156 % of taxable value, resulting in $1,855,000 in revenue.

ALTERNATIVES ANALYZED

The Council must hold a public hearing and then may:

- Approve the resolution; or
- Amend and approve the resolution; or
- Not approve the resolution.

FINANCIAL IMPACT

Applied to a home with a $200,000 market value, the 1.156 % of taxable value would result in an assessment of approximately $31.

RECOMMENDATION

Staff recommends that the City Council hold the public hearing and approve the resolution setting the assessment for Park District 1 for tax year 2012.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution Park District 1

RESOLUTION 12- _____

A RESOLUTION ASSESSING PROPERTIES WITHIN THE CITY OF BILLINGS FOR THE PARK DISTRICT 1 ASSESSMENT, PROVIDING FOR NOTICE, HEARING AND ADOPTION.

WHEREAS, Billings, Montana City Resolution provides for an annual assessment for park district 1;

and

WHEREAS, said Montana Code Annotated provides that the City Council shall annually fix said charge.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, AS FOLLOWS:

1. ASSESSMENT FOR FISCAL YEAR 2013. The Park District 1 for the fiscal year 2013 is hereby fixed and assessed against each and every parcel of real property within the City. Each parcel shall pay to the City that portion of the total Park District 1 assessment imposed annually as hereinafter provided, as the total taxable value of each parcel bears to the total taxable value within the City. The assessment is **1.156 %** per taxable value dollar, provided, however:

2. NOTICE OF HEARING. On Monday, August 27**,** 2012 at 6:30 o'clock p.m., or as soon thereafter as the matter may be considered on the agenda in the Council Chambers of the City Hall, Billings, Montana, the City Council will hear objections to the adoption of this resolution. The City Clerk is hereby directed to publish notice thereof twice, at least five (5) days prior to the hearing, in the Billings Times.

3. EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED and APPROVED by the City Council on the 27th day of August**,** 2012**.**

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, MAYOR

ATTEST:

BY: _____
Cari Martin, CITY CLERK

Regular City Council Meeting
Meeting Date: 08/27/2012
TITLE: Public Hearing and Resolution for Annexation #12-07
PRESENTED BY: Candi Beaudry
Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

Owner John Clifford Zimmerman has submitted a petition to annex land to the City of Billings under 7-2-4600 MCA. The subject property is composed of one parcel totaling about 2 acres, plus approximately 7,260 square feet designated as street right-of-way. It is located on the north side of Grand Avenue just west of the intersection with 48th Street West. The property has a residence on it but is proposed for a private Montessori school. The property owner is requesting annexation in order to obtain City services for development of the property. Since the property will default to Residential-9600 (R-96) zoning when annexed, a concurrent special review application is being processed to allow a private school in the R-96 zoning district. The property is located within the five year annexation area of the City's Limits of Annexation Map and appears to meet many of the City's criteria in its Annexation Policy. Staff also is working with the County to ensure the County deeds all interest in the Grand Avenue road tract or right of way to the City.

ALTERNATIVES ANALYZED

The City Council may approve or deny a petition submitted by owners of 50% of the real property in the area to be annexed (7-2-4601 (3)(b), MCA).

FINANCIAL IMPACT

The City can provide municipal sewer and water service to the subject property. It will be the responsibility of the owner to extend City sewer and water services to the property from services in Grand Avenue. Staff is recommending a standard condition of approval for this annexation be that a development agreement between the City and the property owner be executed to clarify how City services will be provided. If the proposed annexation is approved, the property is expected to be developed as a private school and will contribute additional tax revenue to the City.

BACKGROUND

The subject property is composed of one parcel totaling about 2 acres, with an additional approximately 7,260 square feet designated as street right-of-way. It is located on the north side of Grand Avenue just west of the intersection of Grand Avenue and 48th Street West. The property has a residence on it but is proposed for a private Montessori school. The property owner is requesting annexation in order to obtain City services for development of the property. Since the property will default to Residential-9600 (R-96) zoning if it is brought into the City, a concurrent special review application is being processed to allow a private school in the R-96 zoning district. The Council is scheduled to consider the special review immediately after it acts on this annexation at the August 27 meeting.

During processing of this annexation petition, staff determined that the right-of-way in front of this property on Grand Avenue is identifed as a road tract on the north half and a road easement on the south half. Section 7-2-4211 of the Montana Code Annotated (MCA) requires a city to annex the entire width of a road with the properties it annexes. To comply with Section 7-2-4211 MCA, the City must secure a quit claim deed from the County for the north half, with the County deeding any interest it may have in the road tract to the City. This also means the City must seek a quit claim deed from the property owner to the south for the road easement portion of Grand Avenue. The County is scheduled to act on its quit claim deed on August 28. The City is still in the process of contacting the property owner for the southern easement. Due to the timing of acting on annexation of this property in concurrence with a special review application, if the City Council approves the annexation, City staff will return to the Council at a future meeting for it to accept the deeds for these two portions of Grand Avenue.

The property is located within the five year annexation area of the City's Limits of Annexation Map and appears to meet many of the City's criteria in its Annexation Policy. While there are no City Limits immediately adjacent to the subject property, it is within the red boundary of the limits of annexation as specified by the Annexation Map last adopted by the City Council on May 14, 2012.

PROCEDURAL HISTORY

• On July 2, 2012, the annexation petition was submitted to the Planning Division.
• On August 13, the City Council acknowledged receipt of the annexation petition and set a public hearing for August 27
• On August 27, the City Council will conduct the public hearing for the annexation and may take action on the request.
• On September 10, if the resolution to annex is approved by the City Council, a public hearing and first reading of an ordinance to expand the Ward IV City Council boundary will be conducted.
• On September 24, the City Council will conduct the second and final reading for the ordinance expanding the ward boundary.

STAKEHOLDERS

Annexation by petition does not require notification of adjoining landowners; however, it does require that the City Council conduct a public hearing. Notice of the public hearing was posted on the property on August 13 and published in the Billings Times on August 9. The Planning Division had not received any inquiries into this petition at the time this memo was prepared.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

The City Council has expressed concerns regarding how annexing additional properties may affect the City’s ability to provide services to new developments without diminishing the services provided to existing City residents. To address these concerns, the City Council adopted an annexation policy that lists criteria for suitable annexations. The proposed annexation complies with the adopted Annexation Policy criteria as follows:

1. The area is located within the Limits of Annexation.
2. The City is able to adequately provide municipal water and sewer services. Sewer and water services will require extension of lines by the property owner at the time of development from existing lines in Grand Avenue.
3. Any proposed improvements to the property will meet City standards.
4. As part of a Development Agreement or Subdivision Improvement Agreement, the owners will

sign a Waiver of Right to Protest the creation of any Special Improvement Districts.
5. If annexed, the property will be zoned Residential 9600 (R-96). Any proposed land use will comply with the zoning. Future development also may conform to the goals of the City of Billings and Yellowstone County Growth Policy.

Although MCA 7-2-4600 allows the municipality to waive the requirement of an annexation public services plan, it is the City's custom to have staff prepare a brief analysis of predicted impacts to services and facilities. State law lists the required contents of a public services plan including a 5-year (minimum) plan that outlines how and when services and infrastructure will be extended to the annexed area and how they will be financed. This report follows that general format.

Departmental Response: City and County Departments were given the opportunity to comment on this annexation. City departments responded favorably and detailed responses are provided below. The County Public Works Department did not responded to this annexation request.

City Facilities: The following improvements and facilities are necessary to provide adequate services to the subject property.

• Water: Water service is available from the service line in Grand Avenue adjacent to the subject property. The cost to extend service for the property will be at the developer's expense.

• Sewer: The property may be served by the developer connecting to the existing City sanitary sewer in Grand Avenue. The cost to extend sewer service for the property will be at the developer's expense.

• Stormwater: There is a no stormwater line in Grand Avenue in this area. Storm water impacts will be identified during the site development process and mitigating measures developed at that time meeting the requirements of the city and the public works department at the time of development.

• Transportation: The subject property has frontage on Grand Avenue, which is a Principal Arterial Street. No issues have been identified by City Engineering or Street and Traffic staffs. Any specific traffic impacts will be identified during the site development process and mitigating measures developed at that time.

• Fire Stations: The subject property is currently served by the Billings Fire Department through the Billings Urban Fire Service Area and the Billings Fire Department will continue to service the property upon annexation. The Billings Fire Chief stated that as this and other annexations are built out, additional fire department resources will be needed. The nearest fire station is Station #7 located at 1501 54th Street West, about 0.7 miles northwest of the subject property.

• Parks: The subject property will be zoned Residential-9600 if annexed. Park land dedication could be provided if this property is subdivided. The applicant currently plans development of a private school on the property which would not trigger parkland dedication.

• Bicycle and pedestrian facilities: The property lies within the jurisdiction of the Billings Area Bikeway and Trail Master Plan. A bike lane is proposed on Grand Avenue in front of the subject property with future improvements to Grand Avenue.

General City Services: These are the City services that are provided to all residents and

businesses in the City, such as police and fire protection, street and storm drain maintenance, and garbage collection and disposal. The service providers that responded did not object to the annexation of this property.

• Transit: MET transit system operators have no objections to the annexation request, but the nearest bus route does not go further west on Grand Avenue than Rehberg Lane, about 2.3 miles east of the subject property.

• Police: The Police Department states that the subject property is near an established patrol area and there should be no significant impact to including the property in a patrol area.

• Public Utilities: The Public Works-- Distribution and Collection Division had no objection with the annexation request as long as the owner agrees to fund the necessary water and sewer connection costs, and agrees to a waiver of protest for future SIDs through a Development Agreement or Subdivision Improvement Agreement as condition in the Annexation Resolution.

• Public Works -Street and Traffic Division: The Street and Traffic Division stated that it has no problems serving the property.

• Public Works-Solid Waste: The Solid Waste Division notes that it can serve the property when developed, but noted that Senate Bill 234 passed in the 2011 State Legislature dictates that it is up to the property owner as to whether the City or a private carrier collects solid waste from the property.

• Ambulance Service: The City does not provide ambulance service, however it does dictate the level of service provided by American Medical Response (AMR). By City ordinance, 90% of ambulance calls must be answered within 8 minutes; this annexation is within the area of acceptable response time.

• Legal and Finance: General Fund services, such as the Legal and Finance Departments should not be negatively impacted by this annexation. The Finance Department responded that it did not see any issues with the petition request.

• Other Departments: City/County services including Library, Planning, and Environmental Health are only slightly affected by the annexation since they will continue to serve new development whether in the City or the County.

Annexation of this property would adhere to the following goals, objectives and policies of the Yellowstone County and City of Billings 2008 Growth Policy:

- More housing and business choices within each neighborhood (Land Use Goal, page 6).
- Promote excellence in education and safe and healthy school facilities (Economic Development Element Goal, Page 8).
- Protection of groundwater, surface water, riparian areas, air quality and productive agricultural land (Natural Resources Goal, page 13).

The West Billings Plan identifies the area of this property for residential development. However, schools are expected to be in residential areas to serve the students in those residences so a residential or school use on this property would be in accordance with the West Billings Plan's future land use map.

RECOMMENDATION

Staff recommends that the City Council conduct the public hearing and approve the Resolution annexing the subject property, subject to the following conditions of approval:
• Prior to site development, a Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and provide guarantees for said improvements, and a Waiver of Right to Protest the Creation of Special Improvement Districts will be recorded; and/or
• A Subdivision Improvements Agreement (SIA) and Waiver of Right to Protest the Creation of Special Improvement Districts shall be approved and recorded that will stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements.

APPROVED BY CITY ADMINISTRATOR

Attachments

Annexation Petition
Annexation Exhibit
Annexation Resolution

12-476

PETITION
FOR ANNEXATION
TO THE CITY OF BILLINGS

RECEIVED
JUL 02 2012
PLANNING & COMMUNITY
SERVICES DEPARTMENT

NOTICE TO PETITIONER

This is a Petition to the City of Billings requesting the annexation of property to the City, pursuant to MCA Title 7, Chapter 2, Part 46. Procedures for annexation are governed by the Statutes of the State of Montana. This Petition requires the signatures of more than 50% of the Resident Freeholder Electors to be considered for annexation.

INSTRUCTIONS

1. All items must be completed or provided. Please type or print. You may attach additional pages if more space is needed.

2. Prepare a map drawn to a scale adequate and legible to show the property requesting annexation and all other property within one-quarter (1/4) mile.

   The map must show:

   a. The present and proposed boundaries of the municipality;

   b. The present streets, major trunk water mains and sewer mains;

   c. The zoning of the property requesting annexation and the property immediately adjacent to it.

3. The Petition should be submitted to the Planning Department, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., located on the 4th Floor of Parmly Billings Library at 510 North Broadway, Billings, Montana. Upon presentation, the Petition will be checked for completeness. Once accepted, the Petition will be routed to the following City Departments: Public Works, City-County Planning, Public Utilities, Fire Department, City Attorney, Police Department, and Finance Department. If no problems with the Petition have been noted by the departments, the City Clerk will schedule the Petition for City Council action.

4. By filing the petition for annexation, the Petitioner(s) agree that only those City services which are available to the general area shall be provided to Petitioner, and that additional services as may become available to the general area shall be made available to Petitioner(s) in the same manner as said services are made available to other residents of the City. Petitioner(s) specifically waive the right to the report and plans for extension of services as provided in MCA Title 7, Chapter 2, Part 47.

5. A description of the territory to be annexed to the City is legally described on a document attached hereto.

RESIDENT FREEHOLDER ELECTORS

Date	Print Name	Name Signature	Address
6-29-12	John Clifford Zimmerman		Trustee
	John Clifford Zimmerman		Trustee
			320 13th St. W.
			Billings, MT. 59101.

(continued on separate page)

(Should be completed prior to obtaining signatures of resident freeholder electors)

DESCRIPTION OF THE TERRITORY TO BE ANNEXED TO THE CITY OF BILLINGS

Legal Description	Tax Code	Address of General Location	Use of Property	Legal Property Owners	Address	Phone
Zimmerman Acreage Tracts SUBD	C07304	4809 Grand Ave	Residential	John Clifford Zimmerman	320 13th St W	(406) 672-5936
S32, T01N, R15E in SE4		B.illings, MT 59102			Billings, MT 59101	

ALL ITEMS BELOW SHALL BE COMPLETED BY STAFF

Date Submitted: 7/2/12

Received By: Tammy

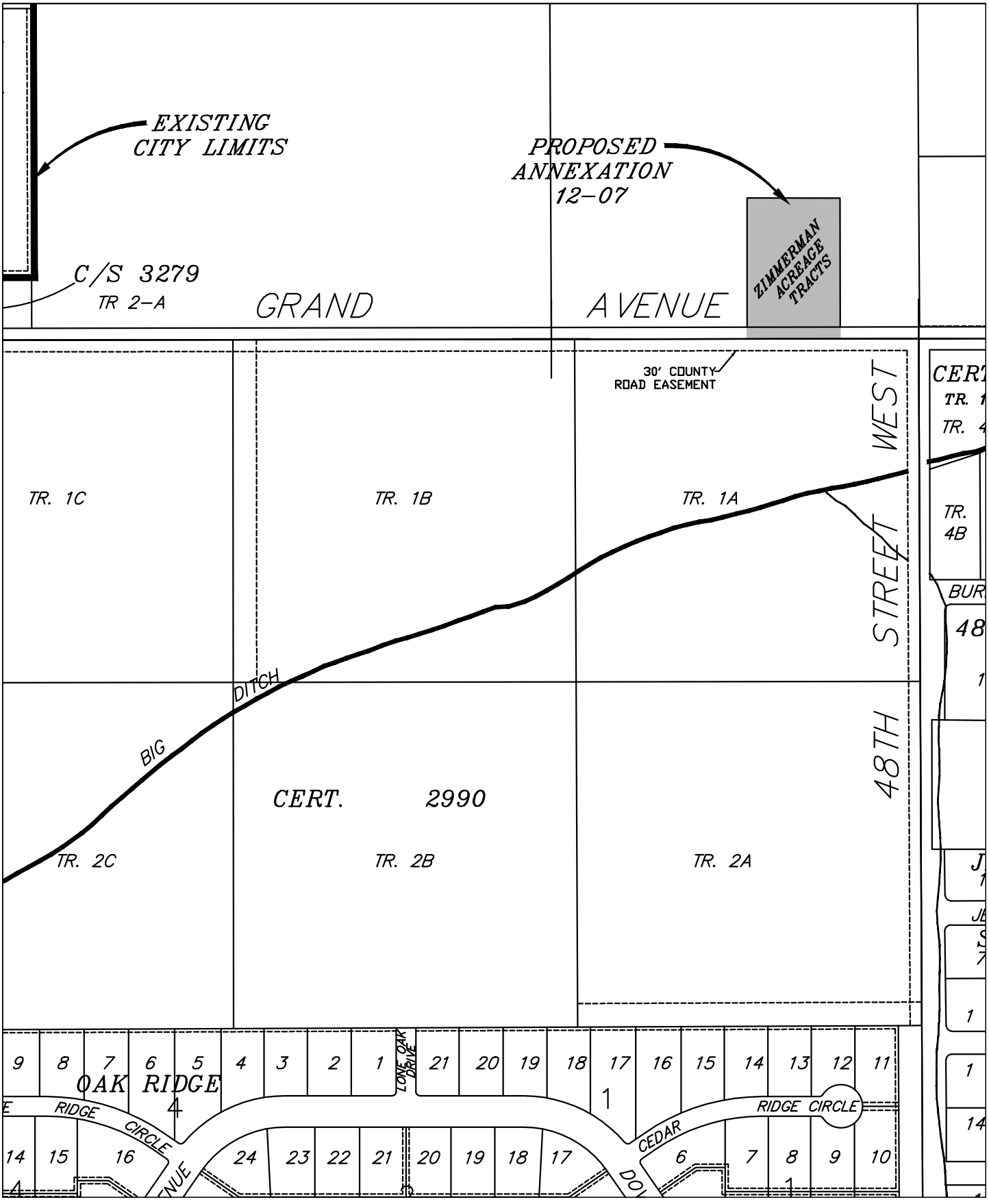
Petition Number: Ann#12-07

Fee Paid: Yes -

proj. 12-475

Revised 6/99

EXHIBIT "A"


EXISTING
CITY LIMITS
PROPOSED
ANNEXATION
12-07
ZIMMERMAN
ACREAGE
TRACTS
C/S 3279
TR 2-A
GRAND
AVENUE
30' COUNTY
ROAD EASEMENT
WEST
STREET
48TH
TR. 1C
TR. 1B
TR. 1A
TR. 4B
DITCH
BIG
CERT. 2990
TR. 2C
TR. 2B
TR. 2A
OAK RIDGE
LONE OAK
DRIVE
RIDGE CIRCLE
CEDAR
RIDGE CIRCLE

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY OF BILLINGS APPROVING PETITIONS FOR ANNEXATION AND ANNEXING TERRITORY TO THE CITY.

WHEREAS, one hundred percent (100%) of the freeholders who constitute more than fifty percent (50%) of the resident freeholder electors have petitioned the City for annexation of the territory hereinafter described; and

WHEREAS, the territory was described in the Petition as required by law, and

WHEREAS, annexation of said territory would be in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, AS FOLLOWS:

1. TERRITORY ANNEXED. Pursuant to Petition filed as provided M.C.A., Title 7, Chapter 2, Part 46, the following territory is hereby annexed to the City of Billings:

   A tract of land situated in the SE1/4 of Section 32, T.1N., R.25E., P.M.M., Yellowstone County, Montana, more particularly described as:

   Zimmerman Acreage Tracts, Recorded May 27, 1958, under Document No. 601982, Records of Yellowstone County. Including all adjacent right-of-way of Grand Avenue. Containing 2.000 gross acres and 1.833 net acres more or less.
   (# 12-07) See Exhibit "A" Attached

2. CONDITIONS. The annexation is approved, subject to the following conditions:

   - Prior to site development, a Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and provide guarantees for said improvements and a Waiver of Right to Protest the Creation of Special Improvement Districts will be recorded; and/or

   - A Subdivision Improvements Agreement (SIA) and Waiver of Right to Protest the Creation of Special Improvement Districts shall be approved and recorded that will

stipulate specific infrastructure improvements and provide guarantees for such infrastructure improvements.

3. PROCEDURE. All procedures as required under M.C.A., Title 7, Chapter 2, Part 46, have been duly and properly followed and taken.

PASSED by the City Council and APPROVED this 27th day of August, 2012.

THE CITY OF BILLINGS:

BY: _____

Thomas W. Hanel, MAYOR

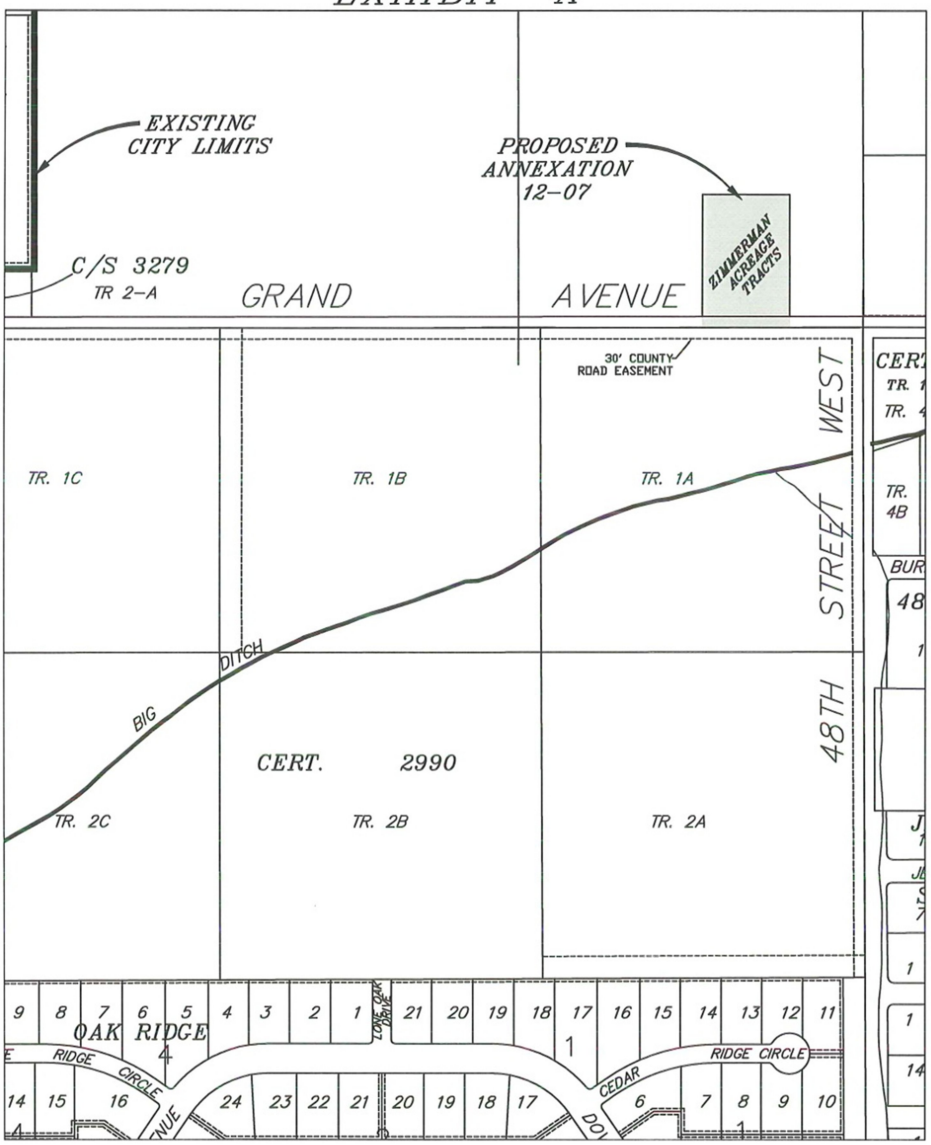
ATTEST:

BY: _____

CITY CLERK

(AN# 12-07)

EXHIBIT "A"


EXISTING CITY LIMITS
PROPOSED ANNEXATION 12-07
ZIMMERMAN ACREAGE TRACTS
C/S 3279
TR 2-A
GRAND
AVENUE
30' COUNTY ROAD EASEMENT
WEST
STREET
48TH
TR. 1C
TR. 1B
TR. 1A
TR. 4B
BIG
DITCH
CERT. 2990
TR. 2C
TR. 2B
TR. 2A
OAK RIDGE
4
1
RIDGE CIRCLE
CEDAR
RIDGE CIRCLE
LONE OAK DRIVE

Regular City Council Meeting
Meeting Date: 08/27/2012
TITLE: Special Review #900 - Public Hearing - 4809 Grand Avenue - Private School
PRESENTED BY: Candi Beaudry
Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

This is a request for a special review to allow the construction of a new private elementary school of 17,868 square feet with 6 classrooms, 25 parking spaces, a fenced playground and landscaping in a Residential 9,600 (R-96) zoning district on Zimmerman Acreage Tracts, a 2-acre parcel of land located at 4809 Grand Avenue. The property is owned by John Clifford Zimmerman and Eggart Engineering Company is the agent. The Zoning Commission conducted a public hearing on August 7, 2012, and is forwarding a recommendation of conditional approval on a 3-0 vote.

ALTERNATIVES ANALYZED

The Planning Division reviewed the application and recommended conditional approval, and the Zoning Commission concurred with this recommendation. Before a recommendation of approval or conditional approval can be made, each special review request must demonstrate conformance with three primary criteria: 1) the application complies with all parts of the Unified Zoning Regulations, 2) the application is consistent with the objectives and purposes of the Unified Zoning Regulations and the 2008 Growth Policy, and 3) is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts. This application conforms to the first criteria because the R-96 zoning district allows schools by special review. The proposed school is further back from Grand Avenue to allow for a parking area. The proposed building appears to meet all required setbacks and lot coverage limitations. There is a proposed fence for the playground that meets the requirements of the zoning code. Landscaping is proposed for the remainder of the site. The application is conforming to the purposes of the regulations and the 2008 Growth Policy and the West Billings Neighborhood Plan (2001).

The application also conforms to the third criteria and conditions of approval are recommended to mitigate any potential impacts to surrounding property. The proposed building is setback from all surrounding existing structures, is a single story and should have little impact on adjacent properties. The building does not exceed lot coverage and meets the required front, side, and rear setbacks. It appears the school will meet the required off-street parking requirements and a new access driveway is proposed for the school. The proposal is compatible and conditions are recommended to mitigate any potential adverse effects on the surrounding area. The proposal is consistent with goals of the 2008 Growth Policy and the West Billings Neighborhood Plan specifically the recommendation to encourage non-commercial uses of land along arterial streets between major intersections. The Zoning Commission is recommending conditions for this special review based on the approval criteria for special review uses.

PROPOSED CONDITIONS

1. The special review approval shall be limited to Zimmerman Acreage Tracts generally located

at 4809 Grand Avenue.
2. The special review approval is for the construction of a new school building of 17,868 gross square feet and no other use is intended or implied by this approval.
3. Any expansion of the proposed building or off-street parking greater than 10 percent of what is shown on the submitted site plan will require an additional special review approval.
4. All exterior lighting shall have full cut-off shields so no part of the fixture or lens projects below the cut-off shield. The maximum height of any light pole in the parking or outdoor play areas shall be 20 feet above grade.
5. The proposed new drive approach shall be reviewed and approved by the City Traffic Engineer.
6. No outdoor announcement system is allowed on a permanent or temporary basis.
7. No construction or demolition activity will occur before 8 am or after 8 pm daily.
8. Any new sign will require sign permit approval from the Planning Division. The school will be allowed one (1) monument sign not larger than 32 square feet and may have external illumination.
9. The site will be developed in substantial conformance with the submitted site plan including landscaping, parking and building location.
10. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
11. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.

NOTE Approval of this Special Review does not constitute approval of a building permit, sign permit or fence permit. Compliance with all applicable local codes will be reviewed at the building permit level. This application is for a Special Review as noted above and no other request is being considered with this application. The Planning Division points out that the use and development of the property must be in accordance with the submitted site plan.

In addition to the recommended conditions the City Council may consider all of the following potential impacts and may formulate conditions related to:

1. Street and road capacity;
2. Ingress and egress to adjoining streets;
3. Off-street parking;
4. Fencing, screening and landscaping;
5. Building bulk and location;
6. Usable open space;
7. Signs and lighting; and/or
8. Noise, vibration, air pollution and similar environmental influences.

FINANCIAL IMPACT

The property is proposed to be annexed to the City and will increase its tax base. The proposed use for a school will not effect the potential tax revenue.

BACKGROUND

This is a request for a special review to allow the demolition of an existing residence and construction of a new Grace Montessori School at 4809 Grand Avenue. The owner has also petitioned to annex the property to allow public utilities to be installed for the new school. City utility lines exist in Grand Avenue. The current County zoning is A-1 but upon annexation the default zoning of R-96 will be applied. Private schools are allowed only by special review approval in residential zones. The proposed school will be 17,868 square feet and contain 6 classroom spaces. The site plan shows a 25-stall parking lot and a fenced playground. This is in an area between the coterminous city limits and other annexed property to the west including Grand Peaks Subdivision, Cottonwood Grove Subdivision, and the Bishop Fox Subdivision at 54th Street West and Grand Avenue.

The immediate neighborhood surrounding the parcel is zoned A-1 and is used for agricultural purposes including irrigated cropland, grazing, hay and other crops. The proposed building will be a single story approximately 25 feet in height. A 15-foot side setback is shown for the side property lines. The proposed parking will be approximately 40 feet from the Grand Avenue property line and the main school building will be 151 feet north of the Grand Avenue property line. There is a fenced playground north of the proposed school building.

Grand Avenue is a principal arterial street with higher speed traffic at this location. The current driveway and obstruction of clear vision by shrubbery causes a dangerous situation for traffic entering Grand Avenue. The existing home and driveway will be removed and replaced with a safer driveway and the existing vegetation will be removed. According to 2012 traffic counts Grand Avenue carries about 4,000 vehicle trips per day in this area. The posted speed limit at this location is 60 mph. All students will likely arrive and depart the school by car or bus. Careful alignment of the new drive approach will be necessary to ensure adequate sight distances and safe turning movements.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on August 7, 2012, and received the staff report and recommendation to conditionally approve the request. The applicant and agent did not provide any additional testimony. Planning Staff provided the Zoning Commission with recent traffic counts from Grand Avenue and questions arose over the current posted speed limit of 60 mph on this section of Grand Avenue. The Planning Staff stated there is no proposal to lower the speed limit or conduct a speed study at this time. Planning Staff stated the City Traffic Engineer will work with the engineer for the project to ensure a safe drive approach for the new school so turning movements into and out of the parking lot are as safe as possible.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consistency with Adopted Policies and Plans is discussed in the Alternatives Analyzed section above.

RECOMMENDATION

The Zoning Commission recommends conditional approval on a 3-0 vote.

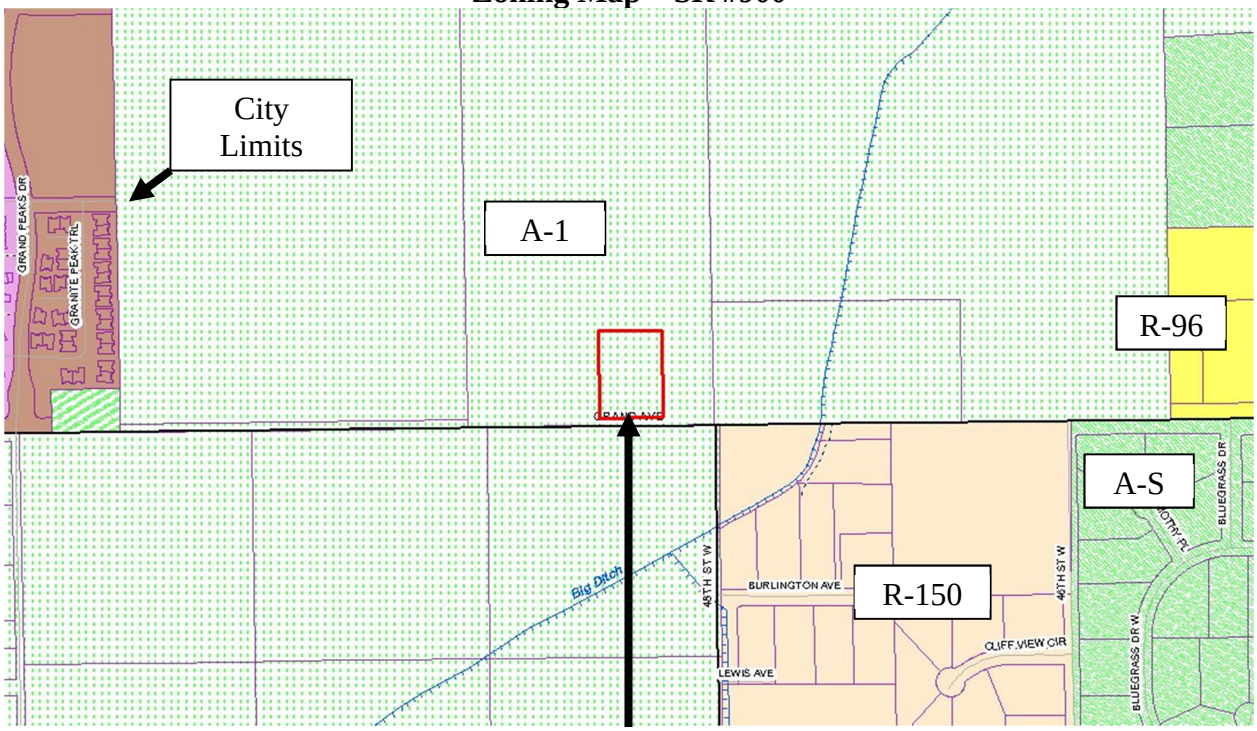
APPROVED BY CITY ADMINISTRATOR

Attachments

Zoning Map

Site photos
Site plan
Applicant Letter
Traffic count August 2012

Attachment A
Zoning Map – SR #900

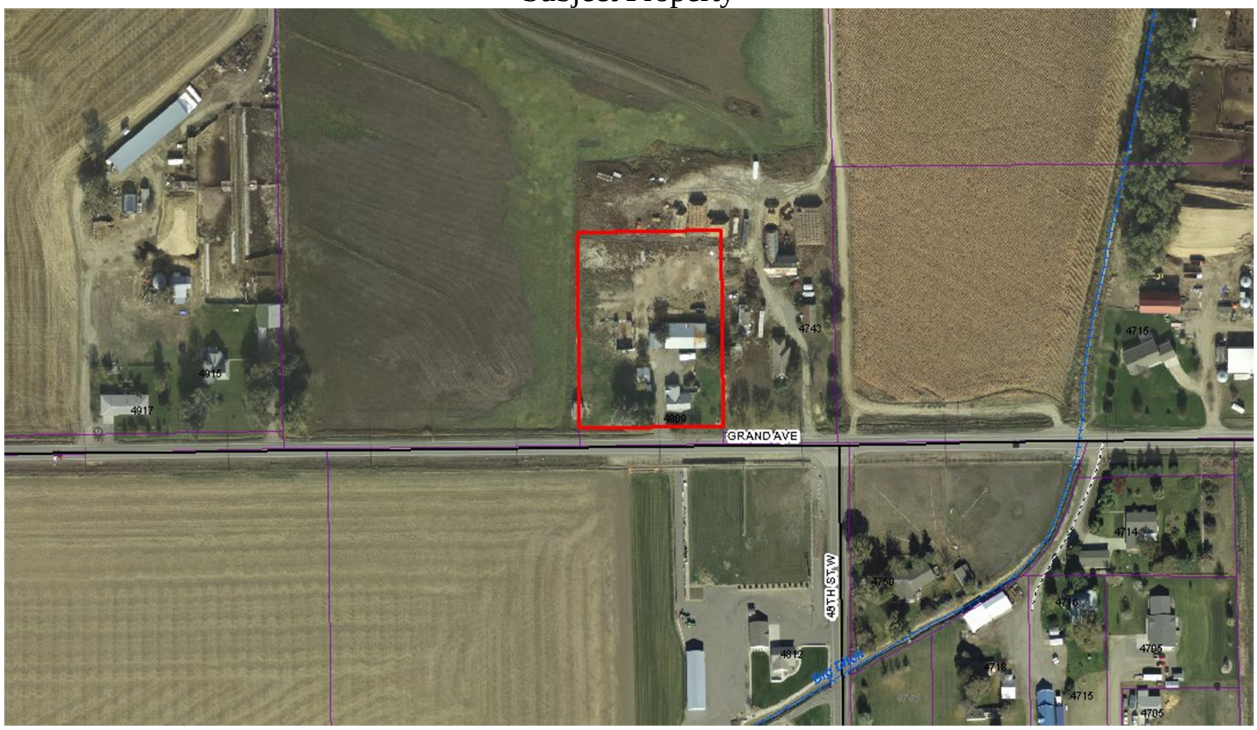


Subject Property at 4809 Grand Avenue

Attachment B

Site photos – SR #900

Subject Property



Subject Property

Attachment B, continued
Site photos – SR #900

View east along Grand Avenue

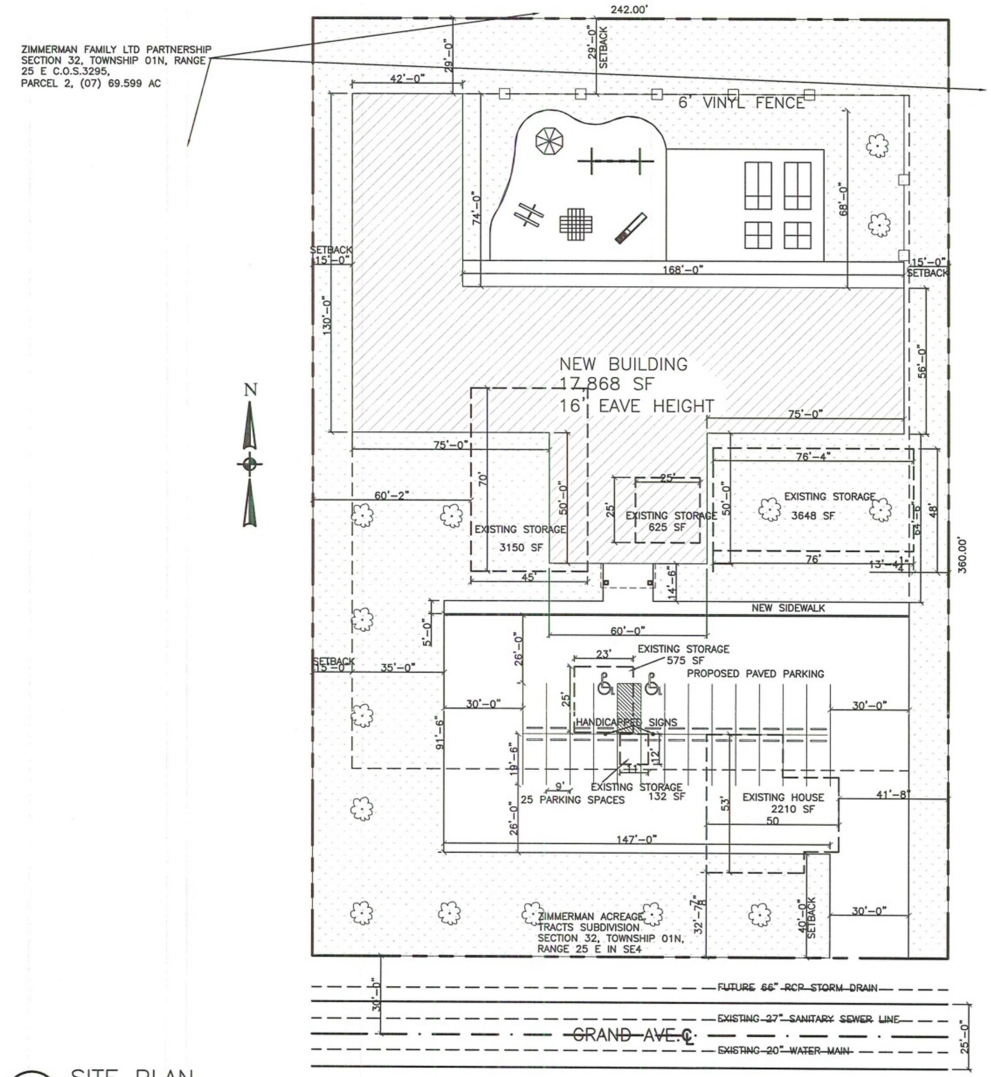
View west along Grand Avenue

Attachment B, continued
Site photos – SR #900

View west to adjacent agricultural land

View of south across Grand Avenue

Attachment C
Site Plan – SR #900



1/C1 SITE PLAN

SCALE: 11x17: 1"=40'
SCALE: 24x36: 1"=20'

ZONE: AGRICULTURAL OPEN

PROPOSAL LOT COVERAGE = 19.8%

PARKING:
SCHOOL, ELEMENTARY, AND JUNIOR HIGH PUBLIC, PRIVATE OF PAROCHIAL:

5 SPACES PLUS ONE PER CLASSROOM WITH MINIMUM AUDITORIUM REQUIREMENTS

5 SPACES + 6 CLASSROOMS = 11 PARKING SPACES

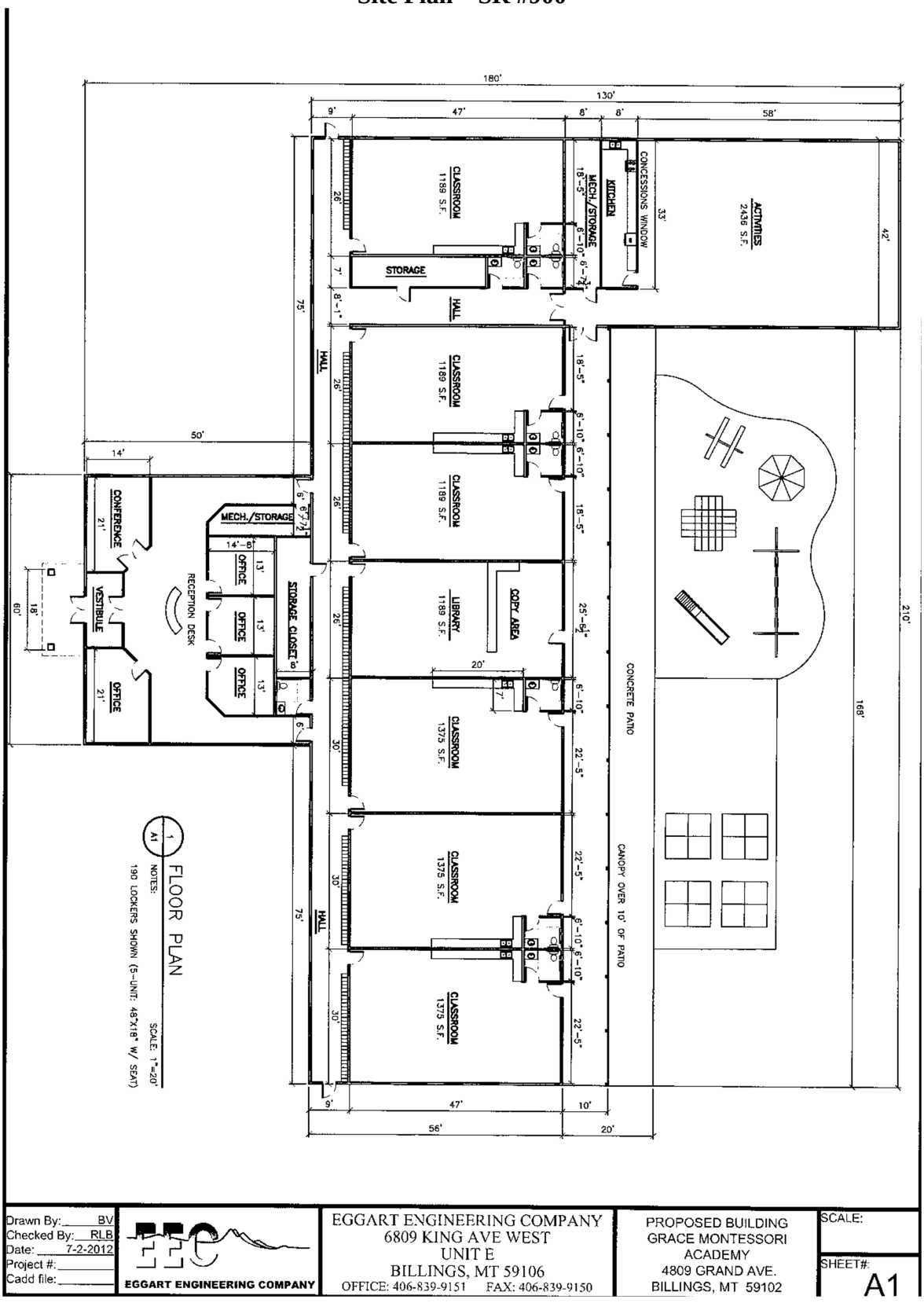
EXISTING BUILDINGS:
ALL EXISTING BUILDINGS ARE PLANNED TO BE REMOVED

LANDSCAPING:
APPROXIMATELY 42,210 SF OF LANDSCAPING WILL BE PROVIDED

Drawn By: BV Checked By: RLB Date: 7-2-2012 Project #: Cadd file:	EGGART ENGINEERING COMPANY	EGGART ENGINEERING COMPANY 6809 KING AVE WEST UNIT E BILLINGS, MT 59106 OFFICE: 406-839-9151 FAX: 406-839-9150	PROPOSED BUILDING GRACE MONTESSORI ACADEMY 4809 GRAND AVE. BILLINGS, MT 59102	SCALE: SHEET#: C1

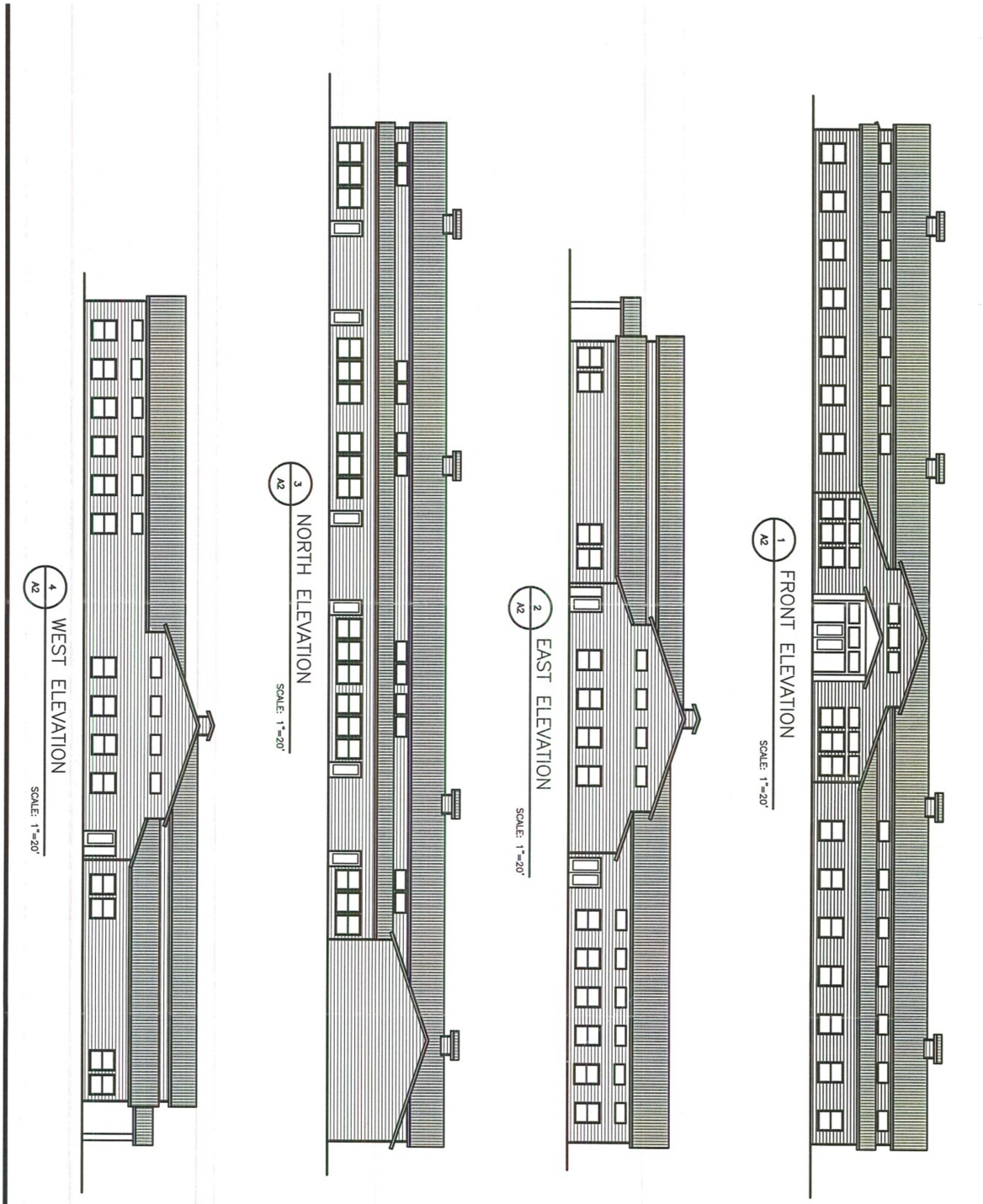
Attachment C, continued

Site Plan – SR #900



Drawn By: BV Checked By: RLB Date: 7-2-2012 Project #: Cadd file:	EGGART ENGINEERING COMPANY	EGGART ENGINEERING COMPANY 6809 KING AVE WEST UNIT E BILLINGS, MT 59106 OFFICE: 406-839-9151 FAX: 406-839-9150	PROPOSED BUILDING GRACE MONTESSORI ACADEMY 4809 GRAND AVE. BILLINGS, MT 59102	SCALE: SHEET#: A1

Attachment C, continued
Site Plan – SR #900



Drawn By: BV
Checked By: RLB
Date: 7-2-2012
Project #:
Cadd file:

EGGART ENGINEERING COMPANY

EGGART ENGINEERING COMPANY
6809 KING AVE WEST
UNIT E
BILLINGS, MT 59106
OFFICE: 406-839-9151 FAX: 406-839-9150

PROPOSED BUILDING
GRACE MONTESSORI
ACADEMY
4809 GRAND AVE.
BILLINGS, MT 59102

SCALE:

SHEET#: A2

Attachment D
Applicant Letter – SR #900

SPECIAL REVIEW APPLICATION - CITY OF BILLINGS 7-2-2012

Legal Description: Zimmerman Acreage Tracts Subdivision situated in the South East ¼ of Section 32, Township 1N, Range 25E, P.M.M. Yellowstone County Montana, commonly known as 4809 Grand Ave Billings, MT 59102.

QUESTIONS:

A. *In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?*
B. *Why is there a need for the intended use of the property at this location?*
C. *How will the public interest be served if this application is approved?*
D. *Prepare a written statement addressing what is intended to be done with the property, including new construction or change in the use of the property, and why the special review is being sought.*

ANSWERS:

A. *In what way is your proposal consistent with the goals and policies of the adopted Growth Policy?*

Land Use Element – Issue 3:
Rural townsites are not prepared to handle increased growth.
Goal -*Growth management tools available to rural townsites.*
Objectives -*Empower Communities to direct growth.*
-*Use County resources and services more efficiently.*
-*Create a sense of community.*

The type of growth that may be experienced in this community from the result of building Grace Montessori School will primarily be residential growth. Since the proposed school shall be a private school and relatively small in size, the population growth in this area will not be substantial and therefore not overwhelm the existing community. It is anticipated that the majority of the users of the school will be local residents who are already living in close proximity to the proposed school location. This will help to create a sense of community since users of the new school will no longer have to drive across town in order to drop their children off.

Land Use Element – Issue 6:
There is a desire for more mixed use neighborhoods.
Goal -*More housing and business choices within each neighborhood.*
Objective -*Improve quality of life.*
-*Encourage more live-work environments.*
-*Reduce commuting and subsequent drain on natural resources and traffic congestion.*
-*Develop more self-contained neighborhoods.*

The future users of Grace Montessori will primarily be families that already live in close proximity to the proposed location. This will help relieve or at least not contribute to the traffic congestion which is experienced in the urban areas of Billings. Parents will be able to escort their child/children to and from school at a greater convenience. By having this location for Grace Montessori School, better education opportunities are provided to families and therefore improving the quality of life. A more self contained neighborhood will be developed by establishing a friendly relationship between the families that choose to use the proposed Grace Montessori location.

Economic Development Element – Issue 1:

We need to continue a cohesive focus in economic development.

Goal -*Coordinate economic development efforts that target business recruitment, retention, and expansion.*

Objectives -*Improve the quality of life for residents.*
-*Strengthen area economy.*
-*Create living-wage jobs.*

As the school years at Grace Montessori progress, the families that use the school will grow closer together which will significantly increase the quality of life of both the children and the parents. Since the size of the proposed school is small compared to that of Billings Public Schools, the users of Grace Montessori will get to know each other easier and this will create a more genuine rural community. If granted, Grace Montessori will also create jobs for teachers and other staff, as well as create work for construction companies.

Economic Development Element – Issue 10:

The quality of our schools is a determining factor for whether business locate in Billings

Goal -*Promote excellence in education and safe and healthy school facilities.*

Objectives -*Highlight educational quality as a business recruitment tool.*
- *Attract and retain educated citizens.*
-*Provide future taxpayers a quality education.*

The proposed Grace Montessori School is the perfect way to achieve the goal stated above. A smaller school atmosphere will provide students with all of the benefits of having a one-on-one relationship with their teachers. This will also enable the parents to communicate better with the teachers in order to determine the child's progress throughout their elementary education.

Aesthetics Element – Issue 1:

There are areas in the city and county that are unattractive and present a poor image of the community.

Goal -*Visually appealing community.*

Objectives -*Improve the image of the community.*
-*Instill pride in the community.*
-*Improve quality of life for residents.*
-*Preserve the community assets such as the Rimrocks, the Yellowstone River, the downtown and the major street thoroughfares.*

The architectural choice of the proposed Grace Montessori School will help to complement the existing image of the rural area. The barn style entrance and upper clearstory windows will make this building visually appealing from both the exterior and interior without compromising the rural and agricultural integrity of the area as it exists today. The proposed building will not distract from the natural scenery in the area but only add to its splendor.

Public Facilities and Services Element – Issue 2:

Dilapidated and unsafe properties in City neighborhoods and County townsites.

Goal	*-Sanitary and safe properties.*
Objectives	*-Provide helpful and responsive public services.*
	-Improve the community image.
	-Increase property values.

By providing this area of Billings with Grace Montessori School, the community image will only improve. This school will demonstrate the dedication that parents in the area have to provide their children with the quality education that they deserve. By having a new school in this area, more options are provided to families who are looking to move to Billings and property values will likely increase.

Cultural and Historic Resources Element – Issue 3:

Public art is seen as an important part of the Billings landscape.

Goal	*-A visually appealing and attractive landscape.*
Objectives	*-Enhance the natural and built environments with art.*
	-Support cultural appreciation and education.

As stated before, the barn style theme of the proposed Grace Montessori School will perfectly match the agricultural and rural Montana scene of this area of Billings. Agriculture is an important part of Montana's economy and history. By providing the proposed school, there will be an added appreciation for and understanding of this cultural aspect. Grace Montessori School also provides students the opportunity to practice art through art and music classes which will help gain appreciation for art.

Community Health Element – Issue 2:

Not all neighborhoods are planned with ways to access nutritious foods.

Goal	*-Accessible, affordable, and nutritious food for everyone.*
Objectives	*-Reduce malnutrition, diabetes, heart disease, and other nutrition related diseases.*
	-Ensure equal opportunities to healthy food sources.
	-Support local farm produce.

Given the rural farmland location for the proposed Grace Montessori School, an appreciation for nutritious foods should not be problematic compared to that of locating the school within the urban Billings setting surrounded by fast food restaurants. There is a kitchen planned for the proposed school in order to help educate the students about proper nutrition and healthy diet. The school also plans on having small gardens in order to help further educate the students about self reliance and health.

Community Health Element – Issue 4:

Physical activity is not seen as a viable means of getting from place to place.

Goal -*Physically active, healthy citizens.*

Objectives -*Neighborhoods designed in a way that promotes physical activity.*
-*Reduce healthcare costs.*
-*Reduce Vehicle carbon emissions.*

At the proposed Grace Montessori School, there is a plan for an activities room which will be used primarily for educating the students about the importance of daily exercise and physical activity as well as serving as the school's gymnasium. The planned playground area behind the school will be an excellent space for the students to exercise and play.

B. *Why is there a need for the intended use of the property at this location?*

There is a need for Grace Montessori School because of the growing population and expanding development of Billings. The current public schools in Billings are continuing to grow and the need for more educational opportunities is evident. Families moving to Billings and the surrounding area will be looking for the right place to provide their child with quality education that will prepare them for a successful future. Billings is in need for young educated citizens to work and help make the Billings economy prosperous. The current location of Grace Montessori Academy has seen great success in their students and there is a need for another location in order to offer new families the quality education that Grace Montessori currently provides.

C. *How will the public interest be served if this application is approved?*

The public interest will be served if this application is approved because of the overcrowding population in Billings' public schools as well as the added employment opportunity. Grace Montessori provides additional options for education and child care which will in turn serve the public interest as well.

D. *Written statement addressing what is to be intended to be done with the property, including new construction or change in the use of the property, and why the special review is being sought.*

The proposed Grace Montessori School will consist of an approximately 17,868 square foot educational building, an associated parking lot, a fenced play ground area and plenty of landscaping and green space for a total of 87,120 square feet.

The proposed Grace Montessori School will consist of 6 classrooms, each approximately 1282 square feet in size. There will be library in the middle of the building approximately 1200 square feet in size. The activities room will be located in the back of the building and will be approximately 2184 square feet in size. Next to the activities room is the planned location for the kitchen. The front entrance of the school building will consist of the staff offices and reception desk. There will be a fenced playground located behind the building consisting of playground equipment and concrete activities pads. Currently, the lot is used as a residence

consisting of an old farm house, storage sheds and a shop building. These existing structures are planned to be removed for the school's construction. This Special Review is being sought to assure that the proposed use of the property, a private school facility, will be compatible with its location and the surrounding land uses. Per Yellowstone County Unified Zoning Regulations, a Special Review is required to approve the location of a School to be placed on Agricultural - Open Space.

City Of Billings
City County Planning Department

Street:: Grand Avenue
Location:: 3.5 Miles West of Shiloh
Counted By:: jhg

Site: Station 85

Seven Day Volume, per Channel
Channel: EB/WB

Interval Begin	Mon 7/30/2012	Tue 7/31/2012	Wed 8/1/2012	Thu 8/2/2012	Fri 8/3/2012	Sat 8/4/2012	Sun 8/5/2012	Mon - Fri Average	Week Average
12:00 AM	-	46	50	52	-	-	-	49.3	49.3
1:00 AM	-	22	22	32	-	-	-	25.3	25.3
2:00 AM	-	24	17	12	-	-	-	17.7	17.7
3:00 AM	-	15	14	15	-	-	-	14.7	14.7
4:00 AM	-	23	31	31	-	-	-	28.3	28.3
5:00 AM	-	99	109	96	-	-	-	101.3	101.3
6:00 AM	-	241	247	225	-	-	-	237.7	237.7
7:00 AM	-	503	466	431	-	-	-	466.7	466.7
8:00 AM	-	446	424	462	-	-	-	444.0	444.0
9:00 AM	262	361	391	389	-	-	-	374.1	374.1
10:00 AM	388	374	396	65	-	-	-	376.3	376.3
11:00 AM	395	449	440	-	-	-	-	428.0	428.0
12:00 PM	490	451	505	-	-	-	-	482.0	482.0
1:00 PM	416	436	453	-	-	-	-	435.0	435.0
2:00 PM	429	418	461	-	-	-	-	436.0	436.0
3:00 PM	464	446	440	-	-	-	-	450.0	450.0
4:00 PM	529	539	540	-	-	-	-	536.0	536.0
5:00 PM	610	587	603	-	-	-	-	600.0	600.0
6:00 PM	461	433	431	-	-	-	-	441.7	441.7
7:00 PM	375	357	393	-	-	-	-	375.0	375.0
8:00 PM	298	265	317	-	-	-	-	293.3	293.3
9:00 PM	204	178	212	-	-	-	-	198.0	198.0
10:00 PM	131	149	133	-	-	-	-	137.7	137.7
11:00 PM	54	81	81	-	-	-	-	72.0	72.0
Totals	5506	6943	7176	1810	-	-	-	7020.1	7020.1
Peak Hours									
12:00 AM - 12:00 PM	10:45 AM	7:30 AM	7:30 AM	7:30 AM	-	-	-	7:30 AM	7:30 AM
Volume	399	518	495	483	-	-	-	498.7	498.7
Factor	0.90	0.81	0.86	0.89	-	-	-	0.89	0.89
12:00 PM - 12:00 AM	4:45 PM	4:45 PM	5:00 PM	-	-	-	-	4:45 PM	4:45 PM
Volume	627	604	603	-	-	-	-	605.3	605.3
Factor	0.96	0.96	0.94	-	-	-	-	0.97	0.97

Regular City Council Meeting

Meeting Date: 08/27/2012

TITLE: Zone Change #899 - Livestock and Fowl - Allowing Poultry - Text Amendment and 1st reading -continued

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

This is a zone change that will amend Sections 27-305, 27-306 and 27-607 of the Billings, Montana, City Code (BMCC) to allow the keeping of chickens within the city limits. A separate ordinance will amend the Animal Control regulations to set limits on the number of chickens and how they may be kept on residential property. The Animal Control Division will handle permitting and enforcement of those provisions. The keeping of livestock and fowl, including poultry, is currently not an allowed use within the City of Billings. The current code requires consultation of 3 sections of the code to determine whether poultry is an allowed or prohibited use. The proposed amendment will allow the keeping of poultry but not allow the keeping of other fowl (ducks, geese, turkeys, etc.) or livestock. The City Council initiated this amendment on May 14, 2012. The Zoning Commission conducted a public hearing on July 3, 2012, and is forwarding a recommendation of denial on a 3 to 0 vote. The City Council conducted the public hearing on July 23, 2012. The City Council voted to delay action on the amendment until August 27, 2012, so the Animal Control ordinance could be drafted and scheduled for public hearing.

ALTERNATIVES ANALYZED

The City Council may:
1. Approve the zone change
2. Deny the zone change
3. Allow withdrawal of the zone change
4. Delay action for up to thirty (30) days

FINANCIAL IMPACT

There should be no financial impact from the proposed amendment.

BACKGROUND

The current code was unified with the County Zoning Regulations in 1997 and it appears some language was inadvertently deleted at the time, thereby making the Code difficult to interpret. The City Council and the City Zoning Commission considered requests to amend the zoning code to allow poultry (urban chickens) and both bodies declined to initiate those amendments in 2011. The City Council and City Zoning Commission initiated a zone change – Zone Change #885 – to amend the regulations to clearly prohibit keeping fowl in the city limits. This amendment was postponed for 30 days on March 26, 2012, and then tabled by the City Council on April 23, 2012. On April 16, 2012, the City Council reviewed draft regulations to allow a limited number of chickens on residential property in Billings. On May 14, 2012, the City Council initiated a text amendment to allow chickens within the city limits. The Planning Staff drafted the amendment to the code and reviewed it with Animal Control and the City Attorney. The planning

Staff recommended approval to the Zoning Commission.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on July 3, 2012, and received the staff report and recommendation of approval. Bill Iverson and Doug Rubke provided testimony to the Zoning Commission. Mr. Iverson testified in favor and Mr. Rubke testified in opposition. The Zoning Commission voiced concerns with the potential of loose animals, transmission of disease, and neglect of animals. The Zoning Commission asked how many people might keep chickens if allowed by this change in the zoning regulations. Planning Staff believes less than 100 permits would be issued by the Animal Control Division. The Zoning Commission was also concerned with how the city could reverse the decision once 100 people were permitted to keep chickens if the problems out-weighed the benefits to this small number of people. The Zoning Commission is forwarding a recommendation of denial on a vote of 3-0.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Zoning Text Amendments may be initiated by the City Council, the Board of County Commissioners, the Planning Board, the County Zoning Commission, or the City Zoning Commission. The City Council initiated this amendment on May 14, 2012, and directed staff to develop an ordinance similar to the Missoula code. The Missoula regulations for zoning simply stipulate that up to 6 (six) chicken hens may be kept on residential property within the city limits. The primary regulatory tool in Missoula is the Animal Control code and Dave Klein, Animal Control Supervisor for the City of Billings, has prepared a separate ordinance for Billings. The proposed zoning amendments would only affect City property and will leave the livestock requirements in place for property in the 4.5-mile zoning jursidiction in Yellowstone County. The proposed amendments are supported by the Billings Backyard Hens group and by the 2008 Growth Policy Element related to Healthy Communities (Page 15). The Growth Policy states it is goal of Billings to provide accessible, affordable and nutritious food for everyone. The goal is to achieved by these objectives:

- Reduce malnutrition, diabetes, heart disease, and other nutrition related diseases.
- Ensure equal opportunities to healthy food sources.
- Support local farm produce.

Allowing City of Billings residents the option to raise up to 6 (six) chicken hens for a healthy food source meets the objectives in the 2008 Growth Policy.

If the City Council approves the zoning amendment and the Animal Control ordinance, chicken hens would be an allowed use in residential zoning districts and in commercial zoning districts where dwellings have been developed. If the City Council decides at a future time to repeal or amend the zoning regulations and the Animal Control ordinance to not allow the keeping of chicken hens, a previously legal use of property, then the keeping of chicken hens would become a legal nonconforming use of land. Section 27-403 of the zoning regulations allows the continuation of legal nonconforming uses of land under most circumstances. The City Council may consider adding language to this ordinance to clarify that if the ordinance is amended, repealed or otherwise revised to not allow the keeping of chicken hens, then an amortization of the nonconforming use would be applied. Language in this ordinance is not required for an amortization to occur at a future time. A future ordinance to repeal or otherwise not allow the keeping of chicken hens can include language for a specific time period to comply with the new restriction.

RECOMMENDATION

The Zoning Commission is recommending denial of Zone Change #899 on a 3 to 0 vote.

APPROVED BY CITY ADMINISTRATOR

Attachments

Ordinance

Attachment A – Draft Ordinance

ORDINANCE NO. 12 - _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-305 RESIDENTIAL USES; 27-306 – COMMERCIAL AND INDUSTRIAL USES; AND 27- 607 – LIVESTOCK AND FOWL – TO DELETE LANGUAGE AND TO ADD LANGUAGE TO ALLOW THE KEEPING OF CHICKEN HENS WITHIN RESIDENTIAL ZONES AND ON PROPERTY DEVELOPED WITH RESIDENTIAL USES 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 27-305 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
Livestock ~~And Fowl~~ *	A*	A*	A*	A*			A*						A*
Fowl including Chicken Hens *	A*	A*	A*	A*			A*						A*
Chicken Hens (*Gallus gallus domesticus)* * (County Only) See BMCC Section 27-607 for Minimum Area Requirements in the County Zoning 4- ½ Mile Jurisdictional Area	A	A	A	A	A	A	A	A	A	A	A	A	A

Section 4. That the Billings, Montana City Code is amended to revise language in Section 27-306, which shall read as follows:

TITLES AND DESCRIPTION OF INDUSTRIES SR - SPECIAL REVIEW A – ALLOWED	Residential Professional	Neighborhood Commercial	Community Commercial	Highway Commercial	Central Business District	Controlled Industrial	Heavy Industrial	Public	South 27th Street Corridor
Dwellings									
– Single-Family*	A	A	A	A	A	SR			
– Two-Family		A	A	A	A				
– Multiple-Family		A	A	A	A				A
– Modular Home*	A	A	A	A	A	SR			A
~~– Rowhouse/Townhouse~~		~~SR~~	~~SR~~	~~SR~~	~~SR~~				~~SR~~
*Chicken Hens Allowed See Section 27-607									

Section 5. **That the Billings, Montana City Code is amended to revise language in Section 27-607, which shall read as follows:**

SEC. 27-607. LIVESTOCK AND FOWL.

Livestock, as defined in BMCC Section 27-201, shall not be maintained in any zoning district located within the limits of the city except as provided within Section 27-305 or 27-306. ~~(see also BMCC Sections 4-501 through 4-505).~~ ~~However,~~ hHorses 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. Fowl, as defined in BMCC Section 27-201 except Chicken Hens, shall not be maintained in any zoning district located within the limits of city. Chicken Hens may be kept within the limits of the city in residential zoning districts or on property used for residential purposes as provided in Section 27-305 or 27-306 subject to limitations and permitting requirements in BMCC Section 4-303. Chicken Hens may be kept outside the city limits as provided in Section 27-305 and subject to the provisions below.

Areas located outside the limits of the City of Billings, but within certain Agricultural or Residential zoning districts, as shown in the Residential District Regulations (see BMCC Section 27-305), shall be permitted to have livestock and/or fowl. In addition, livestock and/or fowl may be permitted as part of a Planned Development, as described in Section 27-1303, and are also exempt from the following animal unit standards, unless specifically referenced within the Planned Development Agreement. However, the standards outlined below must be satisfied, depending upon the size of the property.

The allowance of livestock and/or fowl in commercial or industrial zoning districts, situated outside the limits of the City of Billings, may be permitted when the regulations established in below subsection (b) are met, regardless of the lot size. However, if the number of animals requested exceeds the allowed limit in below subsection (b), then the property must conform to the uses allowed by right or through Special Review, as shown in the Commercial/Industrial District Regulations matrix in BMCC Section 27-306.

Section 6. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. 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 8. EFFECTIVE DATE. This ordinance shall be effective from October 10, 2012.

PASSED by the City Council on first reading August 27, 2012.

PASSED, ADOPTED AND APPROVED on second reading September 10, 2012.

CITY OF BILLINGS:

BY:_____
Thomas W. Hanel

ATTEST:
BY: _____
Cari Martin, City Clerk
ZC #899 – Text – Urban Hens

Regular City Council Meeting

Meeting Date: 08/27/2012

TITLE: Public Hearing and Adoption of Animal Control Ordinance Allowing Urban Hens

PRESENTED BY: Rich St. John

Department: Police

Information

PROBLEM/ISSUE STATEMENT

A review of the existing Animal Ordinance and an interest in allowing citizens of Billings the right to keep and raise backyard hens has resulted in the submittal of these recommended changes to the Animal Ordinance of the City of Billings, Montana. The last changes made to the Animal Ordinance were approved by City Council on April 13, 2009. Billings Backyard Hen Initiative and the Magic City Hens are asking City Council to consider amending City Code to allow citizens the ability to house and care for up to (6) six hens on their property within the city limits of Billings. The proposed changes establish requirements when keeping such hens and for enforcement for failing to comply with those requirements. Changes provide a Permit requirement whose cost will be used to offset expenses for record keeping, education, and enforcement of the requirements.

ALTERNATIVES ANALYZED

The City Council may approve or disapprove the proposed ordinance. Approving it would allow for the practice of keeping chickens and base enforcement on current regulations for other animals allowed within the City of Billings. Disapproving it would allow keeping chickens within the City of Billings with no regulations should Zone Change 899 pass.

FINANCIAL IMPACT

The financial impact will be minimal with a slight revenue increase for fees to be charged for Permits allowing chickens.

BACKGROUND

On June 7, 2011, the City Zoning Commission voted unanimously to forward a recommendation of denial of the request to initiate a zoning text amendment to the City Council to allow raising a limited number of chickens in residential zoning districts.

On July 19, 2011, the Backyard Hen Initiative group gave their presentation to the Animal Control Board. As the Board did not have a quorum at this time no business was discussed.

On September 26, 2011, public comments at the City Council regular meeting prompted Council members to request staff to bring back a report to Council with ideas on the Hen Initiative, to look at ordinances in other communities and draft reasonable guidelines that could apply to Billings; to bring back issues that other communities which have approved urban chickens were having; and reasonable restrictions that could be implemented.

On October 25, 2011, the Animal Control Board held a public meeting to hear the Billings Backyard Hen Initiative and receive public comment. This was an open discussion and all public attendees were in favor of allowing the raising of hens in the city limits of Billings.

Presentations of proposed possibilities allowing chickens within the City of Billings were presented to the Public during (3) three public Community Conversations meetings held in November 2011.

On November 21, 2011 Staff gave City Council a presentation on allowing chickens in the City Limits with examples of other cities requirements and regulations for keeping of chickens. Council voted to table the idea indefinitely.

On March 26, 2012 City Council was asked to approve amendments to City Zoning Code clearly stating that Livestock and Fowl were prohibited within the City Limits. Council chose to table this issue for 30 days. A Council initiative was passed asking for a draft ordinance that would allow chickens within the City, requiring attendance to training classes, setting a 1 year trail period, requiring permits, and asking that the Ordinance be based on Missoula and Bozeman Ordinances. Recommendations should be brought to a Work Session.

On April 16, 2012 a Power Point presentation and Draft Ordinance was presented to City Council at a work session. Discussion at this meeting rejected some of the requirements being asked of in the Draft Ordinance.

On April 23, 2012 amendments to Zoning Code clarifying chickens and other livestock were not allowed within the City Limits were again presented. Council chose to table indefinitely the proposed changes.

On May 14, 2012 Council initiative directing staff to bring back an Urban Chicken Ordinance for the City of Billings based on the language of Missoula's City Code. It was recommended to be given a 1 year trial period.

On June 12, 2012 an Animal Control Board meeting was held. At the meeting draft ordinance options were presented to the Board and citizens attending. Option 1 based specifically on the Missoula city code and Option 2 based on the Missoula city code with staff recommendations were presented. Board members in attendance and citizens present voted in favor of Option 2, suggesting minor changes.

On July 3, 2012 the Zoning Commission unanimously voted a recommendation of denial to be forward to City Council for City Zone change #899, a text amendment allowing poultry in residential zoning districts and commercial zoning districts developed for residential uses.

On July 23, 2012 City Council voted to postpone action on First Reading Zone Change 899 which would allow chickens within the City Limits until August 27, 2012. Staff suggested that Council delay that action until changes to the Animal Control Ordinances could be presented with the proposed Zoning changes.

On August 6, 2012 a Power Point presentation with two possible draft Animal Control Ordinances was presented at the Council Work Session. Council directed staff to go forward with the staff recommended draft.

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and approve first reading of the ordinance amending the Animal Ordinance to allow urban hens.

APPROVED BY CITY ADMINISTRATOR

Attachments

Proposed Animal Control Ordinance for the City of Billings, Montana based on Missoula Ordinance

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ORDINANCE NO. 12-_____

AN ORDINANCE AMENDING THE BILLINGS MONTANA CITY CODE TO ALLOW A LIMITED NUMBER OF FEMALE CHICKENS IN RESIDENTIAL AREAS BY AMENDING SECTIONS 4-401 DEFINITIONS AND 4-303 – CARE, KEEPING AND SALE OF ANIMALS

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

Section 1. That the following definitions in section 4-401 of the Billings, Montana, City Code are amended to read as follows:

Animal means to include all livestock, ***fowl,*** and any domestic pet, both male and female.

Small animal includes any dog, cat, rabbit, ***chicken,*** or domesticated small animal, both male and female.

Section 2.
That section 4-303 of the Billings Montana City Code is amended so that such section shall read as follows:

Sec. 4-303. - Rabbitry~~.~~ *and Chickens (Female Gallus gallus domesticus)*

Rabbitry
(a) Whenever the term "rabbitry" is used in this section it shall be deemed to mean any premises or property of any kind or description where more than one female rabbit or hare is kept for purposes of breeding, or where more than one litter of rabbits or hares is kept for purposes of sale.
(b) No person shall keep or maintain a rabbitry on premises controlled by such person.

Chickens (Female Gallus gallus domesticus)
(c) Up to six (6) chicken hens (female Gallus gallus domesticus) may be kept on a premise subject to the following requirements and subject to all other applicable provisions of this Code:
(1) The chicken hens must be kept on a single-family parcel(s). Chicken hens are prohibited on any multi-dwelling parcel(s).
(2) The owner must obtain an annual permit from the City of Billings Animal Control. The fee(s) for this permit will be determined by City Council Resolution and may be periodically adjusted;
(3) The chicken hens shall be provided with a covered, predator-proof chicken house that is thoroughly ventilated, of sufficient size to admit free movement of the chicken hens, designed to be easily accessed, cleaned and maintained by the owners, be at

least 2 square feet per chicken hen in size and the coup and enclosure cannot be more than (12) twelve feet at its peak in height.
(4) No chicken house, outdoor chicken enclosure, or chicken hen shall at any time be located closer than 10 feet to any public right-of-way, sidewalk, or neighboring property line other than the chicken owner, custodian, or keeper.
(5) The chicken hens shall be shut into the chicken house at night, from sunset to sunrise.
(6) During daylight hours the adult chicken hens shall have access to the chicken house and, weather permitting, shall have access to an outdoor enclosure on the subject property, adequately fenced to contain the chicken hens and to prevent access to the chicken hens by predators.
(7) Stored feed must be kept in a rodent- and predator-proof container
(8) It is unlawful for the owner, custodian, or keeper of any chicken hen to allow the animal(s) to be a nuisance to any neighbors, including but not limited to: noxious odors from the animals or their enclosure (see Sec. 4-306 Offensive animal waste); and noise of a loud and persistent and habitual nature (see Sec. 4-404 Noisy animals).
(9) No chicken hen(s) shall be allowed to run at large in the city. No owner or keeper shall allow or permit any chicken hen(s) to be at large off the owner's or keeper's property. Any chicken hen(s) found to be running at large in the city or on private property in violation of this section is a public nuisance and shall be impounded in the animal shelter. (see Sec. 4-406 Small animals at large)
(10) No chicken house or chicken enclosure shall be located in a front yard.
(11)No chicken hens shall be slaughtered within view of adjacent property or the public.
(12) Changes to the standards contained in this section shall require any permit holder to comply with any new standard, regulation, or condition and no notice to a permit holder is required prior to enforcement of any new standard beyond that required for adoption of a new or revised ordinance.
(d) Persons found to have committed a violation of this section shall be subject to a municipal infraction with civil penalties as specified in section 18-1304.

Section 3. Effective Date. This ordinance shall be effective _____, 2012.

Section 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

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

PASSED, ADOPTED and APPROVED on second reading this ____ day of _____, 2012.

CITY OF BILLINGS

By: _____
Thomas W. Hanel, Mayor

ATTEST:

By:_____
Cari Martin, City Clerk

Regular City Council Meeting
Meeting Date: 08/27/2012
TITLE: Zone Change #901 - EBURD Code - Public Hearing and First Reading
PRESENTED BY: Candi Beaudry
Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

As part of the redevelopment efforts in the East Billings Urban Renewal District, a new zoning code was needed to implement the vision of the East Billings Urban Renewal District (EBURD) Master Plan. In conjunction with the consultant Farr & Associates, a Steering Committee made up of Planning staff, Billings Industrial Revitalization District (BIRD) representatives, EBURD property owners, local design professionals, and other stakeholders worked to draft a code that would achieve the vision of the EBURD.

This zone change includes a map amendment and a text amendment for the EBURD. The amendment will add a new section to the Unified Zoning Regulations that specifies land uses, building types, signage allowances, landscaping requirements and location specific street improvements for new zoning districts in the EBURD. This zoning code is a hybrid between traditional zoning and form-based zoning.

Form-based codes, which focus on the physical form of a property to encourage compatibility of the structures, replace conventional zoning which focus on land use and numerical standards. Form-based code is a more flexible tool to shape the character and composition of a community. In the EBURD, this code is proposed to be the foundation for revitalization as called for in the EBURD Master Plan. As this is a tool used only in the EBURD at this point, the name of EBURD Code is to be used.

ALTERNATIVES ANALYZED

The City Council may;
1) Adopt the EBURD Code as recommended by the City Zoning Commission
2) Not adopt the EBURD Code
3) Delay action on the EBURD Code for 30 Days

FINANCIAL IMPACT

The adoption of this code will have no immediate financial impact on the City of Billings. However, over time, the EBURD Code will be instrumental in increasing property values in the East Billings Urban Renewal District.

BACKGROUND

This is a City initiated zone change which includes a map amendment and a text amendment for the 400-acre EBURD. The zoning amendment includes a change from the existing districts of Controlled Industrial (CI), Heavy Industrial (HI), Neighborhood Commercial (NC), Community Commercial (CC), Residential 6,000 (R-60) and Highway Commercial (HC) to EBURD Railspur Village (EBURD RSV), EBURD Rail Spur Village Main Street (EBURD RSVMS), EBURD Central

Works (EBURD CW), EBURD 13th Main Street (EBURD 13th), and EBURD Industrial Sanctuary (EBURD IS). The amendment will add a new section to the Zoning Regulations that specifies the land uses, building types, signage allowances, landscaping requirements and location specific street improvements for these new districts.

At the July 3rd meeting of the City of Billings Zoning Commission, the Commission voted to keep the public hearing open and delay action on Zone Change #901 for 30 days to August 7, 2012. At the July 3rd meeting, multiple concerns were brought to the Commission by several property owners in the affected area. The Zoning Commission voted to continue the hearing to allow for more dialogue between those owners and city staff.

Between the July and August meetings of the City Zoning Commission, staff held multiple meetings with property owners in the proposed Rail Spur Village Main Street and the 13th Main Street Districts. The property owners and the BIRD, Inc. Board of Directors also held multiple meetings to make their concerns known and all parties worked on proposed changes to the draft document.

At the August 7th meeting of the City Zoning Commission, the Zoning Commission heard from property owners and other stakeholders, and voted to recommend to the City Council approving the EBURD Code with the changes proposed by the property owners and city staff.

STAKEHOLDERS

The City Zoning Commission conducted a public hearing July 3rd. This was continued until August 7 to address concerns that were brought forward by some property owners in the area.

At the July 3 meeting, the following testimony was heard:

Proponents

Martin E. Connell – 49 N 15th Street – President BIRD board. Mr. Connell gave the zoning commission more history of the BIRD and the development of the EBURD. He said the code allows for an annual review to address issues. He said he and the BIRD Board have had multiple meetings with residents of the district. There are 219 landowners in the BIRD to assist in the development of this code, according to Connell. He thinks there are two feelings in the district, fear and excitement. The revitalization of the area is a long term project, 50-100 years out. Mr. Connell was disappointed by the letter submitted by Jacquelyn Ayers. The BIRD would like to change the use table to accommodate the Ayers. The only way the code affects existing property is if the property owner expands a business by 50% or changes the use by 50%. He encouraged the zoning commission to read the whole report before voting on it. He also discussed the area east of the EBURD and the future there.

Ken Kunkel – 3312 4th Avenue North – Mr. Kunkel said a lot of professional time had been spent developing the code. He said that there is a lot of good development interest in the EBURD, including larger developments. Mr. Kunkel said the City needs a good plan like this to energize the area and Billings.

Nash Emerich – 230 Avenue C – President BikeNet and local architect in training. Mr. Emrich said he has been following the development of this code and supports the adoption. It will be an asset to Billings and show the rest of Montana how to assist redevelopment. There are provisions in place to review the code annually to address concerns.

Opponents

Jacquelyn Ayers – Golden Nugget Body and Paint, 4th Avenue North and North 20th Street – Mrs. Ayers said her property is scheduled for expansion and more than a 50% expansion could be done. She stated that no one came and spoke to anyone in the 20th Street corridor. She said she never received notification that there would be a drastic change to her property. She said the new code was a taking. She said her long term plan was to expand, or sell the property to another similar use and the new code would not allow expansion. In the last line of the letter she submitted, she said she requested a change to her property classification in the EBURD District. She said she spoke to other property owners in the area who were also unaware of the proposed changes. She said she maintains her property at a very high level.

Jerry Ray – 2646 Grand Avenue - Mr. Ray said he was raised in the neighborhood and his family now owns 2 blocks of property. He said the Rail Spur Village is slated to be "hoity-toity" and property owners in the area can't afford that. He said he is a developer and he does not want to ask the city how far he can set a door from the street. He said there is too much change and restrictions in the proposed code.

Kevin VanLaarhoven – 2012 1st Avenue North – He said he has only been there in business about 5 years as Track Side Auto. Mr. VanLaarhoven said he has concerns with the code and is just learning about it. He said he is concerned with outside storage restrictions of only two days. He said there is more to be discussed. He said if the community wants to clean up downtown, what about the vagrants? Robberies?

The Zoning Commission voted 3-0 to continue the public hearing

Code Edits and August 7 Meeting Summary
During the 30 day continuance from the July 3 Zoning Commission Meeting, the BIRD Board members and City staff had multiple conversations and meetings with the parties that testified in opposition, as well as other stakeholders from the EBURD. Based on these discussions, proposed edits to the document were agreed upon and presented at the August 7 City Zoning Commission meeting. These edits are indicated in the attached EBURD Code Document attached to this memo.

At the August 7 meeting, no one spoke in opposition to the EBURD Code change and five spoke in favor of the change.

Jennifer Ray-Junkert - 2646 Grand Avenue - Ms. Ray-Junkert spoke in favor of the code change but also asked that General Manufacturing be added as an allowed use in the Rail Spur Village District. The letter attached to this memo discussed this request further. She said there are large commercial structures in the area that could accommodate general manufacturing and with it not included it would be a hindrance.

Max Griffin - 1010 Central Ave. - Mr. Griffin said he owns the property at 1701 Montana Avenue and was concerned about the district boundaries. He said his property was zoned Rail Spur Village Main Street. He said he submitted a letter regarding his concerns. The letter attached to this memo discusses his concerns in additional detail. Mr. Griffin said he thought the Main Street district extended too far down Montana Avenue and he would like his designation changed to Main Street Central Works.

Jacquelyn Ayers - Golden Nugget Body and Paint - She said her concerns were addressed and that she was no longer opposed to the change and was completely in favor of it.

Matthew McDonald - Big Sky Collision Center - BIRD Board Member - Mr. McDonald said he thought the code was a great asset for the area and that the changes have helped address concerns and the code can move forward.

Kelly McCarthy- BIRD Board Treasurer - Mr. McCarthy spoke in favor of the amendment and said the cooperation and work with City staff has gone very well. He said an annual review clause is included in the code to allow a review of the code as needed an an annual basis.

Gordon Tryan - spoke for Brown's Auto Service, Inc. that owns property on North 13th Street and North 18th Street. He said he was concerned originally with the development standards in the code that affected how business could be operated. Mr. Tryan said the vehicle service use is now allowed without development standards on the 13th Street Main Street. He said he is now in favor of the code with this change.

The Zoning Commission discussed the request for general manufacturing and the request regarding the change to the Rail Spur Village Main Street. Additional information provided by staff in response to these requests is also attached to this memo. Staff explained that it was not in support of the General Manufacturing change proposed. Staff stated that it was in favor of the district boundary amendment regarding the Griffin property. The Zoning Commission voted 3-0 to recommend to City Council that the EBURD Code be adopted with the changes proposed by the stakeholders.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

The unique mixed use character of the EBURD and its potential for redevelopment and revitalization requires a progressive method of land use controls. In accordance with State statute, this zone change is consistent with the East Billings Urban Renewal District Master Plan, itself a part of the 2008 Yellowstone County/City of Billings Growth Policy. The EBURD Code is necessary to implement the vision of that plan.

RECOMMENDATION

The Zoning Commission is recommending approval of the EBURD Code on a 3-0 vote.

APPROVED BY CITY ADMINISTRATOR

Attachments

EBURD Code Document
ZC #901 Staff Report
Griffin Partnership Letter
Staff Response to Griffin Partnership Letter
Ray & Co. Letter
Staff Response to Ray & Co. Letter
Ordinance

THE EAST BILLINGS URBAN RENEWAL DISTRICT (EBURD) CODE

FINAL DRAFT

JULY 2012

EBURD STEERING COMMITTEE MEMBERS:

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Director, Planning and Community Services Department
City of Billings

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City Engineer
City of Billings

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Billings Industrial Revitalization District (BIRD), Inc.

Steve Zeier
Big Sky Economic Development Authority
TIF Coordinator, City of Billings

Marshall Knick
Pacific Steel
BIRD Board Member

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Article 27-1800. East Billings Urban Revitalization District Code

Sec. 27-1801. Purpose.

The purpose of the East Billings Urban Revitalization District (EBURD) zoning districts and requirements is to provide standards for development as called for in the East Billings Urban Revitalization District Master Plan, adopted by the City of Billings in July 2009. The zoning districts are intended to allow existing uses to continue while integrating new mixed use and residential development appropriately through the use of form-based regulations.

This code will be reviewd and modified as needed on an annual basis by the Billings Industral Revitialization District, Inc and the City of Billings,

Sec. 27-1802. EBURD Zoning Districts.

The areas and boundaries of the districts listed below are hereby established to scale as shown on the map entitled Billings Urban Zoning Jurisdiction, available at the City offices.

(a) EBURD RSV: Rail Spur Village District. The Rail Spur Village District is intended to create a walkable neighborhood focused on residential uses with associated green spaces and commercial businesses with the appropriate form.

(b) EBURD RSVMS: Rail Spur Village Main Streets District. The Rail Spur Village Main Streets include the extension of the Montana Avenue into the EBURD as well as the North 20th Street corridor from Montana Avenue to 6th Avenue North. This district is intended to create continuous, walkable, shopping & dining corridors with upper floor residential and office uses.

(c) EBURD CW: Central Works District. The Central Works District is intended to allow a flexible mix of uses, including commercial and light industrial uses.

(d) EBURD 13th: North 13th Street Main Street District. The North 13th Street Main Street is intended to provide a walkable, shopping & dining corridor with upper floor office and residential adjacent to the Central Works and Industrial Sanctuary districts, while allowing appropriate craftsman industrial and commercial businesses.

(e) EBURD IS: Industrial Sanctuary District. The Industrial Sanctuary district is intended to allow a wide mix of industrial businesses within the area with limited form requirements.

Sec. 27-1803. Application & Approval Process.

(a) Zoning Approval Required. This Section applies to all EBURD zoning districts defined in BMCC Sec. 27-1802. Any new development or remodel requires Planning Division approval as part of the City's Building Permit process.

(b) Content of Application. Each application for development located in any of the EBURD districts shall include the following:
   (1) The name and address of the property owner and applicant, if different;
   (2) The legal and general description of the tracts or lots upon which review is sought;
   (3) A statement of proposed use;
   (4) A complete site development plan drawn to scale of no less than one (1) inch = forty (40) feet indicating:
      a. Dimension and location of all existing and proposed buildings, recreation areas, utility and service areas, trash storage area, fire hydrants, access drives, full width of street and adjacent drives, parking areas, existing utility lines, and easements;
      b. Dimension, location, and description of all other existing and proposed site improvements including fences, walls, walkways, patios, decks, and barriers;
      c. Plans for landscape development , including irrigation, drainage, grading, and planting detail showing species, size, and spacing of trees, shrubs, and percent of living and non-living material;
      d. A clear delineation of all area to be paved or surfaced, including a description of surfacing materials to be used;
      e. Location and description of all off-site improvements and rights-of-way dedication;
      f. Location and type of lighting, including a scaled or dimensioned elevation of

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each type of lighting fixture, and the maximum illumination measured in foot-candles at the lot line;

g. Building elevations drawn to a scale of no less than one-sixteenth (1/16) inch = one (1) foot for all structures, including architectural plans for proposed buildings complete with exterior finishes and including floor plans and elevations.

h. A signage plan describing specifications and location of all signage. A separate application and approval is required for all signs;

i. A timetable for the proposed construction project;

j. Documentation illustrating compliance with sustainable development practices achieved per BMCC Sec. 27-1807.

k. Any other information pertinent to the particular project which, in the opinion of the Zoning Coordinator, is determined to be necessary for the review of the project.

(c) Review Timeline for Application. Within fifteen (15) working days following the submittal of a complete application, the Zoning Coordinator or his/her designee shall approve or deny the application, unless the applicant consents in writing to an extension of the review period. In the event that review exceeds fifteen (15) days, the applicant may seek administrative relief from the Planning Director. If an application is determined to be incomplete, the applicant shall be notified within five (5) days of the submittal. Should the application need corrections, the applicant shall be notified in writing specifying all areas of noncompliance with this Article.

Sec. 27-1804 Nonconformances.

Refer to BMCC Sec. 27-400 for Nonconforming uses of Land and Nonconforming Structures and uses of Structures in all EBURD districts with the following additions:

JUNE

(a) Street Facade Revisions. When a renovation of the front facade occurs with no added building square footage, the Street Facade Requirements (refer to BMCC Sec. 27-1809(a) through (f)) shall be met when the existing building front or corner facade is located within the build-to zone and the renovation includes any one of the following:

(1) Installation of additional doors or a change in location of a door.

(2) Expansion or change in location of thirty (30) percent of windows by total area on any street façade.

(3) Replacement of thirty (30) percent or more of facade materials on any street facing facade with a different facade material.

(b) Roof Revisions. When the existing building front or corner facade is located within the build-to zone and a renovation of the shape or style of the roof occurs with no added building square footage, the Roof Type Requirements (refer to BMCC Sec. 27-1810) for the frontage type permitted in the district shall be met.

(c) Nonconforming Site Characteristics. Site characteristics, including impervious site coverage, curb cut quantity and location, parking, signage, landscaping, and other non-structural but physical characteristics of a site, may continue based on the following conditions:

(1) Ten (10) Percent Exception. A site characteristic is not considered nonconforming if the size of the nonconformance is ten (10) percent or less of any requirement in Article 27-1800.

(2) Change in Associated Use. The right to continue shall be terminated if the associated use changes or the number of dwelling units, gross floor area, or capacity increases by fifty (50) percent or more.

a. Single or individual business signs within a multiple business center are exempt from this standard. A new tenant is permitted to install an individual business sign even if the signage on the lot as a whole is nonconforming, provided that the new sign does not increase the lot's nonconformance.

(3) Change in Associated Structure. The right to continue shall be terminated if the associated structure is altered to increase its gross floor area by fifty (50) percent or more.

(4) Abandonment. The right to continue shall be terminated if the associated use or structure, conforming or not, is abandoned for a period of twelve (12) consecutive months.

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Sec. 27-1805 Definitions

Refer to BMCC Sec. 27-200 for general definitions. For the purposes of Article 27-1800, the following terms shall have the following meanings:

Build-to Zone. An area in which the front or corner side facade of a building shall be placed; it may or may not be located directly adjacent to a lot line. The zone dictates the minimum and maximum distance a structure may be placed from a lot line. Refer to Figure 27-1805-1 Build-to Zone vs. Setback Line.

Courtyard. An outdoor area enclosed by a building on at least two (2) sides and is open to the sky.

Eave. The edge of a pitched or flat roof; it typically overhangs beyond the side of a building.

Entrance Type. The permitted treatment types of the ground story facade of a Frontage Type. Refer to BMCC Sec. 27-1809 for more information and a list of permitted Entrance Types.

Expression Line. An architectural feature consisting of a decorative, three (3) dimensional, linear element, horizontal or vertical, protruding or indented at least two (2) inches from the exterior facade of a building typically utilized to delineate the top or bottom of floors or stories of a building.

Facade. The exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements such as expression lines. The front facade is any building face adjacent to the front lot line.

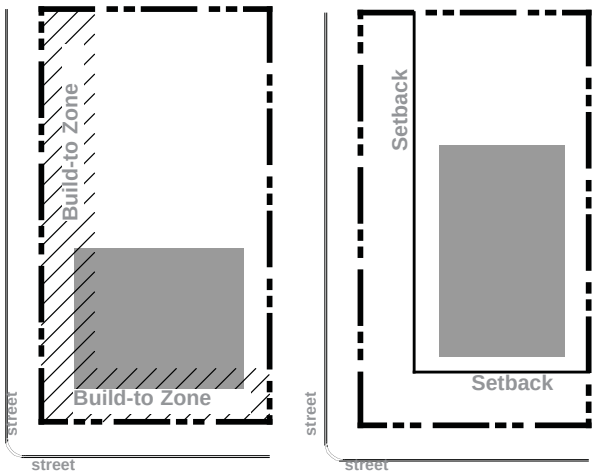

Figure 27-1805-1. Build-to-Zone vs. Setback Line

Frontage Type. A structure defined by the combination of configuration, form, and function. Refer to BMCC Sec. 27-1808 through 27-1810 for more information and the list of permitted Frontage Types.

Impervious Site Coverage. The percentage of a lot developed with principal or accessory structures and impervious surfaces, such as driveways, sidewalks, and patios.

Landscape Area. Area on a lot not dedicated to a structure, parking or loading facility, frontage buffer, side and rear buffer, or interior parking lot landscaping.

Lot Frontage. The horizontal distance between the side lot lines, measured at the front lot lines.

Lot Line, Corner. A boundary of a lot that is approximately perpendicular to the front lot line and is directly adjacent to a public right-of-way, other than an alley or railroad.

Lot Line, Front. The boundary abutting a right-of-way, other than an alley, from which the required setback or build-to zone is measured, with the following exceptions.

1. Corner and through lots that abut a primary street (refer to Figure 27-1817(e)-3 Primary Streets Map) shall have the front lot line on that primary street.
2. Corner and through lots that abut two primary streets or do not abut a primary street shall utilize the orientation of the two directly adjacent lots, or shall have the front lot line determined by the Zoning Coordinator.

Occupied Space. Interior building space occupied by the building users. It does not include storage areas, utility space, or parking.

Pedestrianway. A pathway designed for use by pedestrians; it can be located mid-block allowing pedestrian movement from one street to another without traveling along the block's perimeter.

Pervious Surface. Also referred to as pervious material. A material or surface that allows for the absorption of water into the ground or plant material, such as permeable pavers or a vegetated roof.

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Primary Street. A street designated on the Zoning Map that receives priority over other streets in terms of setting front lot lines and locating building entrances. Refer to BMCC Sec. 27-1817(e)3.

Public Improvement. Any structure incident to servicing or furnishing public facilities for a subdivision or development, such as grading, street surfacing, curbs and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, and utilities.

Roof Type. The detail at the top of a building that finishes a facade, including a pitch roof with various permitted slopes and a parapet. Refer to BMCC Sec. 27-1810 for more information and a list of the permitted Roof Types.

Scale. The relative size of a building, street, sign, or other element of the built environment.

Semi-Pervious Surface. Also referred to as semi-pervious material. A material that allows for at least forty (40) percent absorption of water into the ground or plant material, such as pervious pavers, permeable asphalt and concrete, or gravel.

Setback. The horizontal distance from a lot line inward, beyond which a structure may be placed. Structures or other impervious surfaces are not permitted within a setback, unless specifically permitted in this article. Refer to Figure 27-1805-1 Build-to Zone vs. Setback Line.

Solar Reflectance Index (SRI). A measure of a constructed surface's ability to reflect solar heat, as shown by a small temperature rise. The measure utilizes a scale from 0 to 100 and is defined so that a standard black surface is 0 and a standard white surface is 100. To calculate for a given material, obtain the reflectance value and emittance value for the material; calculate the SRI according to ASTM E 1980-01 or the latest version.

Stormwater Best Management Practices/Techniques. Conservation practices or systems of practices and management measures that control soil loss; reduce water quality degradation caused by nutrients, Animal waste, toxins, and sediment; and minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to chemical, physical, and biological characteristics of wetlands by natural means, including replicating natural systems.

Story, Ground. Also referred to as ground floor. The first floor of a building that is level to or elevated above the finished grade on the front and corner facades, excluding basements or cellars.

Story, Half. A story either in the base of the building, partially below grade and partially above grade, or a story fully within the roof structure with transparency facing the street.

Story, Upper. Also referred to as upper floor. The floors located above the ground story of a building.

Street Face. The facade of a building that faces a public right-of-way.

Street Type. The permitted and regulated types of streets in this article. Refer to 27-1817 Street Type Standards for more information and a list of the permitted Street Types.

Streetwall. The vertical plane created by building facades along a street. A continuous streetwall occurs when buildings are located in a row next to the sidewalk without vacant lots or significant setbacks.

Visible Basement. A half story partially below grade and partially exposed above with required transparency on the street facade.

Yard, Corner Side. A yard extending from the corner side building facade along a corner side lot line between the front yard and rear lot line.

Yard, Side. A yard extending from the side building facade along a side lot line between the front yard and rear lot line.

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Sec. 27-1806 Uses.

This section outlines the uses of land regulated in this article.

(a) General Provisions. The following general provisions apply to the uses outlined in this section.
  (1) A lot may contain more than one (1) use.
  (2) Each of the uses may function as either a principal use or accessory use on a lot, unless otherwise specified.
  (3) Uses are either permitted by-right in a district, permitted by-right with specific development or design parameters, or require Special Review (refer to BMCC Sec. 27-1503) in order to be developed.
  (4) Each use shall be located within a permitted Frontage Type (Refer to BMCC Sec. 27-1808 through 1810), unless otherwise specified.
  (5) Each use may have both indoor and outdoor facilities, unless otherwise specified.

(b) Organization. The uses are grouped into general categories, which may contain lists of additional uses or clusters of uses.
  (1) Unlisted Similar Use. If a use is not listed but is similar in nature and impact to a use permitted within a zoning district, the Zoning Coordinator may interpret the use as permitted.
    a. The unlisted use will be subject to any development standards applicable to the similar permitted use.
    b. If the unlisted use is similar in nature and impact to a use requiring Special Review per BMCC Sec. 27-1503, the Zoning Coordinator may interpret the use as also requiring Special Review.
  (2) Unlisted Dissimilar Use. If a use is not listed and cannot be interpreted as similar in nature and impact to a use within a zoning district that is either permitted or requires Special Review, the use is not permitted and may only be approved through an amendment of this article.

(c) Use Table. Table 27-1806-1: Uses by District outlines the permitted uses in each zoning district. Each use is given one of the following designations for each zoning district in which that use is permitted.
  (1) Permitted ("●"). These uses are permitted by-right in the districts in which they are listed.
  (2) Permitted in Upper Stories Only ("◓"). These uses are permitted by-right in the districts in which they are listed, provided that the uses are located in the upper stories of a structure. These uses may also be located in the ground story provided that they are located beyond a depth of at least thirty (30) feet from the front facade.
  (3) Permitted with Development Standards ("◐"). These uses are permitted by-right in the districts in which they are listed, provided that they are developed utilizing the listed development standards. These standards are intended to alleviate any negative impacts associated with the use, making it appropriate in a district where it otherwise might not have been appropriate.
  (4) Requires a Special Review ("○"). These uses require Special Review by the City Zoning Commission (refer to BMCC Sec. 27-1503) in order to occur in the districts in which they are listed and must follow any applicable development standards associated with the use as well as meet the requirements of the Special Review.
  (5) Uses that are not permitted are indicated by a blank space.

(d) Residential and Lodging Uses. A category of uses that include several residence types.
  (1) Residential. One (1) or more dwelling units located within the principal structure of a lot, in which the units may or may not share a common wall with the adjacent (horizontally or vertically) unit or have individual entrances from the outside.
  (4) Lodging & Residential Care. A facility offering temporary or permanent lodging to the general public consisting of sleeping rooms with or without in-room kitchen facilities. Lodging & residential care includes such uses as hotels, bed and breakfast inns, independent and assisted living facilities, nursing homes, residential care homes, and transitional treatment facilities. Assistance with daily activities may be provided for residents. Secondary service uses may also be provided, such as restaurants and meeting

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Uses	EBURD Districts				
KEY ● Permitted ◓ Permitted in Upper Stories Only ◐ Permitted with Development Standards ○ Requires a Special Review	Rail Spur Village Main Street	Rail Spur Village	Central Works	13th Street Main Street	Industrial Sanctuary
Residential & Lodging					
Residential	◓	●	●	◓	
Lodging & Residential Care	◓	●	●	◓	
Civic					
Assembly	◓	●	●	◓	●
Hospital	◓	●	●	◓	●
Library/Museum	●	●	●	●	●
Police and Fire	●	●	●	●	●
Post Office	●	●	●	●	◐
School	◓	●	◓	◓	◓
Retail & Wholesale					
General Retail	◐	●	●	●	
Commercial Equipment &		●	●	●	●
Outdoor Sales Lot		◐	●	●	●
Service					
General Service	●	●	●	●	●
Large Scale Entertainment			●	●	●
Vehicle Service	●	◐	●	●	●
Office					
Office	●	●	●	●	◓
Industrial					
Craftsman Industrial	◐	●	●	●	●
General Manufacturing			●	●	●
Warehousing & Distribution		●	●	●	●
Heavy Manufacturing					◐
Transportation Facilities			●		●
Sexually Oriented Business			○	○	○
Infrastructure					
Parking Lot	◐	◐	◐	◐	◐
Utility & Infrastructure		○	●	○	●
Wireless Transmission Facility	○	○	○	○	○
Open Space	◐	◐	◐	◐	◐

Uses	EBURD Districts				
	Rail Spur Village Main Street	Rail Spur Village	Central Works	13th Street Main Street	Industrial Sanctuary
Accessory Uses					
Outdoor Storage of Material		●	●	●	●
Employee/Caretaker Units		◐	◐	◐	◐

Table 27-1806-1. Use Table by District.

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rooms. Rooms shall be accessed from the interior of the building.

(e) Civic Uses. A category of uses related to fulfilling the needs of day-to-day community life including assembly, public services, educational facilities, hospitals, and cemeteries.

(1) Assembly. A facility that has organized services, meetings, or programs to benefit, educate, entertain, or promote discourse amongst the residents of the community in a public or private setting. Assembly includes such uses as a community center, house of worship, and private clubs and lodges. Residential uses accessory to and on the same lot as an assembly use, such as a convent, parish house, or caretaker's home, are also permitted.

(2) Hospital. A licensed institution providing medical care and health services to the community. These services may be located in one (1) building or clustered in several buildings and may include laboratories, in- and out-patient facilities, training facilities, medical offices, staff residences, food service, pharmacies, and gift shop.

(3) Library/Museum. A structure open to the general public housing educational, cultural, artistic, or historic information, resources, and exhibits. May also include food service and a gift shop.

(4) Police and Fire. A facility providing public safety and emergency services; training facilities, locker rooms, and limited overnight accommodations may also be included. Police and fire facilities have the following additional allowances:
   a. Garage doors are permitted on the front facade.
   b. Exempt from maximum driveway widths (refer to BMCC Sec. 6-1208(h)).

General Retail	General Service
Antique & Secondhand	Animal Boarding (interior only)
Appliance & Electronic Sales & Service	Arcade
Apparel & Accessory Store	Bank or other Financial Service
Art & Education Supplies	Barber Shop, Beauty Salon, & Spa
Automotive Supply Shop (no service)	Billiard Hall
Bakery	Bowling Alley
Bicycle Sales & Repair	Catering
Book, Magazine, & Newspaper	Check Cashing
Camera & Photo Supply	Day Care
China & Glassware Shop	Dry Cleaning & Laundry
Cigars, Cigarette, & Related	Eating & Drinking Establishments
Computer Software Sales & Leasing	Emergency Care Clinic
Convenience Store	Fitness, Dance Studio, & Gym
Department Store	Framing
Drug Store/Pharmacy	Funeral Home
Fabric & Craft Store	Home Furniture & Equipment Repair
Florist	Indoor domestic animal daycare
Furniture, Home Furnishings & Accessories	Locksmith
Gift, Novelty, & Souvenir Shop	Mailing Services
Grocery Store	Pet Grooming
Gun Shop	Photocopying & Printing
Hardware Store	Photography Studio & Supplies (on-site processing permitted)
Hobby	Repair of Small Goods & Electronics
Jewelry Sales & Repair	Shoe Repair
Luggage & Leather Goods	Shooting & Archery Ranges (indoor only)
Motorcycle & Motor Scooter Sales	Tailor & Seamstress
Music Store	Tanning Salon
Musical Instrument Repair & Sales	Tattoo/Piercing Parlor
Office Supply	Theater
Optical Goods	Training Center
Paint & Wallpaper	Travel Agency & Tour Operator
Party Supply	Video Rental
Pawn Shop	
Pet & Pet Supply	
Specialty Food Market (Butcher, Candy, Fish Market, Produce, etc.)	
Sporting Goods Sales & Rental	
Stationary & Paper Store	
Toy Shop	
Video/Game Sales & Rental	
Wine & Liquor Shop	

Table 27-1806-2. Typical General Retail & General Service Uses.

(5) Post Office. A publicly accessed facility for the selling of supplies and mail related products and the small scale collection and distribution of mail and packages. Refer to Warehousing & Distribution (BMCC Sec. 27-1806(o)) for large-scale postal sorting and distribution centers.

(6) School. An education facility with classrooms and offices, that may also include associated facilities such as ball fields, ball courts, gymnasium, theater, and food service.

(f) General Retail. A use involving the sale of goods or merchandise to the general public for personal or household consumption. A use in this category occupies a space of less than 20,000 square feet. Retail includes such uses as those found in Table 27-1806-2.

(g) Commercial Equipment and Supply. A use involving the large scale sale of goods marketed primarily to commercial or industrial businesses, but may also be available to the general public. This use may include bulk sales and frequent commercial vehicle and consumer traffic. This use is primarily located indoors. Commercial Equipment and Supply includes such uses as:
   (1) Building Materials, Hardware, and Garden Supply
   (2) Heating, Air Conditioning and Plumbing Supplies, Sales, and Service
   (3) Cabinet Supply (display only)
   (4) Machine Sales and Rental
   (5) Agriculture Equipment and Supply
   (6) Electrical Supplies
   (7) Merchandise Vending Machine Operators
   (8) Medical Supply Store & Sales
   (9) Exterminating & Disinfecting Service

(h) Outdoor Sales Lot. A use involving the sale of goods or merchandise to businesses and/or the general public, where the majority of the goods are stored or displayed outdoors. Outdoor sales lots include such uses as the sale and rental of automobiles, trucks, trailers, boats, and recreational vehicles; and the sale of building materials, landscape materials, and garden supplies. In the districts where an outdoor sales lot is permitted with development standards ("◐"), the following applies:

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(1) Loose material must be stored in compliance with the standards in BMCC Sec. 27-601(b). Parking and Storage Restrictions.
(2) Limited to lots fronting on Boulevard Street Types (1st Avenue N, 4th Avenue N, and 6th Avenue N).

(i) General Service. A category of uses that provide patrons services and limited retail products related to those services. Visibility and accessibility are important to these uses, as most patrons do not utilize scheduled appointments. A use in this category occupies a space no greater than 20,000 square feet and includes such uses as those found in Table 27-1806-2.

(j) Large Scale Entertainment. A service use offering entertainment within the community and the region, housed in a large scale facility greater than 20,000 square feet. Large scale entertainment includes such uses as a concert hall, movie theater, casino, or events facility (a facility regularly available for rental by an individual, group, or business for banquets, meetings, conferences, seminars, or lectures). This use may also include support facilities such as eating and drinking establishments. This use may also include outdoor entertainment and recreation opportunities such as batting cages, go-cart tracks, miniature golf, aquatic facilities, and skating rinks.

Office Uses
Architecture, Engineering, Planning, & Design
Building Contractor (office only)
Business Consulting
Charitable Institutions
Computer Programming & Support
Detective & Security Services
Educational Services (tutor & testing)
Employment Agency
Financial & Insurance
Government Offices
Professional Membership Organizations
Legal Services
Management Services
Physical Therapy/Physical Rehabilitation
Medical & Dental with Laboratory
PR & Advertising
Property Development
Radio & TV Studio
Real Estate
Recording & Sound Studio
Research & Development
Research Agency
Surveying
Veterinarian

Table 27-1806-3. Typical Office Uses.

(k) Vehicle Service. A business involving the servicing of vehicles and/or the distribution of fuel to residents of the community and region. A convenience store may also be included as a secondary use, as well as the sale of propane and kerosene. Vehicle service includes such uses as automotive filling stations, vehicle repair, car wash facilities, and tire sales and mounting. In the districts where vehicle service is permitted with development standards ("◐"), the following apply:
(1) Use Limitation. Repair and wash facilities for semi-trucks, recreational vehicles, boats, and other oversized vehicles are only permitted in the Industrial Sanctuary district.
(2) Service Bays. Vehicular service bays, including garages and car wash bays, shall not be located on the front facade, unless otherwise permitted by the Frontage Type.
(3) Outdoor Storage. Disabled or inoperable vehicles and those awaiting pick-up may be stored outdoors if:
a. The vehicles are not stored for more than two (2) days.
b. The storage area is located in the rear yard screened from view of the front lot line.
c. The storage area is screened using the Side & Rear yard buffer outlined in BMCC Sec. 27-1815(j), regardless of the adjacent land uses.
(4) Outdoor Activities.
a. All repairs or washing activities must occur inside a structure.
b. Vacuuming activities may occur in open air, but must be located in the side or rear yards, screened from the front lot line.
c. Temporary outdoor display of seasonal items, such as windshield wiper fluid or salt, is permitted during business hours under the canopy and adjacent to the principal structure.

(l) Office Uses. A category of uses for businesses that involve the transaction of affairs of a profession, service, industry, or government. Patrons of these businesses usually have set appointments or meeting times; the businesses do not typically rely on walk-in customers. Office uses include those listed in Table 27-1806-3.

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(m) Craftsman Industrial. A use involving small scale manufacturing, production, assembly, and/or repair with little to no noxious by-products that includes a showroom or small retail outlet. Craftsman industrial includes such uses as those found in Table 27-1806-4. This use may also include associated facilities such as offices and small scale warehousing, but distribution is limited. The maximum overall gross floor area is limited to 45,000 square feet, unless otherwise noted. In the districts where a craftsman industrial use is permitted with development standards ("◐"), the following apply:

(1) 20,000 square feet is the maximum permitted overall gross floor area.
(2) A minimum twenty (20) percent of gross floor area shall be dedicated to a showroom located at the front of the space.
(3) Outdoor activities and storage of goods are not permitted.

(n) General Manufacturing. A manufacturing use involving the assembly, production, and distribution of goods resulting in limited negative external effects. This use may involve the production of goods from raw materials or the assembly of finished products that can

Craftsman Industrial	General Manufacturing	Warehousing & Distribution	Heavy Manufacturing
Apparel & Finished Fabric Products	Aircraft & Railroad Equipment & Parts	Air Freight	Acid
Bakery & Confections	Alcoholic Beverages	Contractor Equipment & Warehouse– Landscape & Construction	Asbestos
Beverages, including Beer, Wine, Liquor, Soft Drinks, Coffee	Apparel, Finished Products from Fabric	Exterminator & Disinfection Services	Asphalt
Botanical Products	Boat Building & Repairing	Fuel Distribution	Battery Manufacturing & Rebuilding
Brooms & Brushes	Cotton Wadding	Mail & Parcel Sorting & Distribution	Biological Product
Canning & Preserving Food	Distilled Water	Mail Order House & Warehousing	Boiler Works
Commercial Scale Copying & Printing	Electrical Machinery & Equipment	Motor Freight Transportation	Celluloid Manufacturing & Treatment
Construction Special Trade Contractors	Electronic Equipment & Component	Newspaper Distribution Facilities	Chemicals
Cut Stone & Cast Stone	Excelsior & Fiber	Packing & Crating	Cement, Concrete, Gypsum, Asbestos
Dairy Products	Fur Dressing & Dying	RV Storage Yard	Dry Cleaning & Dyeing
Electronics Assembly	Internal Combustion Motors	Recycling Center (Collection & Sort)	Foundries
Engraving	Linoleum	Tow or Impound Lot	Industrial Launderers
Electrical Fixtures	Lumber Milling	Truck Terminal or Parking Facilities	Laundry Soap, Chips & Powder
Fabricated Metal Products	Machinery & Tools	Warehousing & Storage (Refrigeration or General)	Meat & Fish Processing & Packaging
Film Making	Mobile/Manufactured Homes Manufacturing	Water Distribution	Motor Vehicle Assembly
Furniture & Fixtures	Motor Testing	Personal & Household Storage	Ordnance & Accessories
Glass	Motor Vehicle Parts & Equipment		Paints, Enamels, Lacquers, & Varnishes & Allied Products
Household Textiles	Motorcycles, Bicycles, & Parts		Paper & Allied Products
Ice	Office & Artist's Materials		Petroleum & Related Products
Jewelry, Watches, Clocks, & Silverware	Perfume, Cosmetics, Soap, & Other Toiletry Items		Pharmaceuticals
Leather Products	Plumbing & Heating Products		Rock Crushing
Meat & Fish Products, no Processing	Poultry Dressing		Rubber & Plastics
Musical Instruments & Parts	Research & Development with laboratory & testing		Seeding & Grain Milling
Pasta	Rolling, Drawing, Extruding Metal		Smelting
Pottery, Ceramics, & Related Products	Scientific Instruments, including Photographic, Medical & Dental, Surveying, Measuring, and Optical Equipment		Stone & Concrete
Printing, Publishing & Allied Industries	Structural Clay Products		Sugar
Shoes & Boots	Tobacco		Tannery
Signs & Advertising	Vehicle Staging & Storage (Ambulance, Bus, Limousine, Livery, Taxi, etc.)		Tar Distillation
Small Goods Manufacturing			Vegetable, Animal, & Marine Oils & Fats
Smithing			Wax Products Production
Taxidermy			Wool Scouring & Pulling
Textile, Fabric, Cloth			
Toys & Athletic Goods			
Upholstery			
Woodworking			

Table 27-1806-4. Typical Industrial Uses.

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result in some noise and other non-noxious by-products. Associated facilities may also be included such as offices, limited warehousing, limited service bays, and maintenance facilities. Fuel pumps and outdoor storage of goods are defined by the permitted accessory uses. General manufacturing uses include all craftsman industrial uses and such uses as those found in Table 27-1806-4, without the size limitation.

(o) Warehousing and Distribution. A general industrial use involving substantial commercial vehicle access and large-scale indoor or outdoor storage and packing of goods typically between production and the market. Warehousing and Distribution includes such uses as those found in Table 27-1806-4. In the districts where warehousing and distribution is permitted with development standards ("◐"), the following apply:
  (1) Truck Access. Truck access is permitted only off a Boulevard Street Type (refer to BMCC Sec. 27-1817 Street Types).
  (2) Loading Bays. Loading bays if permitted by Frontage Type, shall be located directly off a Boulevard Street Type.

(p) Heavy Manufacturing. An industrial use with the potential for significant negative external effects and involving the production of goods from raw materials, often resulting in noise, odor and/or noxious by-products, and involving frequent commercial vehicle access and outdoor storage of materials or products. Heavy industrial includes such uses as those found in Table 27-1806-4. In the districts where a heavy manufacturing use is permitted with development standards ("◐"), the following apply:
  (1) Noise, odor, and other noxious by-products shall not be measurable on adjacent properties.
  (2) Waste products shall be disposed of off-site, without entering the sanitary sewer system.

(q) Transportation Facilities. A business involving the transport of passengers that may include a station with offices, food and beverage service and platforms for arrivals and departures. Short and long term parking facilities, maintenance facilities and vehicle storage are not permitted. Transportation facilities include such uses as bus or rail terminals.

(r) Sexually Oriented Business. A business use that includes the uses defined in BMCC Sec. 27-611 of the Unified Zoning Regulations of the City of Billings. In the districts where a sexually oriented business requires Special Review (BMCC Sec. 27-1503) ("○"), the use shall comply with all requirements set forth in BMCC Sec. 27-611 of the Unified Zoning Regulations of the City of Billings.

(s) Parking Lot. A lot that does not contain a permitted building or Open Space Type and is solely used for the parking of vehicles. In the districts where a parking lot is permitted with development standards ("◐"), the following apply:
  (1) ~~Corner Lots. A corner lot shall not be used as a parking lot.~~
  (2) ~~Adjacent Parking Lots. Two (2) parking lots cannot be located directly adjacent to one another.~~
  (3) Single Family. Parking lot cannot be associated with a single family use.
  (4) Distance. Parking lot must be within 1,000 feet of the associated use unless:
    a. At least seventy-five (75) percent of the spaces are dedicated for public use.
    b. An approved parking agreement is in place (refer to BMCC Sec. 6-1203 (h) and (i) Joint Use).
    c. Lot is utilized for commercial vehicles (refer to BMCC Sec. 27-1806(s)(6)) in which case an associated use is not required.
  (5) Pedestrian Access. Must be connected to associated use by a dedicated, public pedestrian pathway.
  (6) Commercial Vehicles. Parking lots for commercial vehicles are only permitted in the Central Works and Industrial Sanctuary districts and are exempt from BMCC Sec. 27-1806(s)(1) through (5).

(t) Utility and Infrastructure. A lot that is primarily utilized for the City's infrastructure needs. Utility and infrastructure includes such uses as electric or gas services, sewage treatment, water treatment and storage, and energy conversion systems. In the districts where utilities and

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infrastructure require Special Review ("○"), refer to BMCC Sec. 27-1503 for requirements.

(u) Wireless Communication Facility. A use of land that includes unmanned buildings, cabinets, structures, and facilities, including generating and switching stations, repeaters, antennas, transmitters, receivers, towers, and all other buildings and structures relating to low-power mobile voice transmission, data transmission, video transmission, radio transmission, or wireless transmission. In the districts where wireless communication facilities require Special Review (BMCC Sec. 27-1503) ("○"), refer to BMCC Sec. 27-620 for requirements.

(v) Open Space. A use of land for active or passive, public or private, outdoor space, including such uses as parks, plazas, greens, playgrounds, or community gardens. Open space uses may also be utilized to host temporary private or community events, such as a farmer's market or art fair. In the districts where open space is permitted with development standards ("◐"), the following apply:
  (1) Parking. Parking lots are not permitted in open space in any EBURD district.
  (2) Size. All open space in an EBURD district is limited to no greater than 90,000 square feet.
  (3) Treatment. Open space in an EBURD district may include both landscape and hardscape.
  (4) Stormwater Accommodations. Open space that incorporates stormwater management on a site or district scale is encouraged.
    a. Stormwater facilities shall be designed to accommodate additional uses, such as an amphitheater or a sports field.
    b. Stormwater facilities shall be designed not to be fenced and shall not impede public use of the land they occupy.
  (5) Active Facilities. Designated ball fields are not permitted. Ball courts and playgrounds are permitted in the Rail Spur Village district only.
  (6) This use may involve small scale food and beverage service, no more than 200 square feet in space, located in a kiosk, with no service access.
  (7) Buildings located directly adjacent to an open space use shall treat facades facing this use with street facade requirements.

(w) Accessory Uses. Accessory uses are regulated by BMCC Sec. 27-600 with the following exceptions:
  (1) Outdoor Storage of Goods. Permanent outdoor storage of goods not typically housed or sold indoors, such as large scale materials and building and landscape supplies. In the districts where outdoor storage of goods is permitted with development standards ("◐"), the following development standards apply:
    a. Within the Central Works and 13th Street Main Street Districts:
      i. Outdoor storage areas shall be located in the rear or side yard of the lot.
      ii. Loose materials shall not be stacked higher than six (6) feet.
      iii. Loose materials shall at a minimum be stored in a three (3) sided shelter and shall be covered.
      iv. Materials shall be set back a minimum of five (5) feet from any lot line.
      v. All outdoor storage areas shall be screened from view of adjacent parcels and vehicular rights-of-way using the heavy side or rear buffer, refer to BMCC Section 27-1815(j) Side and Rear Buffer.
  (2) Employee/Caretaker Units. In the districts where employee/caretaker units are permitted with development standards ("◐"), the following development standards apply:
    a. Up to two (2) residential units per 10,000 square feet of gross building floor area.
    b. Units shall be provided to employees, security personnel, or caretakers, as a benefit to the business only.

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Sec. 27-1807 Sustainable Development Measures.

The following sustainable development measures process shall be addressed by all developments in the EBURD districts defined by BMCC Sec. 27-1802.

(a) Review and Approval. Documentation on which measures and total number of points the applicant will achieve shall be indicated on the building permit application submitted to the City for review and approval.

(b) Requirements. The applicant shall achieve no less than five (5) total points from any combination of the following sustainable development measures. No partial points will be accepted.

(c) Documentation. The applicant shall submit documentation supporting that the development will achieve the measure.

(d) Certified Green Buildings Measure (3 points). Certify a new construction building or building undergoing major renovations through a green building rating system requiring review by an independent, third-party certifying body and approved by the Zoning Coordinator.
  (1) Value. This measure earns the applicant 3 points.
  (2) Documentation. Required documentation includes registration of the project with the system, payment of all applicable fees for the rating system, and a draft scorecard showing the achieved credits or points.

(e) Building Energy Efficiency Measure (2 points).
  (1) New Construction Buildings. Newly constructed buildings must demonstrate an average 10% improvement over the energy code currently in effect in the City.
  (2) Major Renovation. Building must demonstrate an average 5% improvement over ANSI/ASHRAE/IESNA Standard 90.1-2007.
  (3) Value. This measure earns the applicant 2 points.
  (4) Documentation. Required documentation includes an energy model demonstrating that the building(s) will achieve the proposed improvements.

(f) Building Water Efficiency Measure (2 points). Indoor water use in new buildings and major renovations must be an average 20% less than in baseline buildings. Utilize the baseline water usage for fixtures per the Energy Policy Act of 1992 and subsequent rulings by the United States Department of Energy or a similar method approved by the Zoning Coordinator.
  (1) Value. This measure earns the applicant 2 points.
  (2) Documentation. Required documentation includes cut sheets for all water fixtures.

(g) Water-Efficient Landscaping Measure (2 point). Reduce potable water used for landscape by utilizing all xeriscape plant materials and providing no permanent irrigation system or using only captured rainwater with an irrigation system.
  (1) Value. This measure earns the applicant 2 points.
  (2) Documentation. Required documentation includes a landscape and irrigation plan, illustrating the system.

(h) Renewable Energy Sources Measure (2 points). Incorporate renewable energy generation on-site with production capacity of at least 5% of the building's annual electric and thermal energy, established through an accepted building energy performance simulation tool.
  (1) The following renewable energy generation sources are applicable:
    a. Solar thermal or photovoltaics
    b. Wind
    c. Geothermal
  (2) Value. This measure earns the applicant 2 points.
  (3) Documentation. Required documentation includes specifications and construction details for the installation of the system.

(i) Green Roof Measure (2 points). Install a vegetated roof for at least 50% of building roof area.
  (1) Value. This measure earns the applicant 2 points.

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(2) Documentation. Required documentation includes roof construction plans with drainage and planting details.

(j) Heat Island Reduction Measure (2 point).
(1) Use any combination of the following strategies for 35% of all on-site, non-roof hardscape areas, including sidewalks, plazas, courtyards, parking lots, parking structures, and driveways.
a. Tree Canopy Cover. Coverage of the surface at shade tree maturity in 15 years.
b. Solar reflective paving & roofing with a SRI (solar reflectance index) of at least 29.
(3) Value. This measure earns the applicant 2 point.
(2) Documentation. Required documentation includes plans and specifications for installation of the strategy.

(k) Pervious Pavement Measure (2 points). Install an open grid or pervious pavement system that is at least 40% pervious on 80% of all hardscape surface areas, including sidewalks, plazas, courtyards, parking lots, and driveways.
(1) Value. This measure earns the applicant 2 points.
(2) Documentation. Required documentation includes plans and specifications for installation of the strategy.

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(l) Enhanced Bicycle Amenities Measure (1 point).
(1) Inclusion of two of the following:
a. Lockable enclosed bicycle storage. Provide one (1) secure, enclosed bicycle storage space for 10% of planned employee occupancy.
b. Employee shower facilities. Provide at least one (1) shower facility and one (1) per 150 employees.
c. Increased bicycle parking spaces. Provide bicycle racks at a rate of one (1) per 5000 square feet of gross building area, with no fewer that four (4) bicycle spaces per building.
(2) Value. This measure earns the applicant 1 point.
(3) Documentation. Required documentation includes site and/or building plans locating the measures included.

Sec. 27-1808 Introduction to Frontage Type Requirements

The Frontage Types detailed in BMCC Sec. 27-1813 outline the required building forms for new construction and renovated structures within the EBURD.

(a) Applicability. The Frontage Type standards shall be applied to all new construction and exterior renovation of existing structures. Refer to BMCC Sec. 27-1804 Nonconformances for more information on the continuation of nonconforming structures.

(b) General Requirements. All Frontage Types must meet the following requirements.
  (1) Zoning Districts. Each Frontage Type shall be constructed only within its designated districts (Refer to Table 27-1808-1 Permitted Frontage Types by Districts). Permitted Frontage Types in each zoning district defines which Frontage Types are permitted in which zoning districts. Refer to BMCC Sec. 27-1802 EBURD zoning districts for more information.
  (2) Uses. Each Frontage Type can house a variety of uses depending on the district in which it is located. Refer to BMCC Sec. 27-1806 EBURD uses for general uses permitted per district. Some Frontage Types have additional limitations on permitted uses.
  (3) No Other Frontage Types. All buildings constructed must meet the requirements of one of the Frontage Types permitted within the zoning district of the lot.
  (4) Permanent Structures. All buildings constructed shall be permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise noted.
  (5) Accessory Structures.
    a. Attached accessory structures are considered part of the principal structure.
    b. Detached accessory structures are permitted per each Frontage Type and shall comply with all setbacks except the following:
      i. Detached accessory structures are not permitted in the front yard.
      ii. Detached accessory structures shall be located behind the principal structure in the corner side yard.
      iii. Detached accessory structures shall not exceed the height of the principal structure and in no case shall be taller than two and a half (2.5) stories.

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Frontage Types	EBURD Districts: Rail Spur Village Main Street	Rail Spur Village	Central Works	North 13th Street	Industrial Sanctuary
Yard Frontage		●			
General Stoop		●	●		●
Storefront	●	●	●	●	●
Limited Bay		●	●	●	●
Commerce			○		●
Open Frontage					●
Civic Frontage	●	●	●	●	●
Commercial Outdoor Site		○	●	●	●

● = Permitted Boulevard ○ = Permitted Only on Boulevard Street Type

Table 27-1808-1. Permitted Frontage Types by District

Sec. 27-1809 Entrance Types

Entrance Type standards apply to the ground story and visible basement of front facades of all Frontage Types as defined in this Section. Refer to BMCC Sec. 27-1813 Frontage Types.

(a) General Provisions. The following provisions apply to all Entrance Types.
  (1) Intent. To guide the design of the ground story of all buildings to relate appropriately to pedestrians on the street. Treatment of other portions of the building facades is detailed in each Frontage Type standard (refer to BMCC Sec. 27-1813(a) through (h)).
  (2) Applicability. The entire ground story street-facing facade(s) of all buildings shall meet the requirements of at least one (1) of the permitted Entrance Types, unless otherwise stated.
  (3) Measuring Transparency. Refer to Sec. 27-1811(d)(1) for information on measuring building transparency.
  (4) Visible Basements. Visible basements, permitted by Entrance Type, are optional. The visible basement shall be a maximum of one-half (1/2) the height of the tallest story.

(b) **Storefront Entrance Type.** (Refer to Figure 27-1809(b)-1). The Storefront Entrance Type is a highly transparent ground story treatment designed to serve primarily as the display area and primary entrance for retail or service uses.
  (1) Transparency. Minimum transparency is required per Frontage Type.
  (2) Elevation. Storefront elevation shall be between zero (0) and one (1) foot above sidewalk.
  (3) Visible Basement. A visible basement is not permitted.
  (4) Horizontal Facade Division. Horizontally define the ground story facade from the upper stories.
  (5) Entrance. All entries shall be recessed from the front facade closest to the street.
    a. Recess shall be a minimum of three (3) feet and a maximum of eight (8) feet deep, measured from the portion of the front facade closest to the street.
    b. When the recess falls behind the front build-to zone, the recess shall be no wider than eight (8) feet.

(c) **Arcade Entrance Type.** (Refer to Figure 27-1809(c)-1). An Arcade Entrance Type is a covered pedestrian walkway within the recess of a ground story.
  (1) Arcade. An open-air public walkway is required from the face of the building recessed into the building a minimum of eight (8) and a maximum of fifteen (15) feet.
  (2) Recessed or Interior Facade. Storefront Entrance Type is required on the recessed ground story facade.
  (3) Column Spacing. Columns shall be spaced between ten (10) feet and twelve (12) feet on center.
  (4) Column Width. Columns shall be a minimum of 1′-8″ and a maximum 2′-4″ in width.

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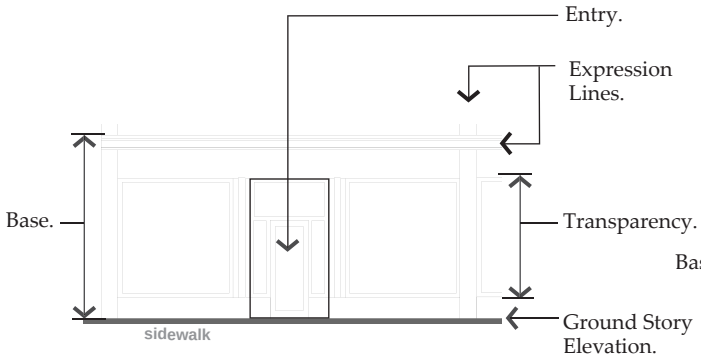

Figure 27-1809(b)-1. Storefront Entrance Type.

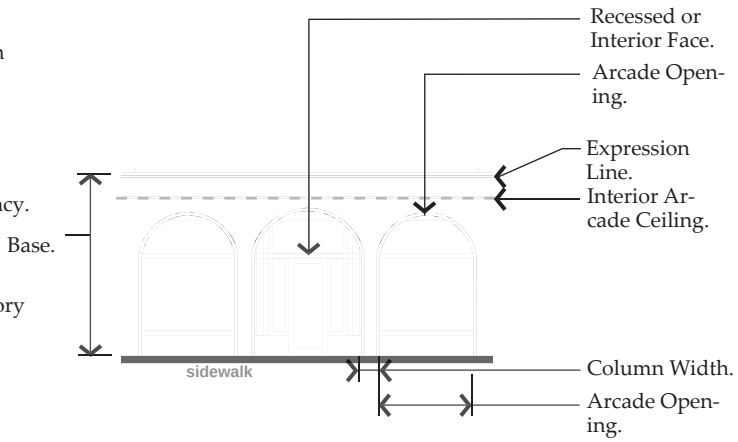

Figure 27-1809(c)-1. Arcade Entrance Type.

(5) Arcade Opening. Opening shall not be flush with interior arcade ceiling and may be arched or straight.
(6) Horizontal Facade Division. Horizontally define the ground story facade from the upper stories.
(7) Visible Basement. A visible basement is not permitted.

(d) **Stoop Entrance Type.** (Refer to Figure 27-1809(d)-1). A stoop is an unroofed, open platform.
(1) Transparency. Minimum transparency is required per Frontage Type.
(2) Stoop Size. Stoops shall be a minimum of three (3) feet deep and six (6) feet wide.
(3) Elevation. Stoop elevation shall be located a maximum of 2′-6″ above the sidewalk without visible basement and a maximum of 4′-6″ above the sidewalk with a visible basement.
(4) Visible Basement. A visible basement is permitted and shall be separated from the ground story by an expression line.
(5) Entrance. All entries shall be located off a stoop.

(e) **Porch Entrance Type.** (Refer to Figure 27-1809(e)-1). A porch is a raised, roofed platform that may or may not be enclosed on all sides.
(1) Transparency.
a. Minimum transparency per Frontage Type is required.
b. If enclosed, a minimum of forty (40) percent of the enclosed porch shall be comprised of highly transparent, low reflectance windows.
(2) Porch Size. The porch shall be a minimum of (5) feet deep and (8) feet wide.
(3) Elevation. Porch elevation shall be located a maximum of 2′-6″ above the sidewalk without a visible basement and a maximum of 4′-6″ above the sidewalk with a visible basement.
(4) Visible Basement. A visible basement is permitted.
(5) Height. Porch may be two (2) stories to provide a balcony on the second floor.
(6) Entrance. All entries shall be located off a porch.

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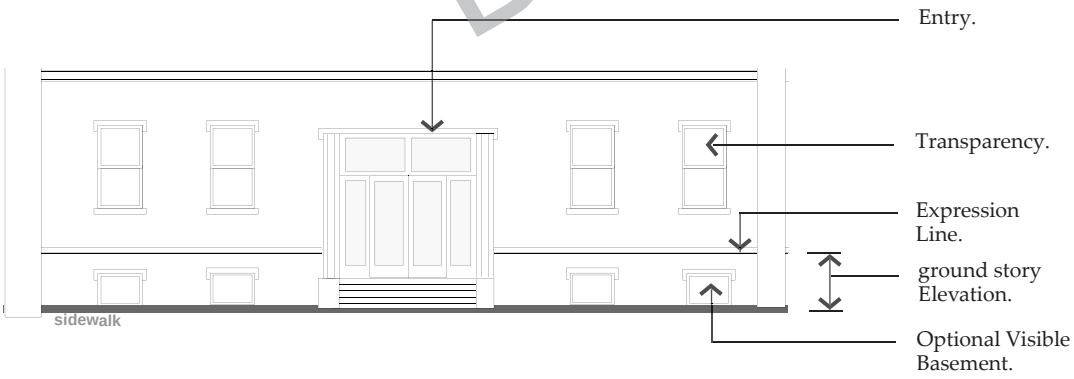


Figure 27-1809(d)-1. Stoop Entrance Type.

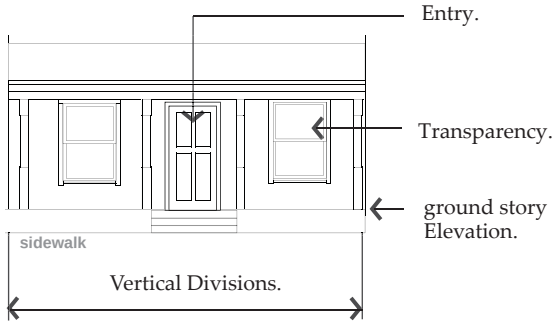


Figure 27-1809(e)-1. Porch Cap

Sec. 27-1810 Roof Types

Roof Type standards apply to roof and top of all Frontage Types as required in this Section.

(a) General Provisions. The following provisions apply to all Roof Types.
  (1) Intent. To guide the design of the cap of all buildings.
  (2) Applicability. All buildings shall meet the requirements of one of the Roof Types permitted for the Frontage Type.
  (3) Measuring Height. Refer to BMCC Sec.27-1811(b) for information on measuring building height.
  (4) Other Roof Types. Other building caps not listed as a specific type may be requested with the following requirements:
    a. The height shall not exceed any of the Roof Types permitted for the Frontage Type.
    b. The cap would not be disruptive to the surrounding area.
    c. The design of the cap shall be reviewed by the Zoning Coordinator.

(b) **Parapet Roof Type.** (Refer to Figure 27-1810(b)-1). A parapet is a low wall projecting above a building's roof along the perimeter of the building. It can be utilized with a flat or low pitched roof and also serves to limit the view of roof-top mechanical systems from the street.

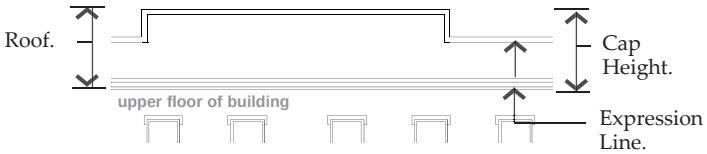
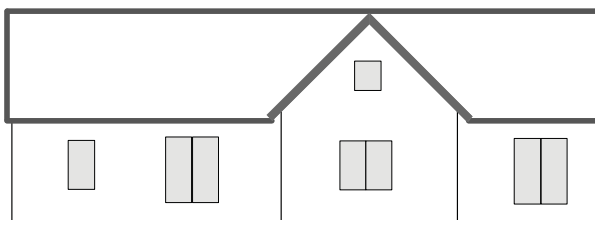


Figure 27-1810(b)-1. Parapet Roof Type.

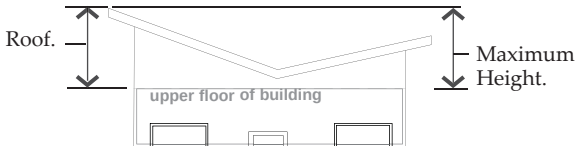


Parallel Ridge Line with gable

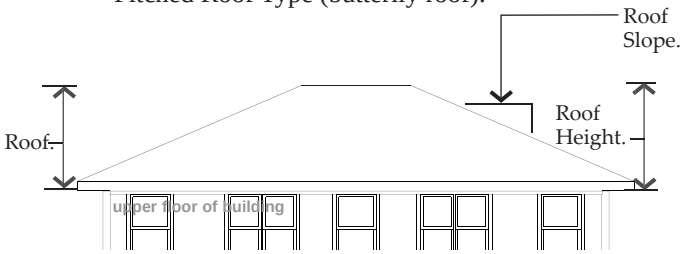
Figure 27-1810(c)-2. Parallel Ridge Line.

(1) Parapet Height. Height is measured from the top of the upper story to the top of the parapet.
  a. Minimum height is two (2) feet with a maximum height of six (6) feet.
  b. Cap shall be high enough to screen the roof and any roof appurtenances from view of the street(s) .
(2) Horizontal Expression Lines. An expression line shall define the cap from the upper stories of the building and shall also define the top of the cap.
(3) Occupied Space. Occupied space shall not be incorporated behind this Roof Type.

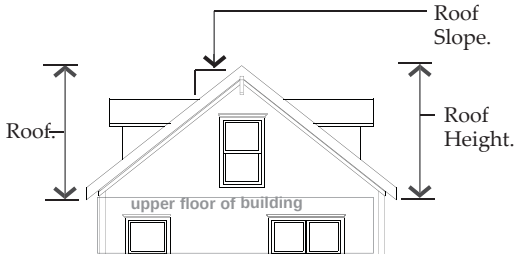
(c) **Pitched Roof Type.** (Refer to Figure 27-1810(c)-1). This Roof Type has a sloped or pitched roof. Slope is measured with the vertical rise divided by the horizontal span or run.
(1) Pitch Measure. The roof may not be sloped less than a 4:12 (rise:run) or more than 16:12.
  a. Slopes less than 4:12 are permitted to occur on second story or higher roofs. (Refer to Figure 27-1810(c)-1).
(2) Configurations.



Pitched Roof Type (butterfly roof).



Pitched Roof Type (hip roof).



Pitched Roof Type (gable roof).

Figure 27-1810(c)-1 Pitched Roof Roof Type.

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a. Hipped, gabled, and combination of hips and gables with or without dormers are permitted.
b. Butterfly roofs (inverted gable roof) are permitted with a maximum height of eight (8) feet, inclusive of overhang.
c. Gambrel and mansard roofs are permitted on non-residential Frontage Types (refer to BMCC Sec.27-1813(a) through (h) for Frontage Types). When the ridge runs parallel to the street, one (1) dormer per fifteen (15) feet of street face is required.

(3) Parallel Ridge Line. A gabled end or perpendicular ridge line shall occur at least every one hundred (100) feet of roof when the ridge line runs parallel to the front lot line. (Refer to Figure 27-1810(c)-3).
(4) Roof Height. Roofs without occupied space and/or dormers shall have a maximum height on street-facing facades equal to the maximum floor height permitted for the Frontage Type.
(5) Occupied Space. Occupied space may be incorporated behind this Roof Type.

(d) **Barrel Roof Type.** (Refer to Figure 27-1810(d)-1). This Roof Type has a barrel vaulted roof.

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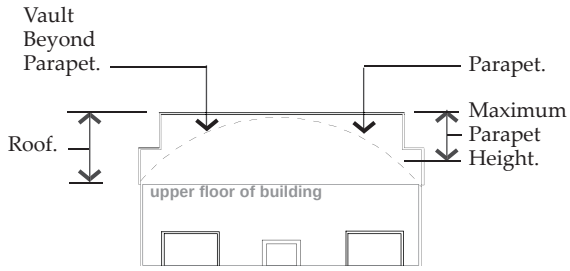
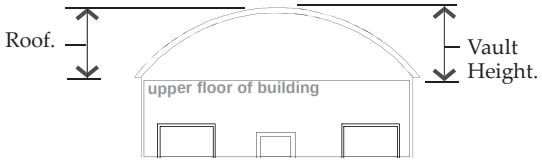


Barrel Roof Type with parapet.



Barrel Roof Type without parapet.

Figure 27-1810(d)-1. Barrel Roof Type.

(1) Configuration. The barrel vault of the roof shall run perpendicular to the front facade. Eaves may or may not be utilized.
(2) Vault Height. The vault height shall not exceed half the vault width.
(3) Parapet. When a parapet wall screens the vault from the street, the parapet shall not extend more than six (6) feet above the barrel vault roof.
(5) Occupied Space. Occupied space may be incorporated behind this Roof Type.

(e) **Flat Roof Type.** (Refer to Figure 27-1810(e)-1). This Roof Type has a flat roof with overhanging Eaves.
(1) Configuration. Roofs with no visible slope are acceptable. Eaves are required on all street facing facades.
(2) Eave Depth. Eave depth is measured from the building facade to the outside edge of the eave. Eaves shall have a depth of at least fourteen (14) inches.
(3) Eave Thickness. Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave. Eaves shall be a minimum of eight (8) inches thick.
(4) Interrupting Vertical Walls. Vertical walls may interrupt the eave and extend above the top of the eave with no discernible cap.
a. No more than one-half (1/2) of the front facade can consist of an interrupting vertical wall.
b. Vertical walls shall extend no more than four (4) feet above the top of the eave.
(5) Occupied Space. Occupied space shall not be incorporated behind this Roof Type.

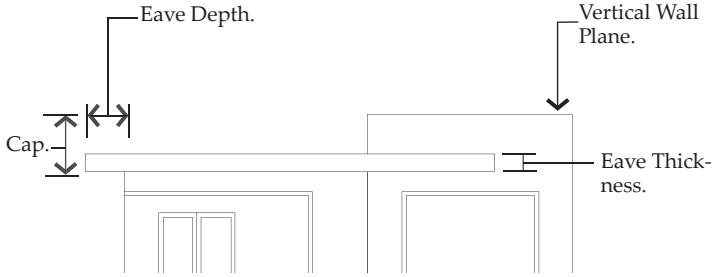


Figure 27-1810(e)-1. Flat Roof Roof Type.

(f) **Towers.** (Refer to Figure 27-1810(f)-1). A tower is a rectilinear or cylindrical, vertical element, that must be used with other Roof Types.

(1) Quantity. All Building Types, with the exception of the Civic Building, are limited to one (1) tower per building.

(2) Tower Height. Maximum height, measured from the top of the parapet or eave to the top of the tower, is the equivalent of the height of one (1) upper floor of the building to which the tower is applied.

(3) Tower Width. Maximum width along all facades is one-third (1/3) the width of the front facade or thirty (30) feet, whichever is less.

(4) Horizontal Expression Lines. An expression line shall define the tower from the upper stories, except on single family or attached house residential Frontage Types (refer to BMCC Sec.27-1813(a) through (h) for Frontage Types).

(5) Occupied Space. Towers may be occupied by the same uses allowed in upper stories of the Frontage Type to which it is applied.

(6) Application. May be combined with all other Roof Types.

(7) Tower Cap. The tower may be capped by the parapet, pitched, low pitched, or flat roof Roof Types, or the spire may cap the tower.

(g) **Spire.** (Refer to Figure 27-1810(g)-1). A spire is a long, tapering design element that can be attached to a tower or other Roof Type.

(1) Permitted Location. Spires are permitted only on civic buildings.

(2) Spire Height. Spire height is not limited.

(3) Spire Width. Maximum width, measured at the spire base is one-sixth (1/6) the width of the front facade or fifteen (15) feet, whichever is less. A wider spire base, proportionate in height, is subject to the approval the Zoning Coordinator.

(4) Occupied Space. Occupied space is not permitted within the spire.

(5) Application. May be combined with any other roof type.

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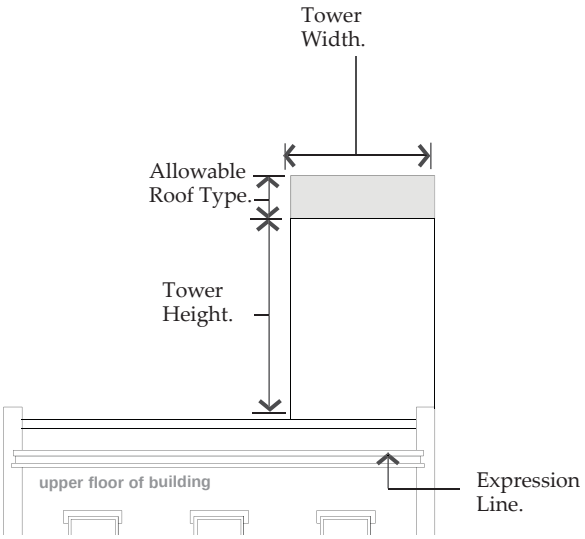

Figure 27-1810(f)-1. Tower.

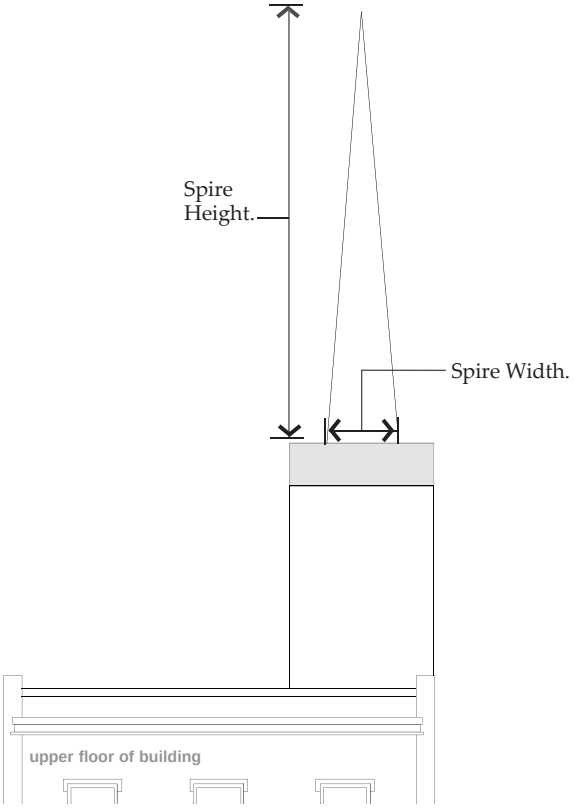

Figure 27-1810(g)-1. Spire.

Sec. 27-1811 Explanation of Table Requirements.

The following explains and defines the requirements included in the tables for each Frontage Type, Sections 27-1813(a) through 27-1813(h). Not all line items listed below may appear within each Frontage Type's individual requirements table.

(a) Building Siting.

(1) Street Frontage.

a. **Multiple Principal Buildings.** The presence of more than one principal structure on a lot.

b. **Front Lot Line Coverage.** (Refer to Figure 27-1811(a)-1). Measurement defining the minimum percentage of street wall or building facade required along the primary street. (Refer to Figure 27-1817(e)-3 for Primary Street Priority Map.) The width of the principal structure(s) (as measured within the front build-to zone) shall be divided by the maximum width of the front build-to zone (BTZ).

i. Some Frontage Types allow side yard parking to be exempted from the front lot line coverage calculation. If such an exemption is permitted, the width of up to one (1) double loaded aisle of parking, located with the drive perpendicular to the street and including adjacent sidewalks and landscaping, may be exempted, to a maximum of sixty five (65) feet.

c. **Occupation of Corner.** Occupying the intersection of the front and corner build-to zones with a principal structure.

d. **Front Build-to Zone or Setback.** The build-to zone or setback parallel to the front lot line.

i. All build-to zone and setback areas not covered by building must contain either landscape, patio space, or sidewalk space.

e. **Corner Build-to Zone or Setback.** The build-to zone or setback parallel to the corner lot line.

i. All build-to zone and setback areas not covered by building must contain either landscape, patio space, or sidewalk space.

f. **Right-of-Way Encroachment.** Specified building components, such as awnings and canopies, may be permitted to extend beyond the front lot line and encroach upon the City right-of-way. If permitted, such building components are

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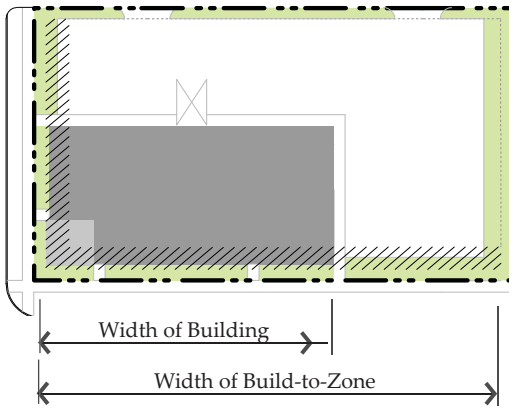

Figure 27-1811(a)-1. Measuring Front Lot Line Coverage.

Figure 27-1811(a)-2. Maximum Impervious & Semi-Pervious Coverage.

permitted to extend to within five (5) feet of the curb, maintaining a minimum of eight (8) feet height clearance along the public sidewalk

(2) Buildable Area.

a. **Side Yard Setback.** The minimum required setback along a side lot line.

i. Impervious Surfaces Prohibited. Impervious surfaces within a lot's side yard setback are prohibited except for connections to adjacent parking lots.

ii. Parking Lot Connections. One (1) drive, maximum 22 feet in width, connecting a lot's parking lot with an adjacent lot's parking lot is permitted.

b. **Rear Yard Setback.** The minimum required setback along a rear lot line. The rear yard setback applies to principal buildings only.

c. **Minimum and Maximum Lot Width.** The minimum and maximum width of a lot, measured at the front lot line.

d. **Maximum Impervious Coverage.** The maximum percentage of a lot permitted to be covered by principal structures, accessory structures, pavement, and other impervious surfaces. Refer to Figure 27-1811(a)-2.

f. **Additional Semi-Pervious Coverage.** The additional percentage of a lot which may be surfaced in a Semi-Pervious material. A green roof qualifies as a semi-pervious material.

(3) Parking Location, Loading & Access.

a. **Parking Location.** The yard in which a parking lot or area and associated drive is permitted.

b. **Service & Loading Facility Location.** The facade of the building on which access is permitted for servicing, loading, and unloading activities related to building uses. Refer to BMCC Sec. 6-1203 for off street loading requirements.

c. **Entry for Parking within Building.** The facade of the building on which the entrance to interior parking may be located.

d. **Vehicular Access.** The permitted means of vehicular ingress and egress to the lot.

i. Alleys, when present, shall always be the primary means of access. When alleys are not present, driveways may be permitted per Frontage Type and, if an alternative is available, shall not be located off a Primary Street. Refer to Figure 27-1817(e)-3 for a Primary Street Map.

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(b) Height.

(1) Minimum and Maximum Overall Height. (Refer to Figure 27-1811(b)-1). A required minimum and maximum overall height is provided for all Frontage Types and is measured as follows:

a. **Minimum Overall Height.** The minimum overall height for the building shall be located within the build-to zone; stories above the required minimum height may be stepped back from the facade.

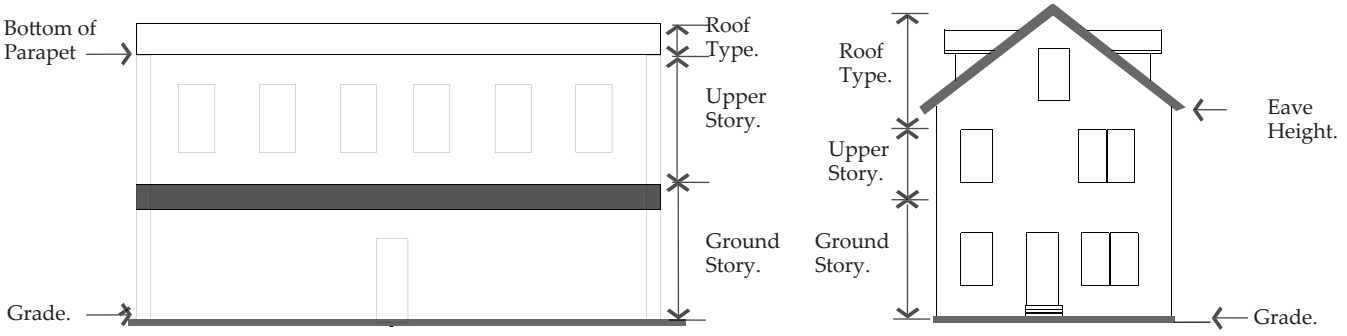
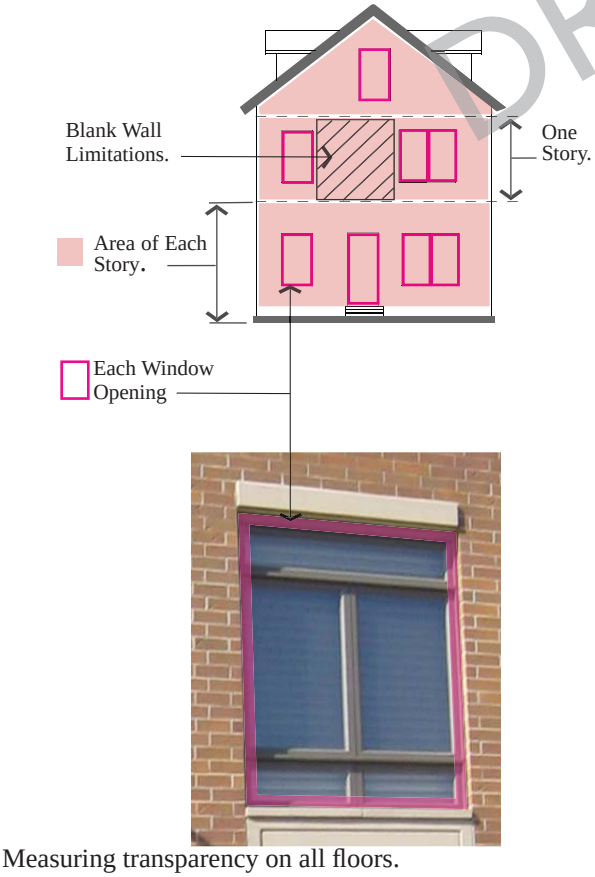


Figure 27-1811(b)-1. Measuring Height.

b. **Height in Stories.** The sum of a building's stories.
   i. Half stories are located either completely within the roof structure with street-facing windows or in a visible basement exposed a maximum of one half (1/2) story above grade.
   ii. A building incorporating both a half story within the roof and a visible basement shall count the height of the two half stories as one (1) full story.
   iii. Some Frontage Types require a building facade to step back as its height increases. If required, the upper stories of any building facade with street frontage shall be setback a designated amount beyond the building facade of the lower stories.

Measuring Ground Floor transparency on a Storefront base.



Measuring transparency on all floors.

Figure 27-1811(d)-1. Measuring Transparency per Facade.

(2) **Ground Story and Upper Story Minimum and Maximum Height.** (Refer to Figure 27-1811(b)-1). Each Frontage Type includes a permitted range of height in feet for each story. Additional information is as follows:
   a. Floor height is measured in feet between the floor of a story to the floor of the story above it.
   b. Floor height requirements apply only to street facing facades.
   c. For single story buildings and the uppermost story of a multiple story building, floor to floor height shall be measured from the floor of the story to the tallest point of the ceiling.

(c) Uses.
   (1) **Ground and Upper Story.** The uses or category of uses which may occupy the ground and upper story of a building. Refer to BMCC Sec. 27-1806 Uses.
   (2) **Parking Within Building**. The area(s) of a building in which parking is permitted within the structure.
   (3) **Occupied Space.** The area(s) of a building that shall be designed as occupied space (refer to Definitions, BMCC Sec. 27-1805)

(d) Street Facade Requirements.
   (1) Transparency. (Refer to Figure 27-1811(d)-1). Measurement of the percentage of a facade that has clear, non-reflective windows.
      a. **Minimum Transparency.** The minimum amount of transparency permitted on facades with street frontage, measured per story or per facade, depending on the Frontage Type.
      b. **Blank Wall Limitations.** A restriction of the amount of windowless area permitted on a facade with street frontage. If required, the following shall be met:

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i. No rectangular area greater than thirty (30) percent of a story's facade, as measured from floor to floor, may be windowless; and
ii. No horizontal distance greater than fifteen (15) feet of a story's facade may be windowless.

(2) Building Entrance.
a. **Principal Entrance Location.** The facade on which the primary building entrance is to be located.
b. **Entrance Type.** The Entrance Type(s) permitted on any street facing facade of a given Frontage Type. Refer to BMCC Sec. 27-1809 Entrance Types for specific requirements.
b. **Street Facades: Number of Entrances**. The maximum spacing between entrances on a building facade with street frontage.
c. **Parking Lot Facades: Number of Entrances.** The maximum spacing between entrances on a building facade that faces a parking lot.

(3) Roof Type.
a. **Roof Type.** The Roof Type(s) permitted for a given Frontage Type. Refer to BMCC Sec. 27-1810 Roof Types for more specific requirements.
b. **Tower.** A vertical building extension that may be permitted in conjunction with another Roof Type on certain Frontage Types. Refer to BMCC Sec. 27-1810 Roof Types.

(4) Facade Divisions.
a. **Vertical Increments.** The use of a vertically oriented expression line or form to divide the facade into increments no greater than the dimension shown, as measured along the base of the facade. Elements may include a column, pilaster, or other continuous vertical ornamentation a minimum of one and a half inch depth.
b. **Horizontal Facade Divisions.** The use of a horizontally oriented expression line or form to divide portions of the facade into horizontal divisions. Elements may include a cornice, belt course, molding, string courses, or other continuous horizontal ornamentation a minimum of one and a half inch depth.

(4) **Balconies.** The following requirements pertain to balconies on building facades with street frontage.
a. **Size.** The minimum dimensions of a permitted balcony.
b. **Facade Coverage.** The percentage of a facade's total area that is permitted to be covered by balconies, including street facing railing and balcony structure.
c. **Access to Balcony.** The number of units that are permitted to gain entry to an individual balcony.
d. **Structure.** Requirements related to the construction of a balcony. Two types of balcony structures are permitted:
i. Independently secured balconies are those that are connected directly to the building and are unconnected to other balconies.
ii. Balconies that are integral to the facade are a part of, and built in conjunction with, the building structure.

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Sec. 27-1812 Street Facade Materials.

The following applies to all facades visible from any street on all Frontage Types with the exception of the Open Frontage Type.

(a) Permitted Facade Materials. Building materials that are permitted include durable, natural materials such as clay or terracotta tiles, stone, brick, stucco, concrete, and metal. Cast stone is permitted. Painted or stained wood, and burnished and/or split face colored concrete masonry units are permitted as no more than 35% of street facing facade.

(b) Permitted Upper Story Facade Materials. In addition to the Permitted Facade Materials defined in Sec.27-1812(a), exterior insulation and finishing systems (EIFS) is permitted on upper stories.

(c) Materials to Avoid. Building materials that are discouraged on any street facing facade include imitation materials intended to look like natural materials; sheet materials intended to look like units; and residential grade windows and doors on all Frontage Types except the Yard Frontage.

(d) Prohibited Materials on Street Facing Facades. Building materials that are not permitted on building facades that are visible from any street include bricks more than 3-5/8" in height, and untreated wood.

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Sec. 27-1813 Frontage Types.

The Frontage Types on the following pages apply to all development in the EBURD. Refer to Sec. 27-1808 for the Introduction to Frontage Types.

Sec. 27-1813(a). Frontage Types: Yard

(1) Building Siting		
a. Street Frontage		
Multiple Principal Buildings	Permitted	
Front Lot Line Coverage	65% minimum[1]	a
Occupation of Corner	Required	
Front Build-to Zone	5′ to 15′	b
Corner Build-to Zone	5′ to 10′	c
Right-of-Way Encroachment	None	
b. Buildable Area		
Side Yard Setback	0′, minimum 10′ between buildings or sets of attached units	d
Rear Yard Setback	5′; 0′ with Alley	e
Minimum Lot Width Maximum Lot Width	25′ 60′ for single family only; None for attached	f
Maximum Building Length	8 attached units	
Maximum Impervious Coverage Additional Semi-Pervious Coverage	80% 15%	
c. Parking Location, Loading & Access		
Parking Location	Rear Yard	g
Loading Facility Location	None	
Entry for Parking within Building	Rear Facade	
Vehicular Access	From Alley; If no Alley exists, up to one (1) driveway per building or set of attached units [2]	h

Notes:

[1] When townhouses, each attached townhouse unit shall meet all requirements, except one of every five units may front a courtyard with a minimum width of 30′.

[2] For parcels with a street frontage longer than 300′ and no Alley, two (2) driveways are permitted.

(2) Height		
Minimum Overall Height	1 Story; 2 Stories preferred	i
Maximum Overall Height	3 Stories	j
Stories: Minimum Height Maximum Height	9′ 14′	k

(3) Uses (refer to BMCC Sec. 27-1806)		
All Stories	Residential, General Service, Office only	l
Parking within Building	Permitted in the rear of all floors and fully in any basement(s)	n
Occupied Space	30′ depth space on front facade	o
Accessory Structures	Permitted per Sec. 27-1808(f).	

(4) Street Facade Requirements		
a. Transparency		
Minimum Transparency	15%, per floor	p
Blank Wall Limitations	Required	
b. Building Entrance		
Principal Entrance Location	Front or Corner of Building	q
Entrance Type (refer to Sec. 27-1809)	Stoop, Porch	r
Street Facades: Number of Entrances	Minimum 1 per building	
Parking Lot Facades: Number of Entrances	N/A	
c. Roof Type		
Roof Type (refer to Sec. 27-1810)	Parapet, Flat, or Pitched	s
Tower	Permitted	
d. Facade Divisions		
Vertical Increments	No greater than 50′	
Horizontal Expression Line	None required except by Roof Type	
c. Balconies		t
Size	Minimum 3′ deep and 5′ wide	
Facade Coverage	Maximum 40% of Front & Corner Side Facades, separately	
Access to Balcony	Maximum one (1) dwelling unit	
Structure	Independently secured and unconnected to other balconies; or integral to the Facade	

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Frontage Type	Permitted in these EBURD Districts				
	Rail Spur Village Main Street	Rail Spur Village	Central Works	North 13th Street	Industrial Sanctuary
Yard Frontage		●			

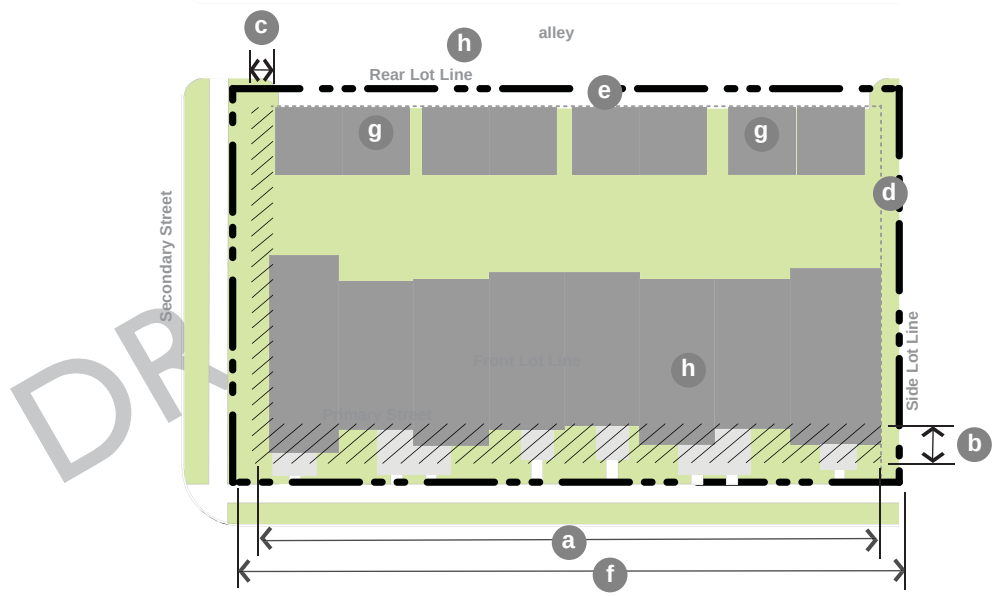

Figure 27-1813(a)-1: Building Siting.

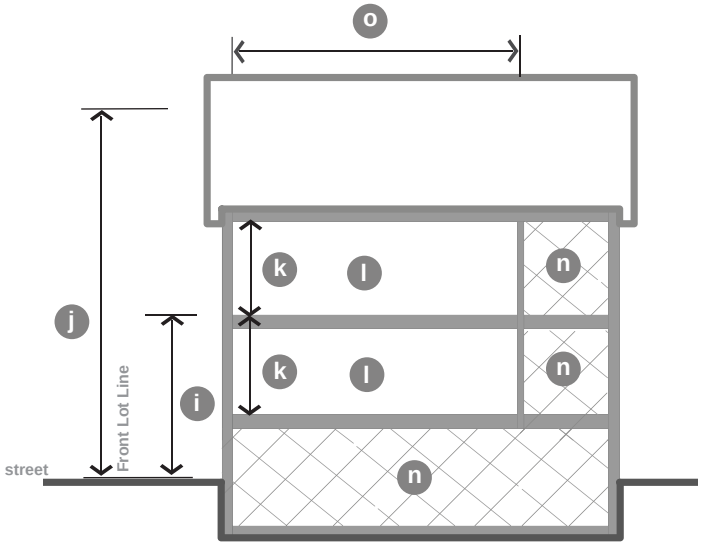

Figure 27-1813(a)-2: Height & Use Requirements.

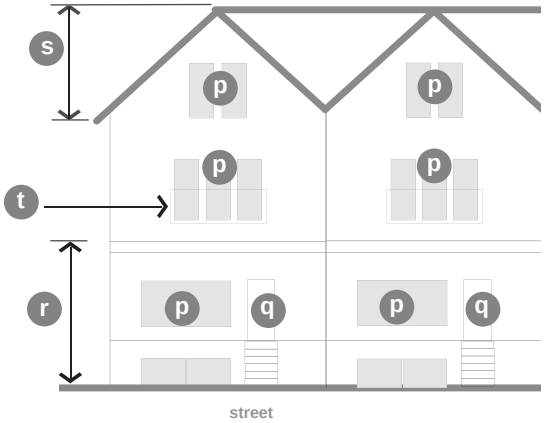

Figure 27-1813(a)-3: Street Facade Requirements.

Sec. 27-1813(b). Frontage Types: General Stoop

(1) Building Siting		
a. Street Frontage		
Multiple Principal Buildings	Not Permitted	
Front Lot Line Coverage	85% minimum[1]	a
Occupation of Corner	Required	
Front Build-to Zone	0′ to 10′	b
Corner Build-to Zone	0′ to 10′	c
Right-of-Way Encroachment	Eaves, Awnings, Canopies	
b. Buildable Area		
Side Yard Setback	3′	d
Rear Yard Setback	5′; 0′ with Alley	e
Maximum Impervious Coverage Additional Semi-Pervious Coverage	75% 20%	
c. Parking Location, Loading & Access		
Parking Location	Rear Yard	f
Service & Loading Facility Location	Rear Facade	g
Entry for Parking within Building	Rear Facade or Side Facade	
Vehicular Access	From Alley; If no Alley exists, one (1) driveway off a side or corner side yard[2]	h

Notes:

[1] A courtyard covering up to 35 percent of the front facade is permitted and may contribute to the Front Lot Line Coverage requirement.

[2] For parcels with a street frontage longer than 300′ and no Alley, two (2) driveways are permitted.

(2) Height		
Minimum Overall Height	2 Stories	i
Maximum Overall Height	6 Stories [3]	j
Floor to Floor Story Height: Minimum Height Maximum Height	 9′ 14′	k

Notes:

[3] Above the fourth story, the upper stories of any building facade with street frontage shall have a step back from the lower Stories that is a minimum of 6′ and a maximum of 12′.

(3) Uses (refer to BMCC Sec. 27-1806)		
Ground and Upper Stories	All permitted uses by district	l
Parking within Building	Permitted in the Rear of all Floors and fully in any Basement(s)	m
Occupied Space	30′ depth space on front facing facade	n
Accessory Structures	Permitted per Sec. 27-1808(f).	

(4) Street Facade Requirements		
a. Transparency		
Minimum Transparency	15%, per floor	o
Blank Wall Limitations	Required	
b. Building Entrance		
Principal Entrance Location	Front, Corner Side, or Corner of Building	p
Entrance Type (refer to Sec. 27-1809)	Stoop, minimum 6′ wide and 3′ deep	q
Street Facades: Number of Entrances	1 per 75′ of Facade	
c. Roof Type		
Roof Type (refer to Sec. 27-1810)	Parapet, Flat, or Pitched	r
Tower	Permitted	s
d. Facade Divisions		
Vertical Increments	No greater than 50′	
Horizontal Expression Line	Required within 3′ of top of ground story on buildings taller than 3 stories	t
e. Balconies		u
Size	Minimum 3′ deep and 5′ wide	
Facade Coverage	Maximum 40% of Front & Corner Side Facades, separately	
Access to Balcony	Maximum one (1) dwelling unit	
Structure	Independently secured and unconnected to other balconies; or integral to the Facade	

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Frontage Type	Permitted in these EBURD Districts				
	Rail Spur Village Main Street	Rail Spur Village	Central Works	North 13th Street	Industrial Sanctuary
General Stoop		●	●		●

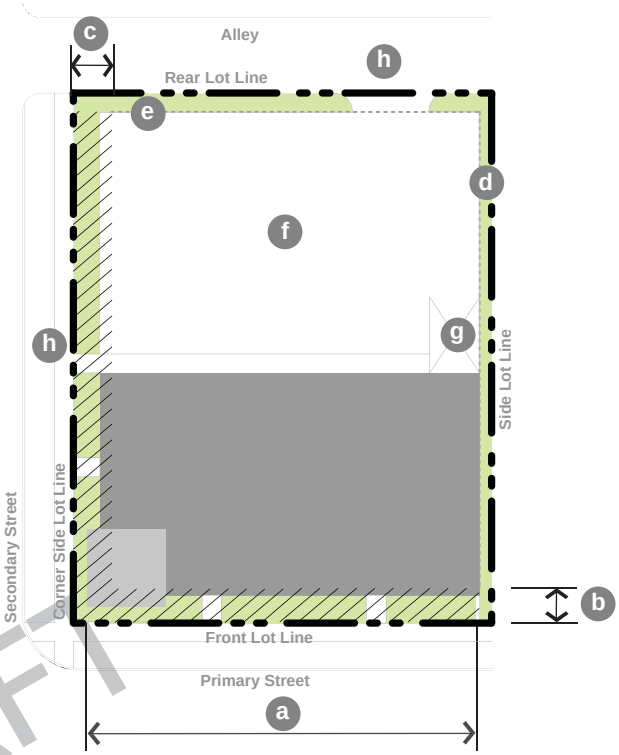

Figure 27-1813(b)-1: Building Siting.

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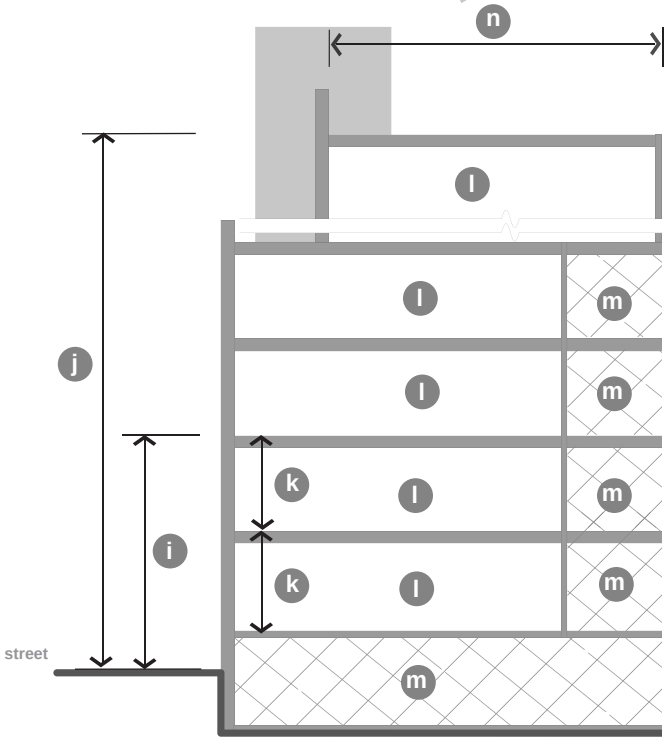

Figure 27-1813(b)-2: Height & Use Requirements.

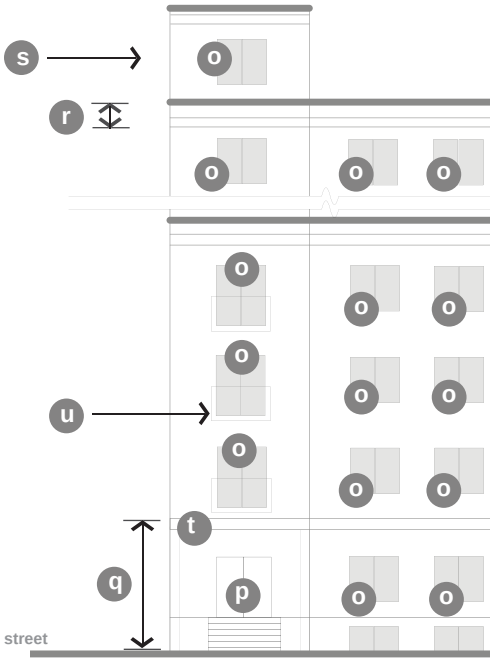

Figure 27-1813(b)-3: Street Facade Requirements.

Sec. 27-1813(c). Frontage Type Standards: Storefront

(1) Building Siting		
a. Street Frontage		
Multiple Principal Buildings	Not Permitted	
Front Lot Line Coverage	95% minimum	a
Occupation of Corner	Required	
Front Build-to Zone	0′ to 5′ [1]	b
Corner Build-to Zone	0′ to 5′	c
Right-of-Way Encroachment	Eaves, Awnings, Canopies	
b. Buildable Area		
Side Yard Setback	0′	d
Rear Yard Setback	5′; 0′ with Alley	e
Minimum Lot Width Maximum Lot Width	25′ None	f
Maximum Impervious Coverage Additional Semi-Pervious Coverage	80% 20%	
c. Parking Location, Loading & Access		
Parking Location	Rear Yard	g
Service & Loading Facility Location	Rear Facade	h
Entry for Parking within Building	Rear Facade	
Vehicular Access	From Alley; If no Alley exists, one (1) driveway off a side or corner side yard[2]	i

Notes:
[1]Areas within the Front Build-to Zone not occupied by building shall be paved to match adjacent walk.
[2] For parcels with a street frontage longer than 300′ and no Alley, two (2) driveways are permitted.

(2) Height		
Minimum Overall Height	2 Stories	j
Maximum Overall Height	6 Stories [3]	k
Ground Story: Minimum Height Maximum Height	14′ 24′ [4]	l
Upper Stories: Minimum Height Maximum Height	9′ 14′	m

Notes:
[3] Above the fourth Story, the Upper Stories of any building Facade with Street Frontage shall have a step back from the lower Stories that is a minimum of 6′ and a maximum of 12′.
[4]If 18′ or more in height, Ground Story shall count as 2 Stories towards maximum building height.

(3) Uses (refer to BMCC Sec. 27-1806)		
Ground Story	Library/Museum, Post Office, General Retail, General Service, Office, Craftsman Industrial	n
Upper Story	All uses permitted by district	o
Parking within Building	Permitted in the Rear of all Floors and fully in any Basement(s)	p
Occupied Space	30′ depth space facing Primary Street	q
Accessory Structures	Permitted per Sec. 27-1808(f).	

(4) Street Facade Requirements		
a. Transparency		
Ground Floor: Minimum Transparency	75%, measured between 2′ and 8′ from sidewalk elevation	r
Upper Floor: Minimum Transparency	20%, per floor	s
Blank Wall Limitations	Required	
b. Building Entrance		
Principal Entrance Location	Front or Corner of Building	t
Entrance Type (refer to Sec. 27-1809)	Storefront	u
Street Facades: Number of Entrances	1 per 75′ of Facade	
Parking Lot Facades: Number of Entrances	N/A	
c. Roof Type		
Roof Type (refer to Sec. 27-1810)	Parapet, Flat, Pitched, or Barrel	v
Tower	Permitted	
d. Facade Divisions		
Vertical Increments	No greater than 30′	w
Horizontal Expression Line	Required within 3′ of top of ground story	x
e. Balconies		
Size	Minimum 3′ deep and 5′ wide	
Facade Coverage	Maximum 40% of Front & Corner Side Facades, separately	
Access to Balcony	Maximum one (1) Dwelling Unit	
Structure	Independently secured and unconnected to other balconies; or integral to the Facade	

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Frontage Type	Permitted in these EBURD Districts				
	Rail Spur Village Main Street	Rail Spur Village	Central Works	North 13th Street	Industrial Sanctuary
Storefront	●	●	●	●	●

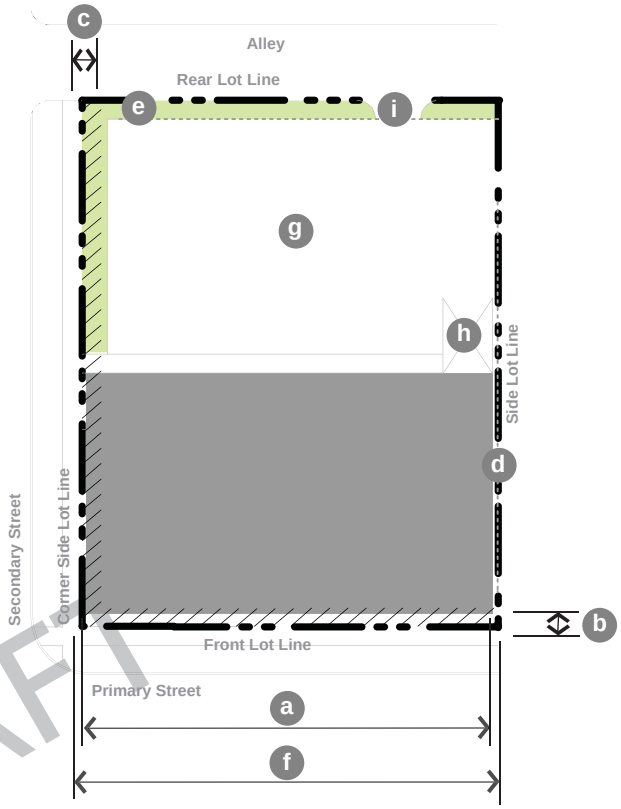

Figure 27-1813(c)-1: Building Siting.

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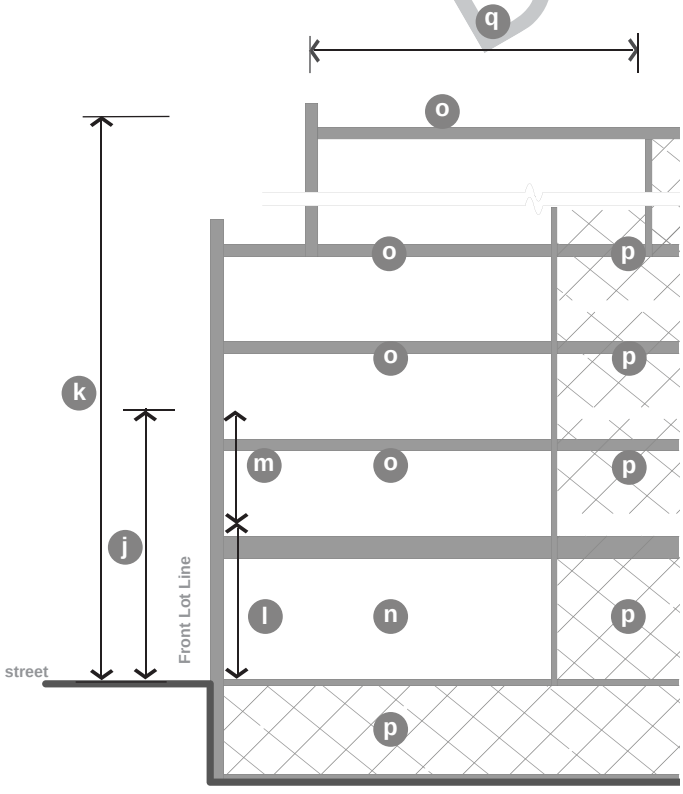

Figure 27-1813(c)-2: Height & Use Requirements.

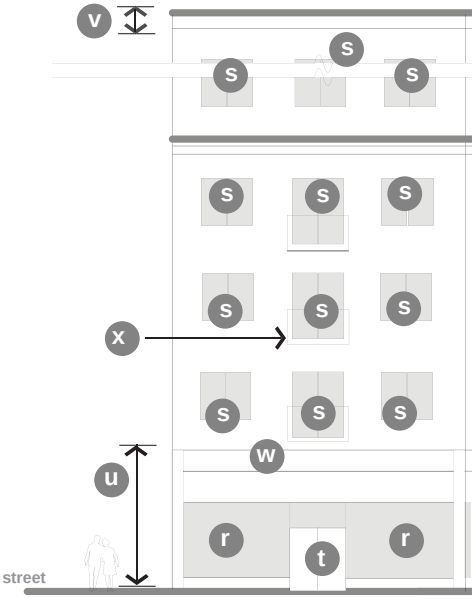

Figure 27-1813(c)-2: Street Facade Requirements.

Sec. 27-1813(d). Frontage Type Standards: Limited Bay

(1) Building Siting		
a. Street Frontage		
Multiple Principal Buildings	Not Permitted	
Front Lot Line Coverage	95% minimum, parking exception[1]	a
Occupation of Corner	Required	
Front Build-to Zone	0′ to 10′	b
Corner Build-to Zone	0′ to 10′	c
Right-of-Way Encroachment	Awnings & canopies	
b. Buildable Area		
Side Yard Setback	0′	d
Rear Yard Setback	5′; 0′ with Alley	e
Minimum Lot Width Maximum Lot Width	25′ None	f
Maximum Impervious Coverage Additional Semi-Pervious Coverage	90% 10%	
c. Parking Location, Loading & Access		
Parking Location	Rear Yard; Limited Side Yard[1]	g
Service & Loading Facility Location	Rear or Side Facade; Limited Front or Corner Side Facade[2]	h
Entry for Parking within Building	Rear & Side Facades; Limited Front or Corner Side Facade[2]	
Vehicular Access	From Alley; or up to one (1) driveway per street frontage[3]	i

Notes:
[1]Lots wider than 140′ are permitted 1 double-loaded aisle of parking (maximum width of 65′), located perpendicular to street, which is exempt from front lot line coverage calculation — n
[2]One bay is permitted on either the front or corner side facade, maximum width 20′, for either loading or parking entry. — o
[3] For parcels with a street frontage longer than 300′ and no Alley, two (2) driveways are permitted.

(2) Height		
Minimum Overall Height	1 Story; 2 Stories preferred	j
Maximum Overall Height	6 Stories[4]	k
Ground Story: Minimum Height Maximum Height	15′ 24′ [5]	l
Upper Stories: Minimum Height Maximum Height	9′ 14′	m

Notes:
[4] Above the fourth story, the upper stories of any building facade with street frontage shall have a step back from the lower Stories that is a minimum of 6′ and a maximum of 12′
[5]If 18′ or more in height, Ground Story shall count as 2 Stories towards maximum building height.

(3) Uses (refer to Sec. 27-1806)		
Ground and Upper Stories	All uses permitted by district	
Parking within Building	Permitted in the Rear of all Floors and fully in any Basement(s)	p
Occupied Space	30′ depth space facing Primary Street	q
Accessory Structures	Permitted per Sec. 27-1808(f).	

(4) Street Facade Requirements		
a. Transparency		
Ground Floor: Minimum Transparency	50%, measured between 2′ and 8′ from sidewalk elevation	r
Upper Floor Minimum Transparency	20%, per floor	s
Blank Wall Limitations	Required	
b. Building Entrance		
Principal Entrance Location	Front, Corner Side, or Corner of Building	t
Entrance Type (refer to Sec. 27-1809)	Storefront	u
Street Facades: Number of Entrances	1 per 75′ of Facade	
Parking Lot Facades: Number of Entrances	1 per 100′ of Facade	
c. Roof Type		
Roof Type (refer to Sec. 27-1810)	Parapet, Flat, Pitched, or Barrel	
Tower	Permitted	v
d. Facade Divisions		
Vertical Increments	No greater than 50′	
Horizontal Expression Line	Required within 3′ of top of ground story	w
e. Balconies		x
Size	Minimum 3′ deep and 5′ wide	
Facade Coverage	Maximum 40% of Front & Corner Side Facades, separately	
Access to Balcony	Maximum one (1) Dwelling Unit	
Structure	Independently secured and unconnected to other balconies; or integral to the Facade	

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Frontage Type	Permitted in these EBURD Districts				
	Rail Spur Village Main Street	Rail Spur Village	Central Works	North 13th Street	Industrial Sanctuary
Limited Bay		●	●	●	●

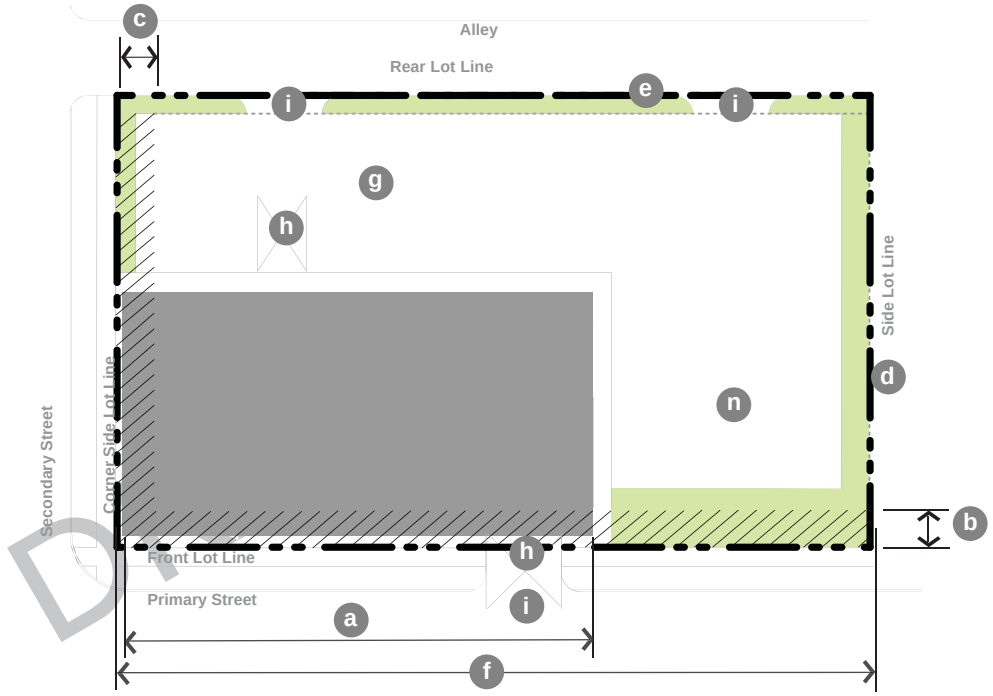

Figure 27-1813(d)-1: Building Siting.

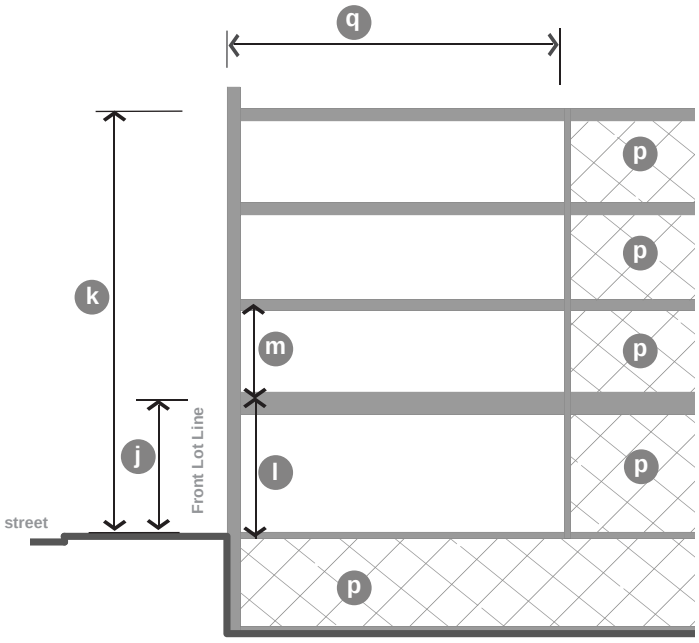

Figure 27-1813(d)-2: Height & Use Requirements.

Figure 27-1813(d)-3: Street Facade Requirements.

Sec. 27-1813(e). Frontage Type Standards: Commerce

(1) Building Siting		
a. Street Frontage		
Multiple Principal Buildings	Permitted	
Front Lot Line Coverage	45% minimum	a
Occupation of Corner	Required; Fuel stations are exempt	
Front Build-to Zone	5′ to 20′	b
Corner Build-to Zone	5′ to 20′	c
Right-of-Way Encroachment	None	
b. Buildable Area		
Side Yard Setback	5′	d
Rear Yard Setback	5′; 0′ with Alley	e
Minimum Lot Width Maximum Lot Width	50′ None	f
Maximum Impervious Coverage Additional Semi-Pervious Coverage	75% 15%	
c. Parking Location, Loading & Access		
Parking Location	Rear & Side Yards	g
Service & Loading Facility Location	Rear & Side Facades	h
Entry for Parking within Building	Rear & Side Facades	
Vehicular Access	From Alley; if no Alley exists, one (1) driveway per street frontage[1]	i

Notes:

[1] For parcels with a street frontage longer than 300′ and no Alley, two (2) driveways are permitted.

(2) Height		
Minimum Overall Height	1 Story; 2 Stories preferred	j
Maximum Overall Height	6 Stories [2]	k
Ground Story: Minimum Height Maximum Height	15′ 20′ [3]	l
Upper Stories: Minimum Height Maximum Height	9′ 14′	m

Notes:

[2] Above the fourth story, the upper stories of any building facade with street frontage shall have a step back from the lower Stories that is a minimum of 6′ and a maximum of 12′

[3] If 18′ or more in height, Ground Story shall count as 2 Stories towards maximum building height

(3) Uses (refer to BMCC Sec. 27-1806)		
Ground and Upper Stories	All uses per district	n
Parking within Building	Permitted in the Rear of all Floors and fully in any Basement(s)	p
Occupied Space	30′ depth space facing Primary Street or space on front Facade	q
Accessory Structures	Permitted per Sec. 27-1808(f).	

(4) Street Facade Requirements		
a. Transparency		
Ground Floor: Minimum Transparency	35%, measured between 2′ and 8′ from sidewalk elevation	r
Upper Floor Minimum Transparency	15%, per floor	
Blank Wall Limitations	No greater than 50% of facade and no wider than 30′	s
b. Building Entrance		
Principal Entrance Location	Front, Corner Side, or Corner of Building	
Entrance Type (refer to Sec. 27-1809)	Storefront, or Stoop	t
Street Facades: Number of Entrances	1 per 75′ of Facade	u
Parking Lot Facades: Number of Entrances	1 per 100′ of Facade	
c. Roof Type		
Roof Type (refer to Sec. 27-1810)	Parapet, Flat, Pitched, or Barrel	
Tower	Permitted	v
d. Facade Divisions		w
Vertical Increments	No greater than 50′	
Horizontal Expression Line	Required within 3′ of top of ground story	x
e. Balconies		
Size	Minimum 3′ deep and 5′ wide	y
Facade Coverage	Maximum 40% of Front & Corner Side Facades, separately	
Access to Balcony	Maximum one (1) dwelling unit	
Structure	Independently secured and unconnected to other balconies; or integral to the Facade	

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Frontage Type	Permitted in these EBURD Districts				
	Rail Spur Village Main Street	Rail Spur Village	Central Works	North 13th Street	Industrial Sanctuary
Commerce			○		●

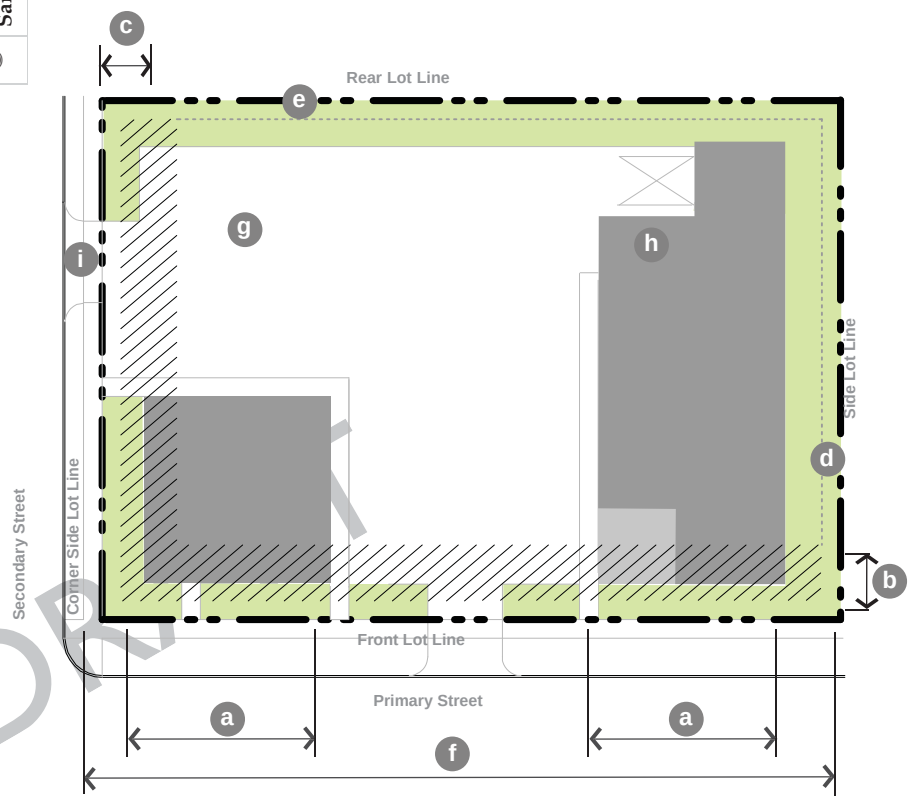

Figure 27-1813(e)-1: Building Siting.

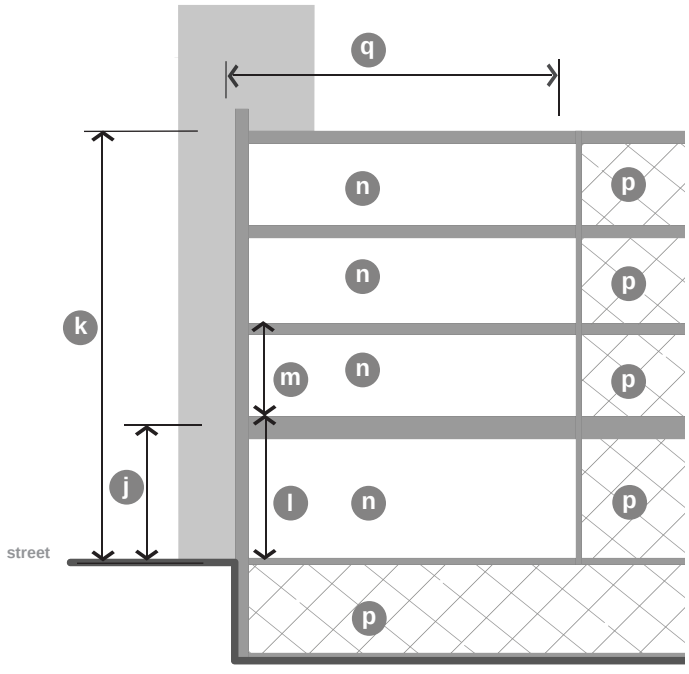

Figure 27-1813(e)-2: Height & Use Requirements.

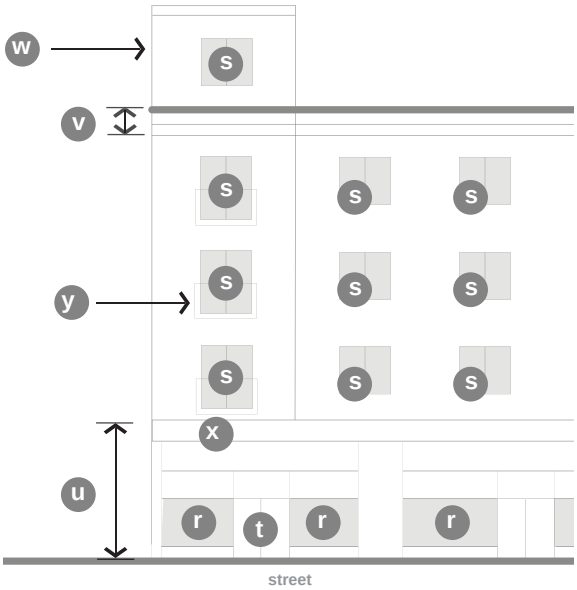

Figure 27-1813(e)-3: Street Facade Requirements.

Sec. 27-1813(f). Frontage Type Standards: Open

(1) Building Siting		
a. Street Frontage		
Multiple Principal Buildings	Permitted	
Front Lot Line Coverage	N/A	
Occupation of Corner	Encouraged	
Front Setback	10′	a
Corner Setback	5′	b
Right-of-Way Encroachment	None	
b. Buildable Area		
Side Yard Setback	5′	c
Rear Yard Setback	5′; 0′ with Alley	d
Minimum Lot Width Maximum Lot Width	50′ None	e
Maximum Impervious Coverage Additional Semi-Pervious Cover.	85% 15%	
c. Parking Location, Loading & Access		
Parking Location	All Yards; Rear Yard; & Side Yard preferred	f
Loading Facility Location	Front, Rear & Side Facades	g
Entry for Parking within Building	Front, Rear & Side Facades	
Vehicular Access	From Alley; or up to two (2) driveway per street frontages, minimum 50′ apart	h

(2) Height		
Minimum Overall Height	1 Story	i
Maximum Overall Height	6 Stories[1]	j
Ground Story: Minimum Height Maximum Height	9′ 20′ [2]	k
Upper Stories: Minimum Height Maximum Height	9′ 15′	l

Notes:

[1]Above the fourth story, the upper stories of any building facade with street frontage shall have a step back from the lower Stories that is a minimum of 6′ and a maximum of 12′

[2]If 14′ or more in height, Ground Story shall count as 2 to Stories towards maximum overall height.

(3) Uses (refer to BMCC Sec. 27-1806)		
Ground and Upper Stories	Only Industrial Uses permitted	m
Parking within Building	Permitted in all floors	n
Occupied Space	30′ depth space facing Primary Street	o
Accessory Structures	Permitted per Sec. 27-1808(f).	

(4) Street Facade Requirements		
a. Transparency		
Minimum Transparency	5%	p
Blank Wall Limitations	Not Required	
b. Building Entrance		
Principal Entrance Location	Not Required	
Entrance Type (refer to Sec. 27-1809)	Not Required	
Street Facades: Number of Entrances	Not Required	
Parking Lot Facades: Number of Entrances	Not Required	
c. Roof Type		
Roof Type (refer to Sec. 27-1810)	Not Required	
Tower	Not Permitted	
d. Facade Divisions		
Vertical Increments	Not Required	
Horizontal Expression Line	Not Required	

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Frontage Type	Permitted in these EBURD Districts				
	Rail Spur Village Main Street	Rail Spur Village	Central Works	North 13th Street	Industrial Sanctuary
Open Frontage					●

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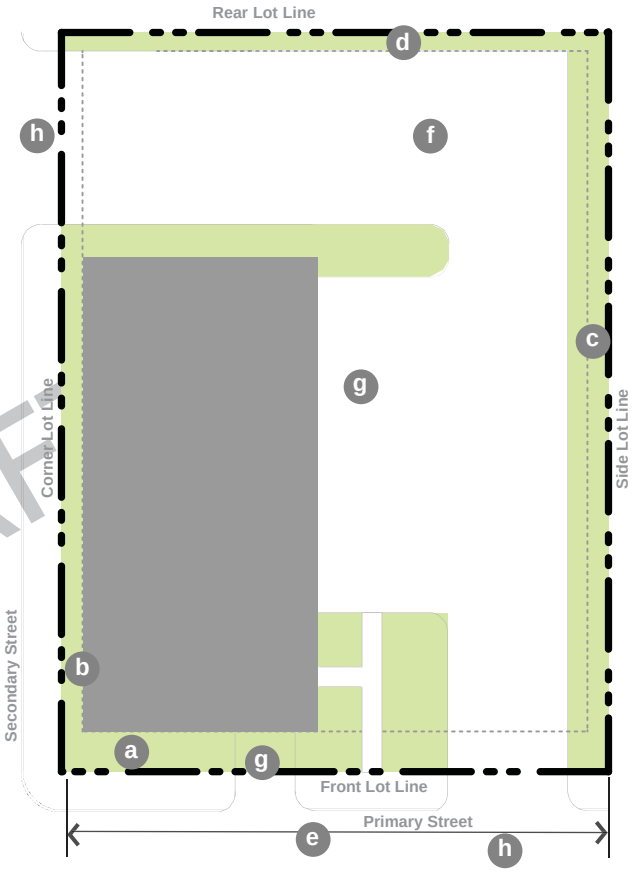

Figure 27-1813(f)-1: Building Siting.

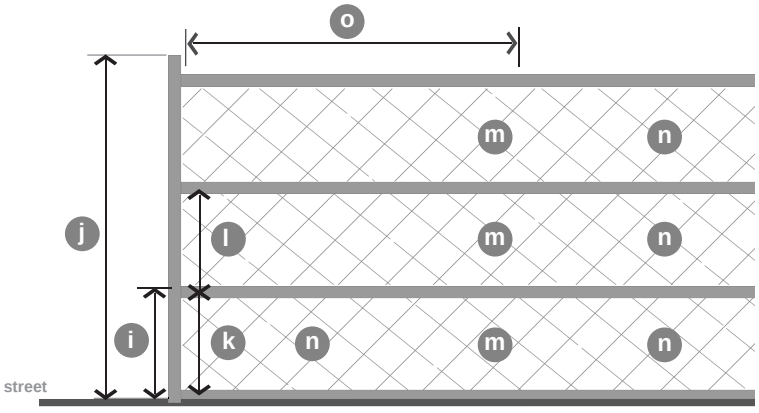

Figure 27-1813(f)-2: Height & Use Requirements.

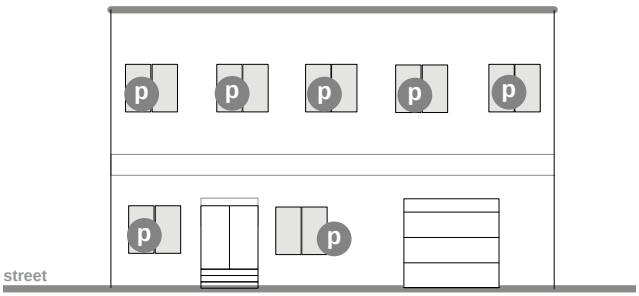

Figure 27-1813(f)-3: Street Facade Requirements.

Sec. 27-1813(g). Frontage Type Standards: Civic Building

(1) Building Siting		
a. Street Frontage		
Multiple Principal Buildings	Permitted	
Front Lot Line Coverage	N/A	
Occupation of Corner	Required	
Front Setback	5′	a
Corner Setback	5′	b
Right-of-Way Encroachment	None	
b. Buildable Area		
Side Yard Setback	5′	c
Rear Yard Setback	5′; 0′ with Alley	d
Minimum Lot Width Maximum Lot Width	50′ None	e
Maximum Impervious Coverage Additional Semi-Pervious Cover.	75% 15%	
c. Parking Location, Loading & Access		
Parking Location	Rear Yard; & Side Yard[1]	f
Loading Facility Location	Rear & Side Facades	g
Entry for Parking within Building	Rear & Side Facades	
Vehicular Access	From Alley; or up to one (1) driveway per secondary street frontage[2]	h

Notes:

[1]Lots wider than 140′ are permitted 1 double-loaded aisle of parking (max. width of 65′), located perpendicular to the street

[2] For parcels with a street frontage longer than 300′ and no Alley, two (2) driveways are permitted.

(2) Height		
Minimum Overall Height	1 Story; 2 Stories preferred	i
Maximum Overall Height	6 Stories[3]	j
Ground Story: Minimum Height Maximum Height	9′ 30′[4]	k
Upper Stories: Minimum Height Maximum Height	9′ 15′	l

Notes:

[3]Above the fourth Story, the Upper Stories of any building Facade with Street Frontage shall have a step back from the lower Stories that is a minimum of 6′ and a maximum of 12′.

[4]If 20′ or more in height, Ground Story shall count as 2 to Stories towards maximum overall height.

(3) Uses (refer to BMCC Sec. 27-1806)		
Ground and Upper Stories	Only the Civic and Infrastructure uses are permitted.	m
Parking within Building	Permitted in the Rear of all Floors and fully in any Basement(s)	n
Occupied Space	30′ depth space facing on front Facade	o
Accessory Structures	Permitted per Sec. 27-1808(f).	

(4) Street Facade Requirements		
a. Transparency		
Minimum Transparency	15%, per street facade	p
Blank Wall Limitations	Not Required	
b. Building Entrance		
Principal Entrance Location	Not Required	
Entrance Type (refer to Sec. 27-1809)	Stoop	q
Street Facades: Number of Entrances	Not Required	
Parking Lot Facades: Number of Entrances	Not Required	
c. Roof Type		r
Roof Type (refer to Sec. 27-1810)	Parapet, Flat, or Pitched	s
Tower	Permitted	
d. Facade Divisions		
Vertical Increments	No greater than 30′	
Horizontal Expression Line	Not Required	

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Frontage Type	Permitted in these EBURD Districts				
	Rail Spur Village Main Street	Rail Spur Village	Central Works	North 13th Street	Industrial Sanctuary
Civic Frontage	●	●	●	●	●

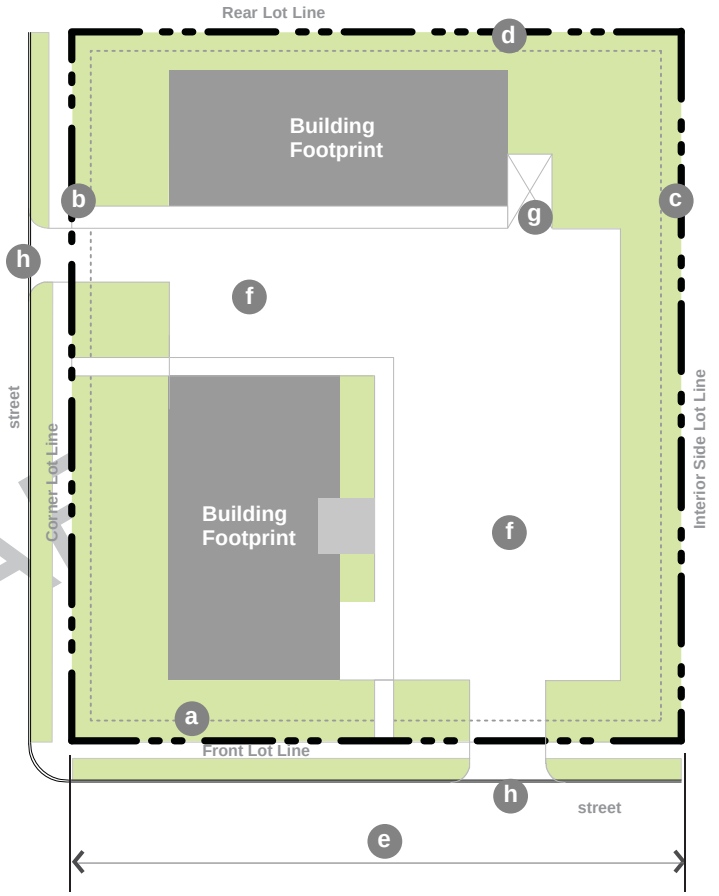


Figure 27-1813(g)-1: Building Siting.

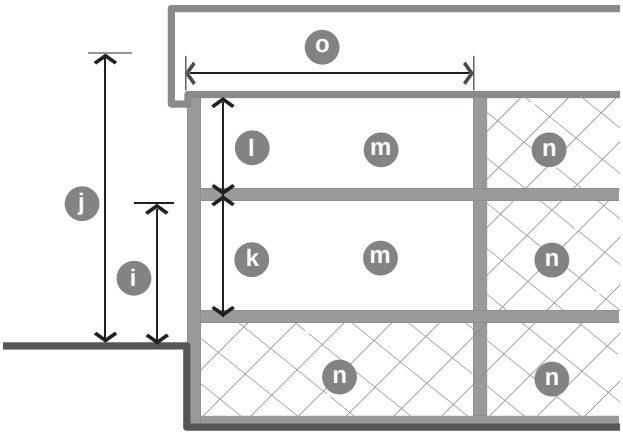
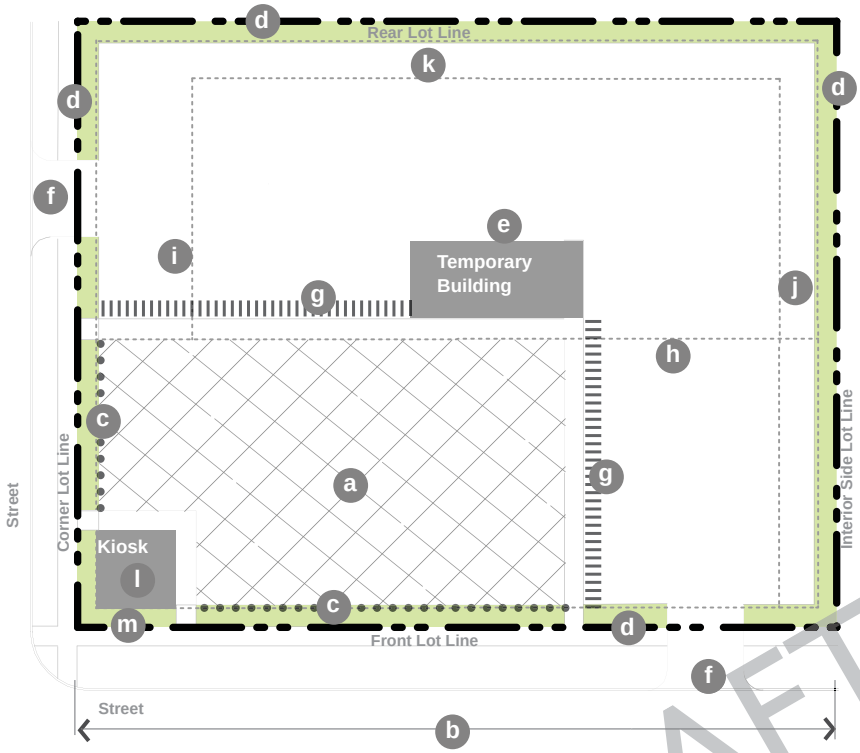


Figure 27-1813(g)-2: Height & Use Requirements.

Figure 27-1813(g)-3: Street Facade Requirements.

Sec. 27-1813(h). Frontage Type Standards: Commercial Outdoor Site



Frontage Type	Permitted in these EBURD Districts				
	Rail Spur Village Main Street	Rail Spur Village	Central Works	North 13th Street	Industrial Sanctuary
Commercial Outdoor Site		○	●	●	●

Figure 27-1813(h)-1: Building Siting.

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(1) Site		
a. Overall Site. The principal structure is a Patio/Display area.		
Minimum Area of Unenclosed, Fully or Partially Paved Outdoor Activity/Display Area	45% of Parcel	a
Minimum Lot Width Maximum Lot Width	none 200′	b
Maximum Impervious Coverage	75%	
Required Front & Corner Side Buffer Type	Commercial Patio Buffer (Refer to Sec. 27-1815(k) Landscape Standards)[1]	c
b. Parking Location, Loading & Access		
Parking Setbacks: Front Corner, Side, Rear	 75′ 5′	
Parking & Loading Facility Location	Behind the Rear of the Patio/Display and the Rear Façade of any Building[2]	d
Vehicular Access	One driveway per street frontage	e
Required Buffer between Parking & Activity/Display Area	Frontage Buffer (Refer to Sec. 27-1815(a))[1]	f
Notes [1] Exception: Not required for Automobile Sales Use. [2] One double loaded aisle of parking (to a maximum width of 82 feet) is permitted in the Side Yard.		g

B. Accessory Buildings		
Number of Permitted Accessory Buildings	2	
Maximum Building Coverage	30%	
1. Temporary Building		
Front Yard Setback	75′	h
Corner Side Setback	30′	i
Side Setback	15′	j
Rear Setback	15′	k
2. Kiosk Building [3]		l
Front, Corner, Side, Rear Setback	5′	m
Maximum Size	500 square feet	
Maximum Height	15′	
Street Facade Transparency	Minimum 20%	
Roof Type	Pitched	
Notes [3] Kiosk is defined as a building with limited space for the proprietor and associated goods and no space for customers to enter the structure with the exception of any bathrooms.		

C. Uses	
Permitted Uses	Retail & Wholesale Uses, Large Scale Entertainment Use

Sec. 27-1814. East Billings Parking Overlay District.

(a) Purpose. The purpose of the East Billings Parking Overlay District is to provide alternative off-street parking standards to encourage the development and re-development of property. The overlay zoning does not alter the category of permitted uses in the underlying zoning.

(b) District Boundaries. The boundaries of the East Billings Parking Overlay District shall be as follows:

Starting at the intersection of Montana Avenue and North 22nd Street, extending north down the centerline of North 22nd to the intersection of 3rd Avenue North, extending westerly down the centerline of 3rd Avenue North to the intersection of North 23rd Street, then northerly along the centerline of North 23rd Street to the intersection of 4th Avenue North, then westerly along the centerline of 4th Avenue North to the intersection of North 25th Street, then northerly along the centerline of North 25th Street to the intersection of 6th Avenue North, then easterly along the centerline of 6th Avenue North to the intersection of North 22nd Street, then northerly along the centerline of to the intersection of 8th Avenue North, extending east down the centerline of 8th Avenue North to the intersection of 8th Avenue North and North 19th Street, extending south down the centerline of North 19th Street to the intersection of North 19th Street and 7th Avenue North, extending east along the centerline of 7th Avenue North to the intersection of North 18th Street and 7th Avenue North, extending south down the centerline of North 18th Street to be perpendicular with the northern most edge of property line of LT 23 & 24 BLK 274 BILLINGS 1ST ADD, extending east along the Northern edge of LT 23 & 24 BLK 274 BILLINGS 1ST ADD, and hence eastward including in their entirety the southern most properties most directly adjacent to 6th Avenue North to the city boundary line including Lots 4-10 of Block 5 and the vacated 20 foot adjacent alley of North Park Subdivision, extending southerly and westerly along the city boundary lines to the northern edge of the rail road tracks, extending west along the northern edge of the railroad tracks to the centerline of North 22nd Street, extending north along the centerline of North 22nd Street to the ending point at the intersection of Montana Avenue and North 22nd Street. Excluding the non-incorporated land that envelops the Empire Steel property LTS 3 TO 23 & VAC 10FT ADJ ALLEY & E 404T ADJ N 16TH ST BLK 258 & 259.

(c) Application of Regulations. Within this district, the regulations found within BMCC 24-480 and 24-490 as amended shall apply to all property within the East Billings Parking Overlay District. These regulations include but are not limited to the following:

(1) No minimum off-street parking spaces are required at the time of development, redevelopment, expansion, change of use or addition to public, commercial, industrial or residential property.

(2) Where off-street parking spaces are developed, the design of such spaces and parking lots shall meet the standards set forth in BMCC 6-1203(o) through 6-1203(u) and other design standards for off-street parking that are adopted policies of the City Engineer.

(3) These regulations in no way diminish or reduce a property owner's liability or obligation to provide accessibility in compliance with the federal Americans with Disabilities Act (ADA) standards.

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Figure 27-1814-1. Map of District Boundaries

Sec. 27-1815 Landscape Standards

The following landscape requirements apply to all EBURD districts. Refer to BMCC Sec. 27-1802.

(a) General Compliance. Application of this section to existing Uses shall occur with the following developments.
  (1) The expansion of more than thirty (30) percent of the surface area of an existing parking lot or loading facility, including any associated driveways.
  (2) Alteration to an existing Principal or Accessory Structure that results in a change of fifteen (15) percent or more in the structure's Gross Floor Area.
  (3) When compliance is triggered for existing parking lots, landscape improvements shall take precedence over parking requirements.

(b) General Requirements. Refer to BMCC Sec. 27-1100 for all landscape requirements, including but not limited to the approval process, materials, installation, and maintenance. However, the EBURD specific standards in this section 27-1815 supercede the requirements of subsections 27-1105 and 27-1106.

(c) Landscape Area Vegetation. All unpaved areas shall be covered by one of the following.
  (1) Planting Beds.
    a. Planting beds may include shrubs, ornamental grasses, ground cover, vines, annuals, or perennials.
    b. Nonliving materials, such as rocks, gravel, cobbles, pine straw, or mulch, are permitted for up to fifty (50) percent of a bed area.
    c. Annual beds must be maintained seasonally, replanting as necessary.
  (2) Grass. Seeded, plugged, or sodded grass may be planted throughout landscaped areas, established within ninety (90) days of planting or the area must be reseeded, replugged, or resodded.

(d) Permeable Surface. For each tree preserved or planted, a minimum amount of permeable surface area is recommended, unless otherwise stated in this article.
  (1) Preserved trees should have a permeable surface area equal to the critical root zone. The critical root zone is equal to half of the radius of the tree's mature canopy, measured from the trunk out to the dripline.
  (2) Planted trees have a suggested minimum permeable area and soil volume based upon tree size; refer to Table 27-1815-1 for details.
  (3) Permeable area for one tree cannot count toward that of another tree.
  (4) Structural Soil. When the critical root zone of an existing tree or the suggested permeable surface area requirement of a newly planted tree extends below any pavement, structural soil is required underneath the pavement.

(e) Street Trees. All new developments or redevelopments shall include the installation of street trees per BMCC Sec. 27-1817 Street Types. The following standards apply to the installation of street trees.
  (1) Clear Branch Height. Minimum clear branch height is eight (8) feet.
  (2) Permitted Street Tree Type. Deciduous Shade and Ornamental Trees per the City of Billings Recommended Plant List are permitted to be installed as street trees. Refer to the current edition of The City of Billings Standard Modifications to the Montana Public Works Standard Specifications for Plant List and other installation specifications. Refer to BMCC Sec. 25-208 for tree species prohibited in the public right-of-way.
  (3) Street Tree Spacing. Street trees shall be planted as follows.
    a. Each Lot is required to have one (1) tree for every forty (40) feet of street frontage with a minimum of one (1) street tree per street frontage.
    b. Spacing.
      i. Shade trees must be spaced a minimum of thirty (30) and a maximum of sixty (60) feet on center.
      ii. Ornamental trees must be spaced a minimum of twenty (20) and a maximum of forty (40) feet on center.

Tree Type	Soil Volume (cubic ft)	Soil Surface Area (sq ft) with 2.5' Soil Depth	Permeable Surface Area Requirement (sq ft)
	2852	1141 (approx. 34′ x 34′)	225 (15′ x 15′)
Shade	6532	2681 (approx. 50′ x 50′)	400 (20′ x 20′)

Table 27-1815-1. Minimum Recommended Soil Volumes and Permeable Area per Planted Tree.

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c. Limited Distance from Curb and Sidewalk. Where the distance from the back of the curb to the edge of the Right-of-Way or Lot line is less than nine (9) feet with a sidewalk, Applicant shall work with the City Forester to determine the appropriate tree species. The Zoning Coordinator may waive the street tree requirement in spaces less than nine (9) feet.

(4) Tree Wells. Where the sidewalk extends from the back of curb to the Lot line, tree wells shall be utilized.

a. For tree wells adjacent to sidewalks five (5) feet wide or less, an open pit is not permitted.

i. The opening must be covered with a tree grate or pervious pavement.

ii. The opening in a tree grate for the trunk must be expandable.

(f) Landscape Area Requirements. These standards apply to all development except single family residential.

(1) Tree Requirements. One (1) evergreen, ornamental or shade tree is required for every two thousand five hundred (2,500) square feet of Landscape Area.

a. Existing Tree Canopy may be utilized to meet this requirement.

b. If less than 2,500 square feet of Landscape Area exists, tree plantings are not required.

(2) Planting Bed Requirements. A minimum of forty (40) percent of the Landscape Area of Front and Corner Side Yards not already designated as a frontage or side and rear buffer (refer to BMCC Sec. 27-1815) must be planting beds (refer to BMCC Sec. 27-1815(b)).

(f) Fences & Walls. These standards apply to all lots in all EBURD Districts. Fences and walls must adhere to the following standards.

(1) Height. The maximum height of any fence or wall shall be six (6) feet measured from the ground at the base of the fence or wall to the top of the fence boards or wall.

a. Posts, decorative columns, light fixtures, or other decorative details are permitted to exceed the height limit by up to two (2) foot.

b. Fences over four (4) feet in height are not permitted in the front yard.

c. In the Central Works, the maximum height of any fence or wall shall be eight (8) feet.

d. In the Industrial Sanctuary, height limits do not apply.

(2) Location. All fences and walls must be located within a lot's lot lines.

(3) Materials.

a. Permitted Materials. Brick; stone; cast stone; wood; painted, matte finish vinyl; wood composites; or steel are permitted fence and wall materials.

b. Prohibited Materials. Barbed wire, chain link, exposed cinder or concrete block, metal mesh, and razor wire and single wire fences and wall are prohibited with the following exceptions.

i. In the Industrial Sanctuary districts, chain link, razor wire, and barbed wire fencing are permitted. Sharp fencing must be located 8' above grade.

(4) Opacity. Fences along the Front Yard or Front Lot line shall have a maximum opacity of fifty (50) percent.

(g) Buffers. Landscape buffers are required according to the provisions in this section with the following exceptions.

(1) Shared Driveways. Buffers shall not be required along a lot line where a curb cut or aisle is shared between two adjoining lots.

(2) Points of Access. Buffering is not required at driveways or other points of access to a lot.

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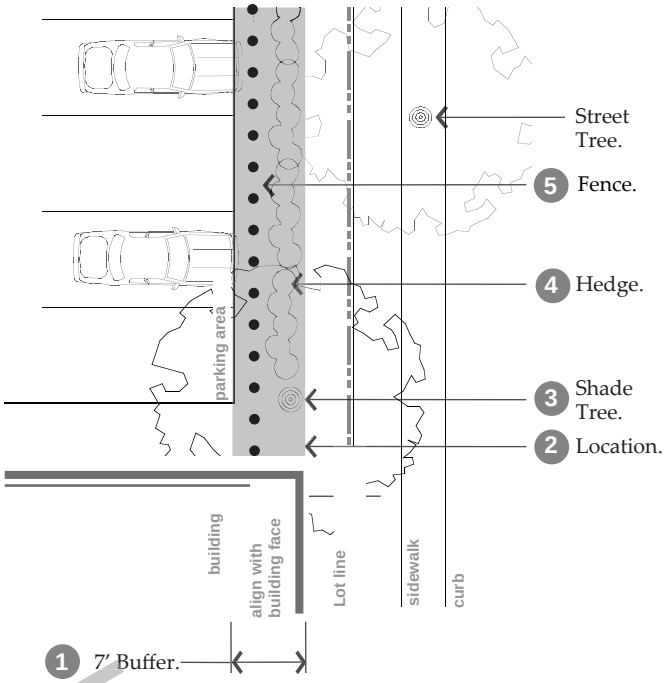
(h) Frontage Buffer Requirements (refer to Figure 27-1815-1)	
(1) Intent & Applicability	
Intent	To lessen the visual impact of vehicular areas & outdoor storage visible from the street
General Applicability	Applies to Frontage Types where a vehicular area or outdoor storage is located adjacent to a Right-of-Way
Exceptions	Vehicular areas along alleys, except when a residential district is located across the alley; Single and two family residences
(2) Buffer Depth & Location [1]	
Depth	7′ (1)
Location on the Site	Between street facing Lot line and parking area[2] (2)
(3) Buffer Landscape Requirements	
Uses & Materials	Uses and materials other than those indicated are prohibited in the buffer
Shade Trees	Medium or large shade tree required at least every 40′; Locate on the street side of the fence; Spacing should alternate with street trees (3)
Hedge	Required continuous hedge on street side of fence, between shade trees & in front of vehicular areas (4)
Hedge Composition	Individual shrubs with a minimum width of 24″, spaced no more than 36″ on center
Existing Vegetation	May be credited toward buffer area
(4) Fence	
Location	2′ from back of curb of vehicular area (5)
Materials	Steel or painted, matte finish PVC; Masonry columns (maximum width 2′6″) and base (maximum 18″ height) permitted
Minimum Height	3′
Maximum Height	4′
Colors	Black, gray, or dark green
Opacity	Minimum 20%; Maximum 60%
Gate/Opening	One gate permitted per street frontage; Opening width maximum 6′

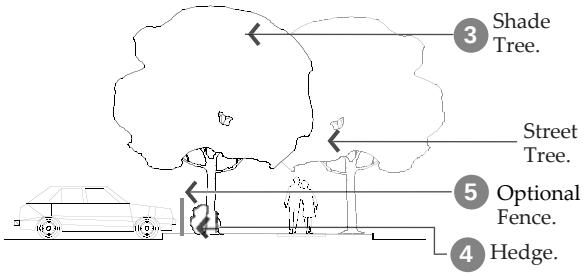
Notes:

[1] This screening requirement does not prohibit the installation of or provision for openings necessary for allowable access drives and walkways connecting to the public sidewalk.

[2] In front, corner, and rear yards on a through lot, when the parking area is located adjacent to any building on the lot, the buffer must be located so that it aligns with or is behind the face of the adjacent building back to the vehicular area. The area between the buffer and the lot line must be landscaped.



Front Buffer Plan.



Front Buffer Section.

Figure 27-1815-1. Frontage Buffer Plan and Section.

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(i) Interior Parking Lot Landscaping Requirements (refer to Figure 27-1815-2)	
(1) Intent & Applicability	
Intent	To provide shade, minimize paving & associated stormwater runoff, & improve the aesthetic look of parking lots
General Applicability	**All open-air, off-street parking lots[1]**
Other Internal Parking Lot Areas	**Internal areas not dedicated to parking or drives shall be landscaped with a minimum of one medium or large shade tree for the first 150 square feet and one medium or large shade tree for every 650′ thereafter**
Existing Vegetation	**Existing vegetation may be credited toward these requirements**
(2) Landscape Island Requirements	
Required Island Locations	**Terminal ends[2] of free standing rows or bays of parking; After every ninth parking space for rows of parking greater than 10 spaces in length[4]**
Minimum Width	**5′; Islands less than 15′ must utilize structural soil under any paved surface within a tree's recommended permeable surface area requirement (per Table 27-1815-1); Islands under 9′ must install an aeration system and utilize permeable pavement**
Required Trees Within Islands	**Minimum of 1 medium or large shade tree per island**
(3) Tree Requirements	
Requirements per Parking Space[3]	**Each parking space must be located within 50′ of a tree planted within parking lot interior; and no more than 8 continuous parking spaces in a row are permitted without a landscape island**
	Minimum of 1 shade tree must be planted within parking lot interior or within 4′ of parking lot's edge for every 3 parking spaces
Tree Shade	**Within 20 years of tree installation, 30% of the interior of the parking lot must be shaded by tree canopy**

Notes:
[1] Parking lot interior is defined as the area dedicated to parking on a given parcel as measured from the farthest edge of pavement to opposing farthest edge of pavement.
[2] Freestanding rows or bays of parking are those not abutting the parking lot perimeter or building face, and may have a single or double row of parking.
[3] Trees within a designated buffer area may not be utilized to meet these requirements. Trees and landscaping located outside of the parking lot interior, including in the side and rear buffer or frontage buffer, may not be applied to this requirement.

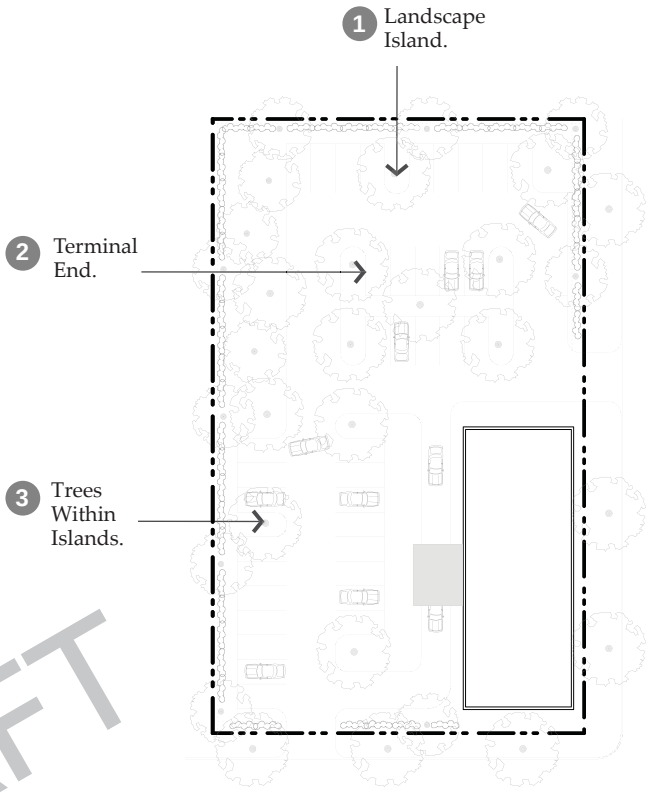

Figure 27-1815-2. Interior Parking Lot Landscaping.

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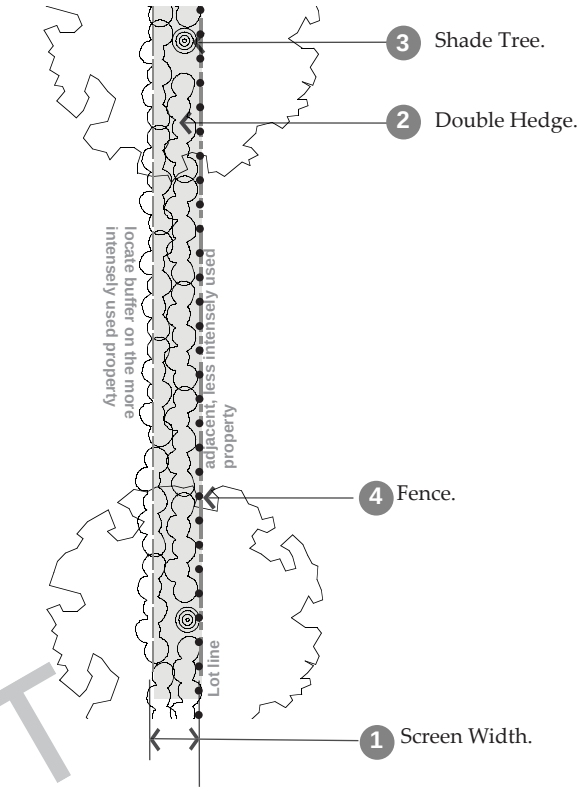
Tree Size	Estimated Canopy at Maturity (sq ft)	Estimated Height at Maturity (ft)
Very Small	**150**	**under 15′**
Small	**400**	**15′-25′**
Medium	**900**	**25′-40′**
Large	**1600**	**40′+**

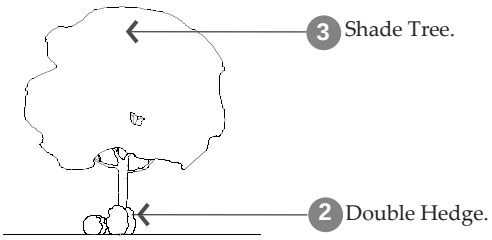
Table 27-1815-3. Estimated Canopy and Height at Maturity.

(j) Side & Rear Buffer Requirements (refer to Figure 27-1815-3)		
A. Intent & Applicability		
Intent	To minimize the impact that one building may have on a neighboring district and to provide a transition between districts	
General	Applies to all directly adjoining properties as outlined in Table 27-1815-4 [1]	
B. Required Landscape Screen		
Size	5′ landscape screen in addition to any other buffer landscaping	1
Location	Directly adjacent to the Rear or Side Lot line per Table 27-1815-2	
Hedge	Continuous double row of shrubs required between shade trees	2
Hedge Composition	Double row of individual shrubs with a minimum width of 24″, spaced no more than 36″ on center; Mature height in one year of 24″	
Hedge Frequency	Minimum of 15 shrubs per 100′ of Lot line is required	
Shade Trees	At least 1 medium or large shade tree per every 40′ within the buffer	3
Uses and Materials	Uses and materials other than those indicated are prohibited within the buffer	
Existing Vegetation	May be credited toward buffer area	
C. Required Fence		4
Permitted Materials	Steel or painted, matte finish PVC for semi-opaque; Wood or masonry for opaque. Chain link not permitted.	
Minimum Height	6′	
Maximum Height	8′	
Colors	If steel: black, gray, or dark green	
Opacity	Option 1: Semi-Opaque 20%-60% opacity, hedge required; Option 2: Opaque fence, no hedge required	

Notes:
[1] Zoning Coordinator may reduce width of buffer, width of landscape screen, or location of landscape screen based on existing landscaping and similarity between uses.



Landscape Screen Plan.



Landscape Screen Section.

Figure 27-1815-3. Landscape Screen within Side & Rear Buffer.

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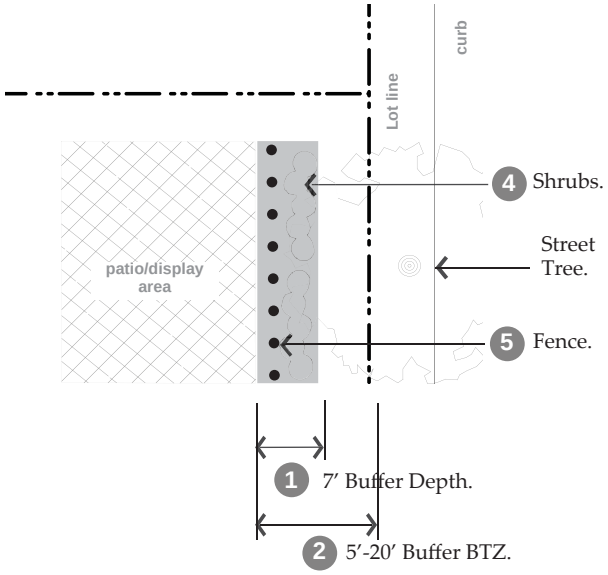
Frontage Types		Buffer	
Buffer Required on Lot	When Lot Line is adjacent to:	Buffer Required	Buffer Width
Open, Commerce, Limited Bay	Yard, General Stoop, Storefront	Side & Rear	5′
General Stoop	Yard	Side Rear	5′

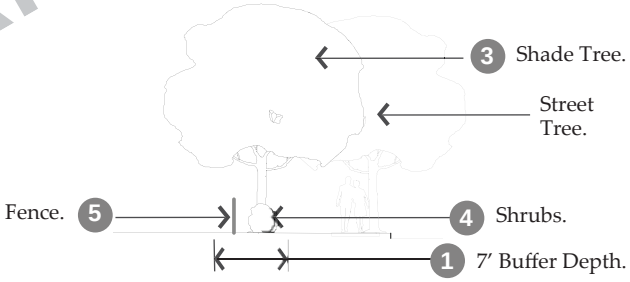
Table 27-1815-4. Side & Rear Buffer Requirements by District.

(k) Commercial Patio Frontage (refer to Figure 27-1815-4)	
(1) Intent & Applicability	
Intent	To provide a buffer between outdoor sales uses and street activity
General Applicability	**Applies to Commercial Outdoor Site Frontage Type only (refer to BMCC Sec. 27-1813(h))**
(2) Frontage Location	
Minimum Depth	**7′**
Location on the Site	**Between 5′ and 20′ from Front and Corner Side Lot line adjacent to patio/ display area**
(3) Buffer Landscape Requirements[1]	
Shade Trees	**Medium or large shade tree required at least every 40′; Spacing should alternate with street trees[2]**
Shrubs	**Required continuous shrubs on street side of fence**
Hedge Composition	**Individual shrubs with a minimum width and height of 12″, spaced no more than 24″ on center**
Existing Vegetation	**May be credited toward buffer area**
D. Required Fence	
Materials	**Steel or painted, matte finish PVC; Masonry base or columns permitted**
Minimum Height	**18″**
Maximum Height	**4′**
Colors	**Black, gray, or dark green for steel or PVC**
Opacity [3]	**Minimum 30 percent; Maximum 60%**
Gate/Opening	**Two gates permitted per street frontage; Opening width maximum 6′**

Notes:
[1] This screening requirement does not prohibit the installation of or provision for openings necessary for allowable access drives and walkways connecting to the public sidewalk.
[2] Exception: Trees for Automobile Sales Use may be spaced 90’ on center
[3] Fence may be solid if 30” or less in height



Commercial Patio Frontage Plan.



Commercial Patio Frontage Section.

Figure 27-1815-4. Commercial Patio Frontage Plan and Section.

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(l) Screening of Open Storage, Refuse Areas, & Utility Appurtenances (refer to Figure 27-1815-5)		
A. Intent & Applicability		
Intent	To reduce the visibility of open storage, refuse areas, and utility appurtenances from public areas and adjacent properties	
General	**All dumpsters, open storage, refuse areas, and utility appurtenances**	
B. Open Storage & Refuse Area Screening Requirements[1]		
Location on the Site	**Not permitted in Front or Corner Side Yards**	
Opaque Screen Wall[1]	**Required around 3 sides of the dumpster and trash bin area**	1
Screen Wall Height	**Height shall be the higher of the following: 1. 6′ 2. Height of use to be screened 3. Height as determined by the Zoning Coordinator to accomplish objective of the screen**	2
Visible Openings	**Openings visible from the public way or adjacent properties must be furnished with opaque gates**	
Landscape Requirement	**If refuse area is located within larger paved area, such as a parking lot, landscape islands must be located on 3 sides of the area, with at least 1 medium or large shade tree in at least 1 of the landscape areas[2]**	3
C. Utility Appurtenance Screening Requirements		
Large Private Mechanical Equipment[3]	**Shall be fenced with opaque wood or brick-faced masonry on all sides facing Right-of-Way**	
Small Private Mechanical Equipment[4]	**Shall have landscape screening and a shrub bed containing shrubs spaced no more than 36″ on center**	

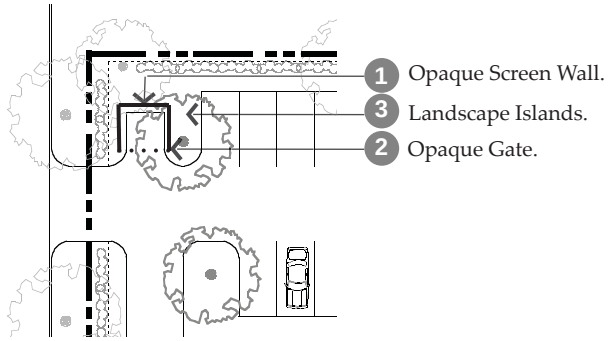

Figure 27-1815-5. Screening of Open Storage & Refuse Areas.

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Sec. 27-1816 Signage

Refer to BMCC Sec. 27-700 for sign requirements. The following additional requirements are specific to the EBURD and replaces information in the BMCC Sec. 27-705.

(a) Intent. Commerce is the primary purpose, function and goal of the EBURD. It is the economic engine that funds the City of Billings and Yellowstone County. The functions of signs are to support and enhance that purpose. Regardless of other considerations, the ability of a business to thrive in any given location is the final measure of appropriateness. In a community of our size serving a broad market including Montana, Wyoming and parts of North Dakota, and in a time of growing online commerce, it is increasingly necessary that a business must be able to reach beyond the immediate neighborhood to survive. The ways traffic moves through districts is the most reliable indicator of sign needs and the assurance of success of this purpose. The Billings Industrial Revitalization District Inc. ("BIRD") is the organization that oversees the EBURD and makes recommendations to the City Council.

(b) The following revises BMCC Sec. 27-706 to incorporate the EBURD.

(1) Service station and convenience store signage shall adhere to the requirements of this section, BMCC Sec. 27-1816 (b) through (o). BMCC Sec. 27-706(a) does not apply to the EBURD.

(2) Billboards shall be permitted only on Boulevards or Avenues within the EBURD (Montana Avenue, 1st Avenue N, 4th Avenue N, 6th Avenue N, and N 13th Street) . All other requirements of BMCC Sec. 27-706(b) shall apply, including the requirements of the existing moratorium.

(3) BMCC Sec. 27-706(c) Shopping center or mall signs does not apply to the EBURD.

(4) BMCC Sec. 27-706(e) Church, school, and other institutional use signs does not apply to the EBURD. Churches, schools, and other institutions shall adhere to the requirements of this section, BMCC Sec. 27-1816 (b) through (o).

(5) All signs that that predate the adoption of this code are legally non conforming until they are completely replaced. At that point, the standards contained within are applicable.

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Sign Types	EBURD Frontage Types: Yard Frontage	General Stoop	Storefront	Limited Bay	Commerce	Open	Civic	Outdoor Site
Wall	●	●	●	●	●	●	●	●
Projecting		●	●	●	●	●	●	●
Awning	●	●	●	●	●	●	●	●
Canopy Mounted		●	●	●	●	●	●	●
Window			●	●	●	●		●
Monument	●	●		●	●	●	●	●
Ped. Scale Pole-Mounted	●	●		●	●	●	●	●
Pole-Mounted					●	●		○

● = Permitted ○ = Permitted Only on Boulevard Street Type

Table 27-1816-1. Sign Types permitted by Frontage Type.

(6) Section 27-705 will be applicable for all Boulevard Street Types.

(c) Residential Signage. Refer to BMCC Sec. 27-705(a), except: signage for a home occupation are permitted with the following requirements:
(1) One (1) home occupation sign per lot is permitted.
(2) Home occupation sign shall be a wall sign, flat mounted against the building, or a pedestrian pole mounted sign.
(3) Home occupation sign shall be no larger than one (1) square foot in area.
(4) Home occupation sign shall not be directly or indirectly illuminated other than by those lights incidental to the residential use of the premises.

(d) Electronic Message Board Signage. Refer to BMCC Sec. 27-705(c)3 for requirements of all Electronic Message Boards within the EBURD with the following exception:
(1) Electronic Message Boards are only permitted on sign types if allowed per BMCC Sec. 27-1816(g) through (o).

(e) State Routes. In addition to the regulations included in BMCC Sec. 27-1816, off premise signage on parcels abutting a state maintained route are required to obtain an Outdoor Advertising Control sign permit from the Montana Department of Transportation per the Montana Outdoor Advertising Act. Refer to Figure 27-1816(e)-1 for map of state maintained routes in the EBURD, for reference only.

(f) Sign Types. Sign types permitted in the EBURD are defined in BMCC Sec. 17-1816(g) through (o).
(1) Refer to Table 27-1816-1 for permitted sign types permitted by Frontage Type. Refer to BMCC Sec. 27-1808 for Frontage Type information.
(2) Refer to Table 27-1816-2 for the maximum permitted quantity of signage per lot. To calculate this quantity, all sign types on the lot shall be totaled, with the exception of exempt signs, temporary signs, and window signs.

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Figure 27-1816(e)-1. Map of State Maintained Routes as of February 2012, for Reference Only.

Frontage Type	Maximum Permitted Quantity of Signage Per Lot
Yard	65 square feet of signage except residential signage (refer to BMCC Sec. 27-1816(c)).
General	3 square feet of signage per 1 linear foot of Lot width with a maximum of 150 square feet
Storefront	
Limited Bay	
Commerce	3 square feet of signage per 1 linear foot of Lot width with a maximum of 200 square feet. An additional 40 square feet per additional tenant over 3 tenants permitted
Open	
Civic	3 square feet of signage per 1 linear foot of lot width with a maximum of 150 square feet

Table 27-1816-2. Total Maximum Permitted Quantity of Signage per Lot by Frontage Type.

(g) Wall Sign.

(1) Description. Wall signs, also known as flat or band signs, are mounted directly to the building face to which the sign is parallel. Refer to Figures 27-1816(g)-1 and 27-1816(g)-2.

(2) General Requirements. Wall signs shall be developed according to the standards in Table 27-1816(g)-1.

a. Building Openings. Wall signs shall not cover windows or other building openings.

b. Architectural Features. Wall signs are strongly encouraged not to cover existing architectural building features.

c. Murals. Murals, a type of wall sign painted onto the building face displaying the business name or activity, are prohibited on front facades.

(3) Computation. The area of a wall sign is calculated using the following information.

a. Wall Signs. Area is calculated by drawing the smallest possible square or rectangle around the largest letters and/or elements, as is illustrated in Figure 27-1816(g)-2.

i. Area Credit. All areas that utilize individual alphanumeric characters or logos (including only those using wood, wood substitute, metal, or masonry) may use a total area of ninety (90) percent of the calculation as outlined above.

b. Mural Sign. Area is calculated by measuring the area of the smallest square or rectangle that can be drawn around all of the sign elements, including any painted background.

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Wall Sign Requirements	
Sign Area	No maximum area for sign type; Refer to Table 27-1816-2 for maximum per lot
Height	No maximum letter or element height
Location on the Building or Site	Permitted on all street facades; Non-illuminated wall signs are permitted on all facades.
Placement on the Building or Site	1′ maximum projection from building face
Quantity	1 per tenant per public ROW frontage; 1 per tenant per side or rear facade on a parking lot
Internal Illumination	Permitted
Materials	Solid wood, metal, masonry & neon glass; Plastic & synthetics permitted only as separate alphanumeric characters or logos

Table 27-1816(g)-1. Wall Sign Requirements.

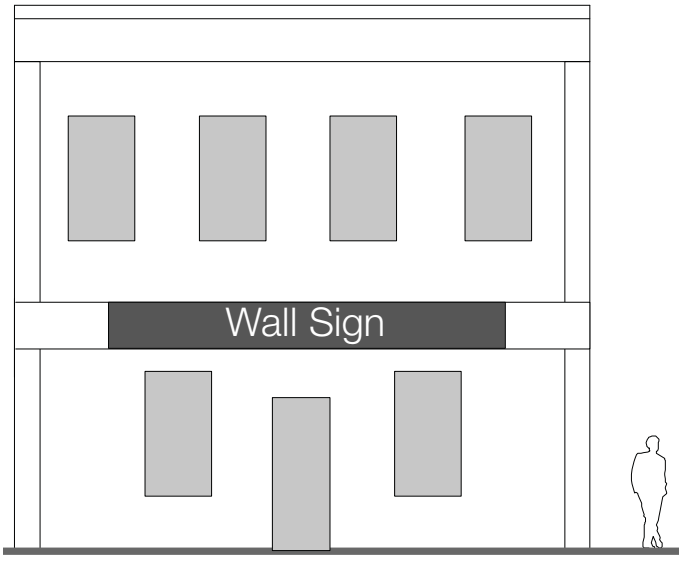

Figure 27-1816(g)-1. Wall Sign.

Figure 27-181(g)-2. Measuring Wall Signs.

(h) Projecting Sign.

(1) Description. A projecting sign is attached to and projects from a building face or hangs from a support structure attached to the building face. Sign faces are typically perpendicular to the building face, but may be at an angle greater than forty-five (45) degrees from the facade. The sign may be vertically or horizontally oriented. Refer to Figure 27-1816(h)-1.

(2) General Requirements. Projecting signs shall be developed according to the standards in Table 27-1816(h)-1.

(3) Computation. The area of a projecting sign is equal to the area of one (1) of the sign's faces.

(4) Permit Required. An encroachment permit shall be obtained from the City Engineering Department for any projecting sign encroaching into the public right-of-way.

Projecting Sign Requirements	
Sign Area	No maximum area for sign type; Refer to Table 27-1816-2 for maximum per lot
Height	8′ maximum sign length, 9′ minimum clearance to walk required
Location on the Building or Site	Permitted on all facades; sign and structural supports shall not extend above the eave or parapet
Placement on the Building or Site	Shall not project over more than 2/3 the width of the sidewalk. (Refer to BMCC Sec. 27-1816(h)(4) for required permit)
Quantity	1 per tenant per public ROW frontage; 1 per tenant per side or rear facade on a parking lot
Internal Illumination	Permitted
Materials	Solid wood, metal, masonry & neon glass; Plastic & synthetics permitted only as separate alphanumeric characters or logos

Table 27-1816(h)-1. Projecting Sign Requirements.

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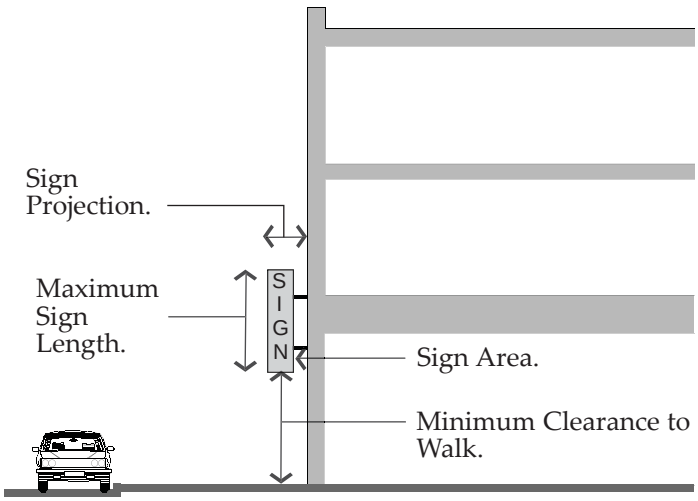

Figure 27-1816(h)-1. Projecting Sign.

(i) Awning Sign.

(1) Description. A sign that is mounted, painted, or otherwise applied on or attached to an awning or canopy. Refer to Figures 27-1816(i)-1 and 27-1816(i)-2.
(2) General Requirements. Awning signs shall be developed according to the standards in Table 27-1816(i)-1.
(3) Computation. The area of an awning sign is calculated by drawing the smallest possible square or rectangle around the largest letters and/or elements of the sign portion of the awning, as is illustrated in Figure 27-1816(i)-2.
(4) Permit Required. An encroachment permit shall be obtained from the City Engineering Department for any projecting sign encroaching into the public right-of-way.

Awning Sign Requirements	
Sign Area	Up to 50% of the awning may be used for signage; Refer to Table 27-1816-2 for maximum per lot
Height	8′ minimum clearance to walk required
Location on the Building or Site	Permitted on all facades
Placement on the Building or Site	Maximum projection from building is 6′; Shall not project closer than 2′ from back of curb; Shall not block any window, door, or the roof design. (Refer to BMCC Sec. 27-1816(i)(4) for permit)
Quantity	1 per tenant per public ROW frontage; 1 per tenant per side or rear facade on a parking lot
Internal Illumination	Not permitted
Materials	Cloth, canvas, metal, or wood; All supports shall be made of metal or wood

Table 27-1816(i)-1. Awning Sign Requirements.

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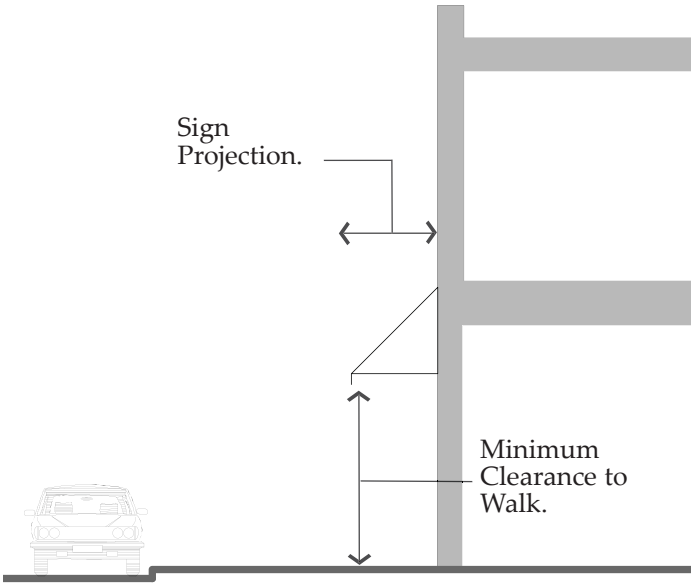

Figure 27-1816(i)-1. Awning Sign.

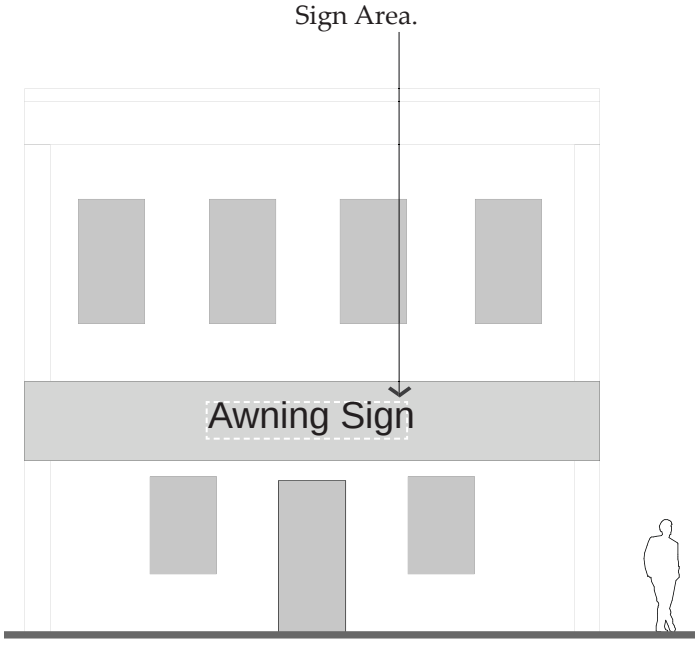

Figure 27-1816(i)-2. Measuring Awning Signs.

(j) Canopy-Mounted Sign.

(1) Description. A sign with individual alphanumeric characters and/or logos that is mounted on top of a permanent canopy. Refer to Figures 27-1816(j)-1 and 27-1816(j)-2.
(2) General Requirements. Canopy-mounted signs shall be developed according to the standards in Table 27-1816(j)-1.
(3) Computation. The area of a canopy-mounted sign is calculated by drawing the smallest possible square or rectangle around the largest letters and/or elements of the sign portion of the canopy-mounted sign, as is illustrated in Figure 27-1816(j)-2.
(4) Permit Required. An encroachment permit shall be obtained from the City Engineering Department for any projecting sign encroaching into the public right-of-way.

Canopy-Mounted Sign Requirements	
Sign Area	No maximum area for sign type; Refer to Table 2.7-1816-2 for maximum per lot
Height	No maximum letter or element height; Cannot project more than 2' above roof line of canopy
Location on the Building or Site	Permitted on all facades
Placement on the Building or Site	~~Shall not project beyond the front edge of the canopy~~; Shall not block any window, door, or the roof design. (Refer to BMCC Sec. 27-1816(j)(4) for permit)
Quantity	1 per tenant per public ROW frontage; 1 per tenant per side or rear facade on a parking lot
Internal Illumination	Permitted
Materials	Solid wood, metal, & neon glass; Plastic & synthetics permitted only as separate alphanumeric characters or logos

Table 27-1816(j)-1. Canopy-Mounted Sign Requirements.

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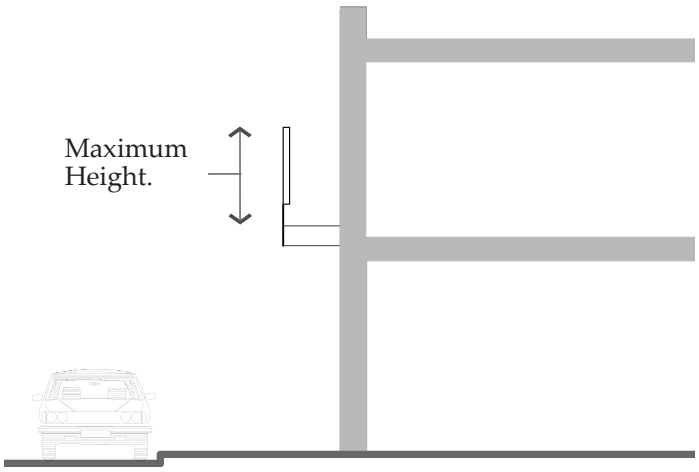

Figure 27-1816(j)-1. Canopy-Mounted Sign.

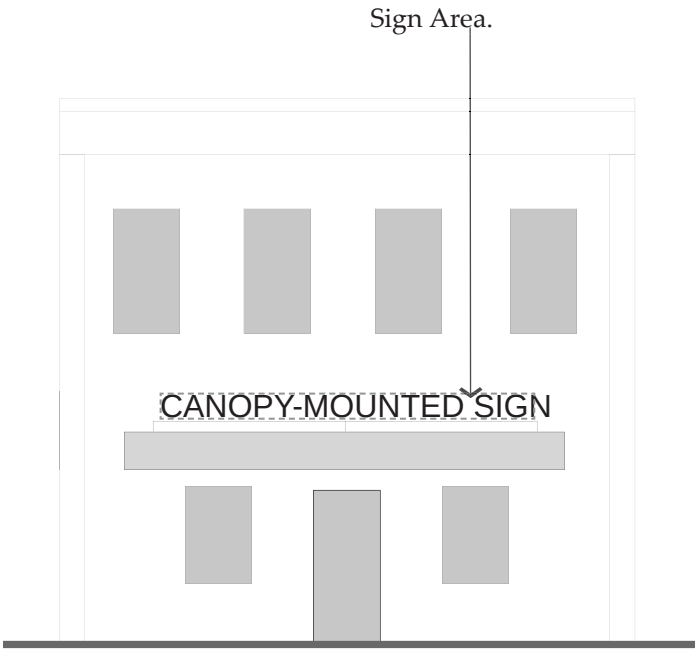

Figure 27-1816(j)-2. Measuring Canopy-Mounted Signs.

(k) Window Sign.

(1) Description. A window sign is posted, painted, placed, or affixed in or on a window exposed for public view or is a sign hung inside the building facing the window for public view. Refer to Figure 27-1816(k)-1.

(2) General Requirements. Window signs shall be developed according to the standards in Table 27-1816(k)-1.

(3) Computation. A series of windows that are separated by frames or supporting material of less than six (6) inches in width shall be considered a single window for the purposes of computation.

a. Measurement. To measure sign area percentage, divide the total sign area by the total window area, as illustrated in Figure 27-1816(k)-1.

b. Maximum Allowance. Window signs are not counted toward a site's maximum signage allowance.

c. Exempt signs. Address and hours of operation are considered exempt signs and are not counted in the window sign area calculation. Refer to BMCC Sec. 27-707(b) Exempt signs, with the exception of BMCC Sec. 27-707(b)(23).

d. Temporary Window Signs. Temporary window signs must be included in the total percentage of signage per window calculation.

e. Window signs may not be internally illuminated except for neon or similar illuminated window signs.

Window Sign Requirements	
Sign Area	Up to 30% of a set of continuous windows may be covered with signage; No more than 50% of any one window panel may be covered with signage
Height	No maximum
Location on the Building or Site	Permitted on all facades
Placement on the Building or Site	Ground or upper story windows; May be affixed to window or hung/mounted behind glass
Quantity	No maximum quantity, based on window sign area for ground story; 1 per tenant per floor for upper stories
Internal Illumination	Not permitted, except on neon or similarly illuminated window signs
Materials	Drawn, painted, or affixed on the glass; Wood, metal, neon glass, plastic, or other similar materials also permitted

Table 27-1816(k)-1. Window Sign Requirements.

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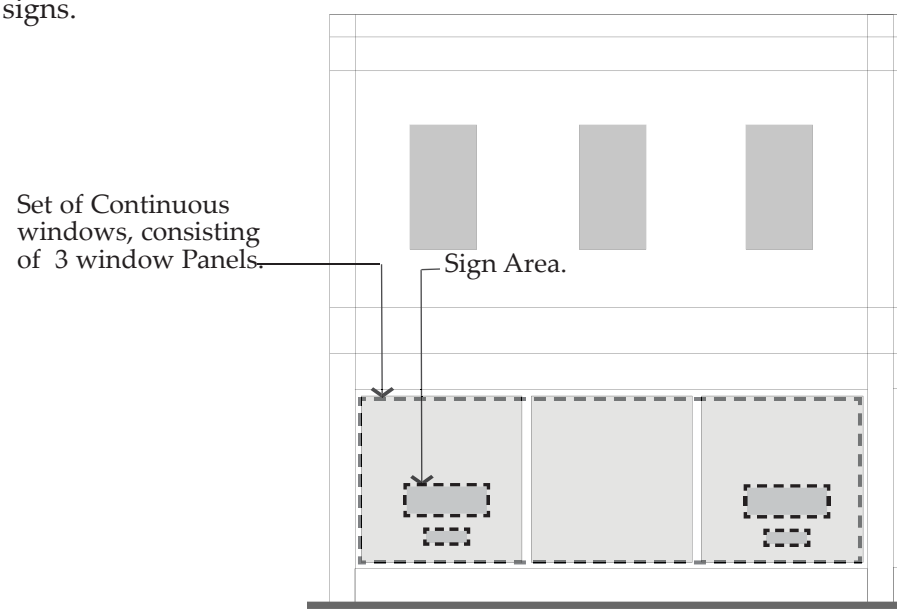

Figure 27-1816(k)-1. Measuring window signs.

(l) Monument Sign.

(1) Description. A monument sign is freestanding; it is located in a front or side yard of a lot. Refer to Figures 27-1816(l)-1 and 27-1816(l)-2.

(2) General Requirements. Monument signs shall be developed according to the standards in Table 27-1816(l)-1.

a. ~~Multiple Tenants. Multiple tenant buildings on a lot with a width of greater than 300' feet, measured across the front property line, may have signage with the following parameters:~~

a. Up to two (2) monument signs on one (1) frontage.

i. Signs shall be at least one hundred fifty (150) feet apart.

b. ~~Pole-mounted Signs. monument signs may not be pole-mounted.~~ Display's structure shall be monolithic and fully enclosed.

c. Electronic Message Boards. Electronic message boards (EMBs), including such components as light-emitting diodes (LEDs), are permitted on monument signs in the Commerce and Open Frontage Types by-right

d. Manually Changeable Copy. The area of any manually changeable copy cannot equal greater than fifty (50) percent of the area of the sign face on which it is located or twenty (20) square feet, whichever is less.

(3) Computation. The area of a two-sided monument sign is equal to the area of one sign face. The area of a three- or four-sided monument sign is equal to the total area of each sign face. This measurement includes the sign, any cabinet in which it is enclosed and the electronic message center, but excludes the base of the sign.

a. Measuring Height. Height shall include the sign face, base, cabinet, and ornamental cap.

Monument Sign Requirements	
Sign Area	Maximum 140 sq ft per sign face Refer to Table 27-1816-2 for maximum per lot
Height	Maximum height ~~7'~~ 9'
Location on the Building or Site	Front or corner yards
Placement on the Building or Site	10' Setback from driveways & side lot line; 3' Setback[1] from front & corner lot lines
Quantity	1 per public ROW frontage
Internal Illumination	Permitted
Materials	Solid wood, metal & masonry; Plastic & synthetics permitted on sign face; Electronic Message Board permitted in certain districts[2]

[1]If placed closer than five (5) feet from the front and corner side lot Lines, sign must not be located in a sight triangle extending ten (10) feet from either side of an intersection of a driveway and a vehicular right-of-way or two vehicular rights-of-way.
[2]Refer to BMCC Sec. 27-1816(d) and 27-1816(l)(2)c for details on Electronic Message Boards

Table 27-1816(l)-1. Monument Sign Requirements.

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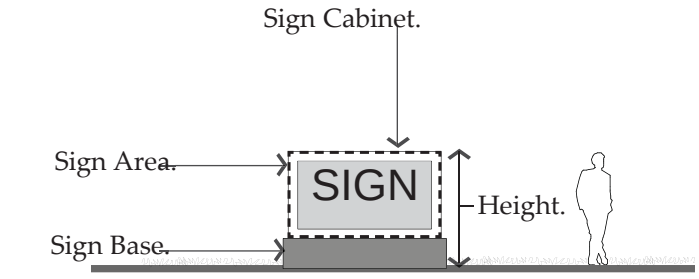

Figure 27-1816(l)-1. Monument Sign.

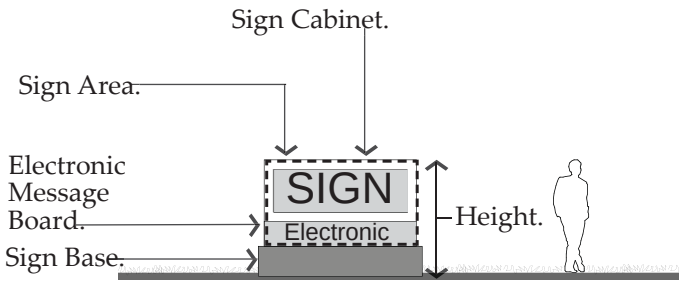

Figure 27-1816(l)-2. Monument Sign with EMB.

(m) Ped-Scale Pole-Mounted Sign.

(1) Description. A ped-scale pole-mounted sign is freestanding and may be mounted on one or two poles. Three (3) configurations are permitted. Refer to Figure 27-1816(m)-1.
   a. A sign mounted onto a double set of poles.
   b. A sign mounted on a single pole.
   c. A sign hanging from a single pole.

(2) General Requirements. Ped-scale pole-mounted signs shall be developed according to the standards in Table 27-1816(m)-1.

(3) Computation. The area of a pole-mounted sign is equal to the area of one (1) sign face.

Ped-Scale Pole-Mounted Sign Requirements	
Sign Area	8 sq ft maximum area per sign face; Refer to Table 27-1816-2 for maximum per lot
Height	8′ maximum height for sign mounted or hanging on a single pole; 5′ for sign mounted on double set of poles; Each pole shall have a maximum diameter of 3 inches
Location on the Building or Site	Front or Corner Yards
Placement on the Building or Site	2′ Setback from Front & Corner lot lines; Cannot overhang lot lines
Quantity	1 per lot
Internal Illumination	Permitted
Materials	Solid wood, metal & masonry; Plastic & synthetics permitted on sign face

Table 27-1816(mk)-1. Ped-Scale Pole-Mounted Sign Requirements.

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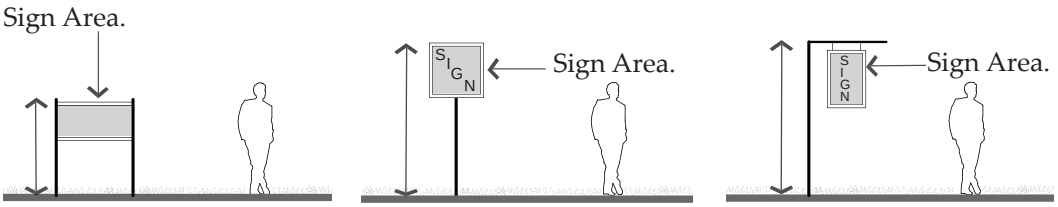

1. Sign mounted onto a double set of poles.
2. Sign mounted on a single pole.
3. Sign hanging from a single pole.

Figure 27-1816(m)-1. Three Types of Ped-Scale Pole-Mounted Signs.

(n) Pole-Mounted Sign.

(1) Description. A pole-mounted sign is freestanding with a one or two-faced sign panel. Three (3) configurations are permitted. Refer to Figure 27-1816(n)-1.
   a. A sign mounted onto a double set of poles.
   b. A sign mounted on a single pole.
   c. A sign hanging from a single pole.

(2) General Requirements. Pole-mounted signs shall be developed according to the standards in Table 27-1816(n)-1.
   a. Electronic Message Boards. (Refer to Figure 27-1816(n)-2) Electronic message boards (EMBs), including such components as light-emitting diodes (LEDs), are permitted on pole-mounted signs, provided the following conditions are met:
      i. The area of the EMB cannot equal greater than thirty (30) percent of the area of the sign face on which it is located.
      ii. One (1) sign containing an EMB is permitted per lot.
      iii. Refer to BMCC Sec. 27-1816(d) for additional requirements.
   b. Manually Changeable Copy. The area of any manually changeable copy cannot equal greater than fifty (50) percent of the area of the sign face on which it is located.
   c. Special Review. Additional height and sign area, per Table 27-1816(n)-1, may be approved by a Special Review under the following conditions.
      ~~i. Residential District. The sign may not be visible from any residential district.~~
      ii. Street. The sign must front on a Boulevard street ~~(1st Avenue N or 4th Avenue N)~~.

(3) Computation. The area of a Pole-Mounted sign is equal to the area of one (1) sign face, including the Electronic Message Board.

Pole-Mounted Sign Requirements

Sign Area	~~40 sq ft maximum area per opposite sign additional 10 sq ft area (for a total of up to 50 sq ft) per sign face permitted by Special Review1.~~ Refer to Table 27-1816-2 for maximum per lot
Height	30' maximum height, not to exceed the height of the principal building ~~6' minimum clearance from bottom of sign to ground; Each pole shall have a maximum diameter of 6 inches.~~
Location on the Building or Site	Front or Corner Yards
Placement on the Building or Site	2' Setback from Front & Corner lot lines; Cannot overhang lot lines
Quantity	1 per lot
Internal Illumination	Permitted
Materials	Solid wood, metal & masonry; Plastic & synthetics permitted on sign face; Electronic Message Board permitted in certain districts[2]

[1]Refer to BMCC Sec. 27-1816(n)(2)c for Special Review conditions.
[2]Refer to BMCC Sec. Sec. 27-1816(d) and 27-1816(n)(2)a for details on Electronic Message Boards

Table 27-1816(n)-1. Pole-Mounted Sign Requirements.

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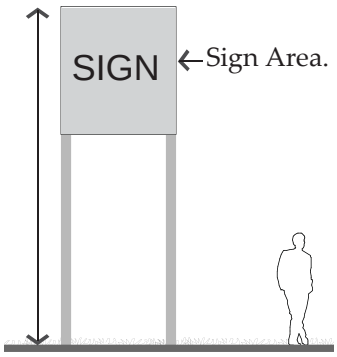
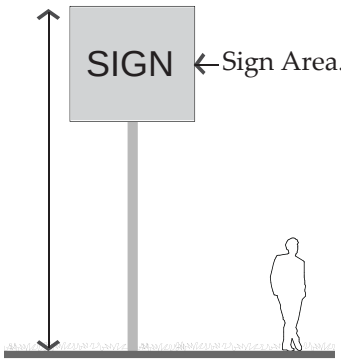
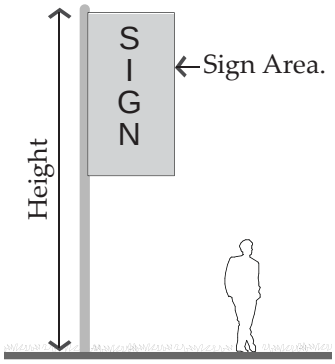


1. Sign mounted onto a double set of poles.



2. Sign mounted on a single pole.



3. Sign hanging from a single pole.

Figure 27-1816(n)-1. Three Types of Pole-Mounted Signs.

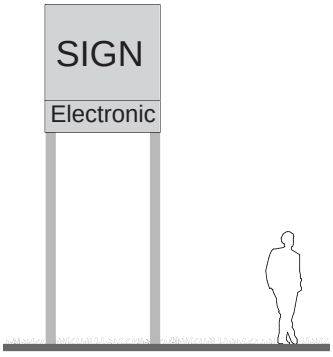


Figure 27-1816(n)-2. Pole-Mounted Sign with EMB.

(o) Roof Sign

(1). Description. A roof sign consists of individual letters or elements erected on the roof of a building

a. Sign projects above the highest point of the roof line or parapet of the building.

b. Typically situated parallel to the adjacent street and does not project beyond the front Facade of the building. Refer to Figures 27-1816(o)-1 and 27-1816(o)-2.

B. General Requirements. Roof Signs shall be developed according to the standards in Table 27-1816(o)-1.

C. Computation. The area of a Roof Sign is calculated by drawing the smallest possible square or rectangle around the largest letters and/or elements as is illustrated in Figure 27-1816(o)-2.

Roof Sign Requirements	
Sign Area	3 sq ft per 1′ building frontage. Refer to Table 27-1816-2 for maximum per lot
Height	Maximum height of letters & elements is 25% of building height.
Location on the Building or Site	Above roof line or parapet.
Placement on the Building or Site	Shall not project beyond the front Facade of the building
Quantity	1 per lot
Illumination	Internal and external illumination permitted.
Materials	Wood, wood substitute, metal, masonry; Plastic & synthetics permitted only as separate alphanumeric characters or logos; Neon glass is permitted provided the neon is not visible from the rear of the sign.

Table 2.5-11(o)-1. Roof Sign Requirements.

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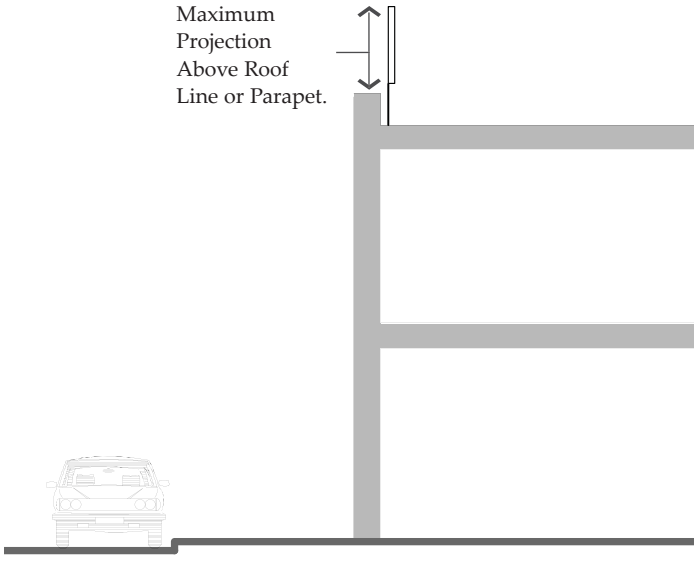

Figure 27-1816(o)-1. Roof Sign.

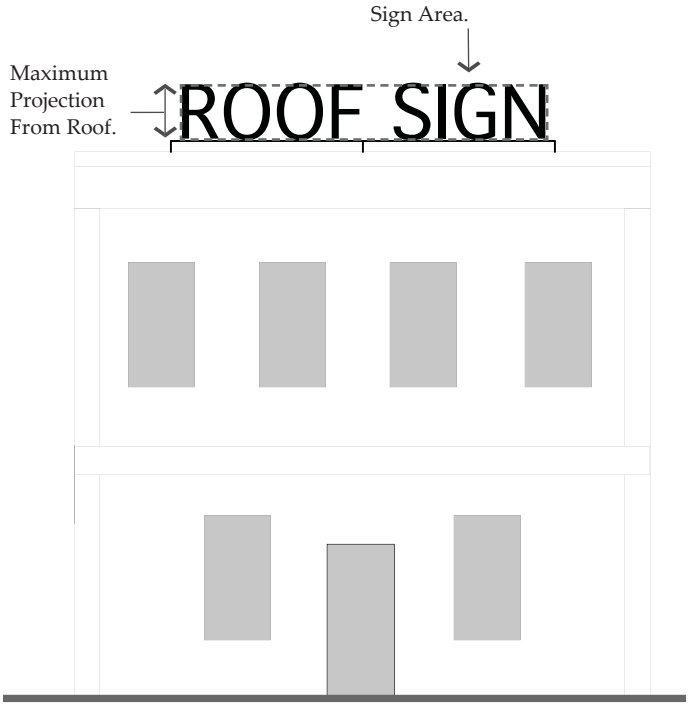

Figure 27-1816(o)-2. Measuring Roof Signs.

Sec. 27-1817. Street Type Standards.

(a) General Requirements.

(1) Intent. The standards outlined in this section are intended to:

a. Create complete streets that address all modes of travel, including pedestrian traffic, bicycle traffic, transit, and vehicular traffic.

b. Address all features of the street right-of-way, including sidewalks, parkways, traffic lanes, bicycle lanes, and medians.

c. Continue the existing logical and comprehensible system of streets that result in a simple, consistent and understandable pattern of blocks and lots.

d. Provide adequate access to all lots for vehicles and pedestrians.

e. Create streets that are appropriate for their contexts in residential, commercial, or mixed use districts and are designed to encourage travel at appropriate volumes and speeds.

(2) Applicability. The standards in this section apply to all vehicular rights-of-way within the EBURD.

(3) General Requirements. All proposed streets, landscape or furnishings zones, and sidewalks shall be located in dedicated vehicular rights-of-way as required by this article.

a. Street Types. All new vehicular rights-of-way shall match one of the street types, refer to BMCC Sec. 27-1817(g) through 27-1817(k), whether publicly dedicated or privately held.

b. Public Use. All streets shall be available for public use at all times. Gated streets and streets posted as private are not permitted.

(4) Master Plans. Refer to any adopted City of Billings master plans for additional information, such as the current Bikeway and Trail Master Plan.

(5) Street Construction Specifications. All construction in the right-of-way shall follow specifications defined by the Department of Public Works, Engineering Division.

(b) General Street Type Standards.

(1) Street Types. Street Types defined in this section outline acceptable street configurations. New streets should be designed using the principles and characteristics defined by each Street Type. The Department of Public Works, Engineering Division, or the Montana Department of Transportation, as applicable (refer to Figure 27-1817(e)-2), may require additional right-of-way, pavement width, or additional street elements depending on specific site characteristics.

(2) Summary Street Type Tables. Table 27-1817(f)-1 summarizes the requirements of each Street Type.

(3) Graphics. The graphics provided, illustrating each Street Type, are samples of recommendations and illustrate only one possible configuration of that Street Type. By applying the guidelines outlined and working with the Department of Public Works, Engineering Division, other configurations can be determined acceptable.

(4) Typical Street Elements. Typical elements of a vehicular right-of-way are divided into the vehicular and pedestrian realm. Each Street Type detailed in this article outlines which facilities are applicable. Refer to Figure 27-1817(b)-1: Typical Right-of-Way Elements.

a. Vehicular Realm. The vehicular realm is comprised of the travel lanes, bicycle lanes, and parking lanes.

b. Pedestrian Realm. The pedestrian realm is comprised of pedestrian facilities, such as sidewalk, path/trail, or off-street bicycle path. A buffer area that serves to

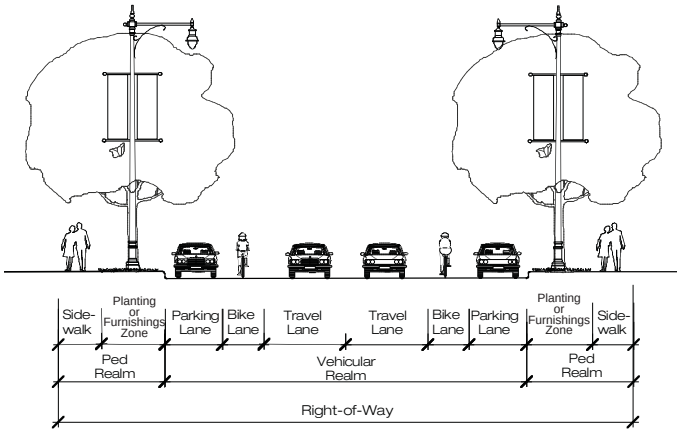

Figure 27-1817(b)-1: Typical Right-of-Way Elements.

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buffer pedestrians or bicyclists from the movements of higher speed vehicles in the vehicular realm shall consist of one of the following:

i. Landscape Zone. A landscape area between the back of curb to the sidewalk in which street trees, stormwater swales, lighting, and signage may be located. Typically used adjacent to residential ground floor uses.

ii. Furnishings Zone. A hardscape area that extends from the sidewalk to the back of curb, in which street trees, street furniture, lighting, and signage may be located. Typically used adjacent to commercial or office ground floor uses.

(5) Bicycle Facilities. The following types of bicycle accommodations are permitted in the vehicular realm. Refer to Figure 27-1817(b)-2.

a. Dedicated Bicycle Lane. Dedicated bicycle lanes are striped lanes on the outside of the outermost travel lanes that are designated for only bicycle use. This lane occurs on both sides of the street and shall be four (4) to five (5) feet wide.

b. Designated Shared Lane. A designated shared lane is a lane that is shared between vehicles and bicycles. This lane is typically wider than a standard vehicular lane, minimum thirteen (13) feet, in order to accommodate both types of users, and includes a painted bicycle marker combined with a double arrow (known as a "sharrow"). This improvement occurs on both directions.

c. Shared Lane. A shared lane refers to a street that does not have bicycle lanes or a designated shared lane, but the speed and configuration of the street is such that bicycles could comfortably share lanes with traffic.

d. Cycle Track. A cycle track is a separate on-road bike facility that is typically adjacent to, but physically separated from, vehicular traffic and parking by a barrier.

(6) Vehicular On-Street Parking. On-street parking, as permitted on designated Street Types, must meet the following requirements.

a. Parallel and back-in diagonal parking is permitted on designated Street Types.

b. Vehicular On-Street Parking Space Dimensions.

i. The appropriate stall depth for back-in diagonal on-street parking spaces are defined for each Street Type (refer to BMCC Sec. 27-1817(g) through (k).

ii. The width of an on-street parking space shall be measured from the center of a stripe, minimum eight and a half (8.5) feet, unless otherwise noted.

iii. Back-in diagonal on-street parking shall be at sixty (60) degrees.

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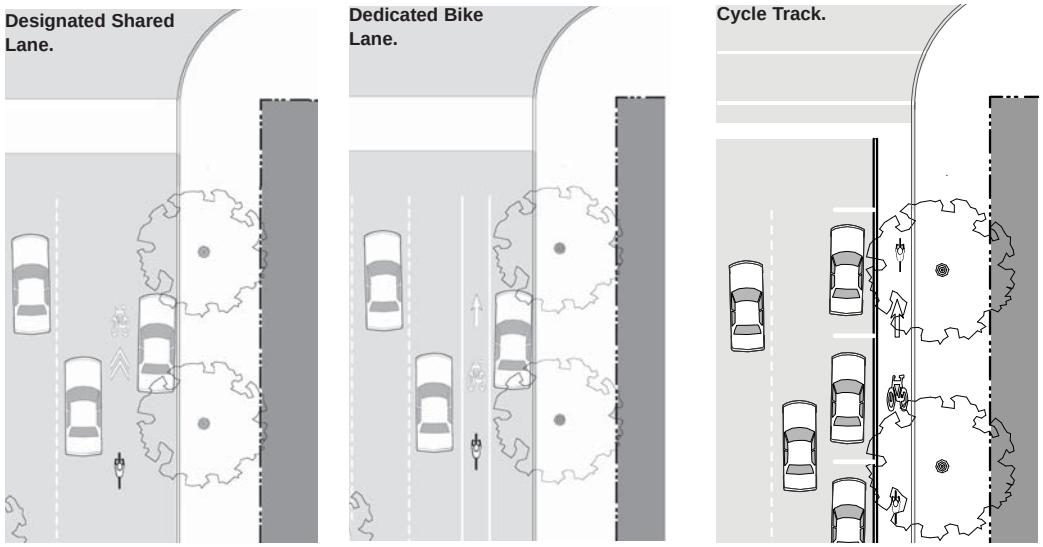

Figure 27-1817(b)-2: On-Street Bicycle Facilities.

(7) Stormwater Management. Incorporation of stormwater management best practices into the right-of-way design is encouraged, such as incorporating drainage swales into the landscape zone or permeable paving in the parking lane. Refer to Figure 27-1817(b)-4 and the City's Stormwater Management Manual.

(8) Street Trees. Street trees are required along all street frontages, refer to BMCC Sec. 27-1815(e). Street trees shall be located in either a Landscape Zone (within a planting bed or lawn) or a Furnishings Zone (in trees wells with grate as required), refer to BMCC Sec. 27-1817(b)(4)b.

(c) General Street Layout Requirements. The following standards apply to new streets or newly platted vehicular rights-of-way.

(1) Interconnected Street Pattern. The network of streets shall form an interconnected pattern with multiple intersections with the following features:

a. Street Network. The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions or developments.

b. Block Pattern. To the maximum extent possible, the existing block pattern shall be continued and reinforced, and the following encouraged:

i. Avoid the closure of existing streets so as to maintain the existing network.

ii. As railway tracks are abandoned or larger sites redevelop, new streets should be introduced to extend the existing pattern, incorporating the existing block sizes.

c. Bulb shaped cul-de-sac streets are not permitted.

d. New deadends should be avoided.

(d) Intersection Design. The following section outlines the regulations for developing and reconstructing intersections.

(1) Applicability. The regulations outlined in this section shall apply to all planned intersections and may serve as guidance for reconfiguration of existing intersections.

(2) Curb Radii. The following curb radii shall be utilized unless otherwise authorized by the Department of Public Works, Engineering Division.

a. Intersections should be designed for actual turning radius of the typical design vehicle as opposed to the maximum design vehicle. Small curb radii at intersections shorten pedestrian crossing distances and reduce vehicle turning speeds, thereby balancing the ease of travel of the vehicles and pedestrians. Refer to Figure 27-1817(d)-1.

b. Alley, Neighborhood, and Connector Streets. At the intersection of any street with an Alley, Neighborhood, or a Connector Street, the following curb radii shall be utilized.

i. With on-street parking on both streets and no bulb-out, a five (5) foot radius is required.

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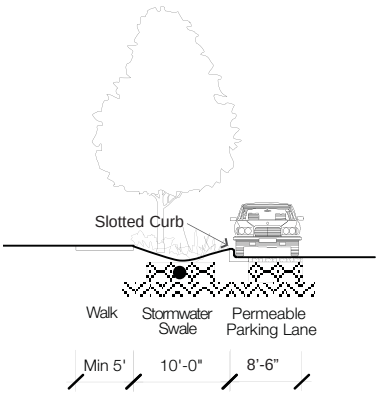

Figure 27-1817(b)-4. Stormwater Management Best Practices incorporated in the Right-of-Way.

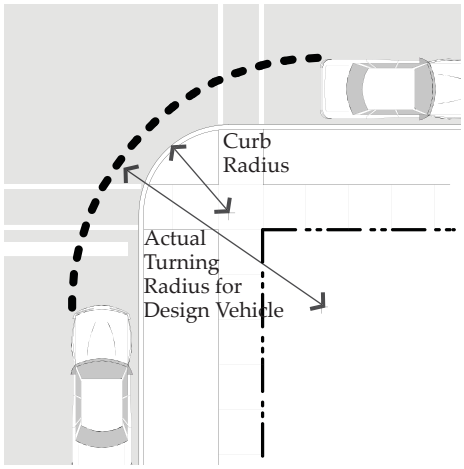

Figure 27-1817(d)-1. Actual Right Turn Radius with On-Street Parking.

ii. Without on-street parking, a fifteen (15) foot radius is required.

c. Avenues and Boulevards. At the intersection of Avenues with either another Avenue or a Boulevard, the following curb radii shall be utilized.
   i. With on-street parking on both streets and no bulb-out, a twelve (12) foot radius is required.
   ii. Without on-street parking on either streets, a twenty five (25) foot radius is required.

d. Larger Radius. When the design vehicle requires a larger curb radius, a larger radius may be utilized with approval of the Public Works, Engineering Division.

(4) Crosswalks. Crosswalks shall be required at all intersections involving Montana Avenue, N 20th Street, and N 13th Street.

a. Dimensions. Crosswalks shall be minimum eight (8) feet in width, measured from mid-stripe to mid-stripe, per City standards.

b. Markings. Crosswalks shall be appropriately indicated on the finished street surface with painted markings and/or textured or colored pavement.

c. Crossing Distances. To encourage pedestrian activity, typical crosswalks shall not extend over thirty-eight (38) feet without a landscape median, bulb-outs, and/or other pedestrian refuge to mitigate the effects of vehicular traffic on crossing and increase pedestrian safety and comfort.

d. Bulb-outs. To shorten pedestrian crossing distances, bulb-outs should be utilized at all intersections, unless otherwise required by the Department of Public Works or the Montana Department of Transportation as applicable (refer to Figure 27-1817(e)-2 for State Maintained Routes).
   i. The depth of the bulb-out shall match the utilized on-street parking, either the width of the parallel space or the depth of the diagonal space.
   ii. The radius of the bulb-out shall match the requirements for the intersection. Refer to BMCC Sec. 27-1817(d).

(5) Accessible Ramps and Warning Panels. Accessible ramps and warning panels, per the American Disabilities Act or any more stringent state requirement, are required where all sidewalks or trails terminate at a crosswalk or curb.

a. Ramp Orientation. Ramps should be generally oriented perpendicular to traffic, requiring two (2) ramps per corner at intersecting streets.

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(e) Maps of Street Types. Refer to the maps on the following pages.
  (1) Street Type Map. Refer to Figure 27-1817(e)-1. To provide context for any future platted rights-of-way and guidance for future improvements to existing rights-of-way, existing streets within EBURD are mapped in accordance with the Street Types outlined in BMCC Sec. 27-1817(g) through 27-1817(k).
  (2) State Maintained Routes. For reference purposes only, a map of routes currently maintained by the State Department of Transportation is included. Refer to Figure 27-1817(e)-2.
  (3) Primary Street Map. Refer to Figure 27-1817(e)-3.
    a. Primary Streets are defined as the higher priority street at an intersection, designating the front property line as well as establishing the higher level of pedestrian orientation with limited sidewalk interruptions from driveways.
    b. At the intersection of any two streets, the street with the highest level designation is considered the Primary Street. For example, at the intersection of 2nd Avenue N and N 19th Street, N 19th Street is designated as Street 1, a higher priority street, and is therefore the Primary Street. The front property line of a building on this corner would be on N 19th Street.
    c. When a corner is located at the intersection of two streets of the same priority level, either street may be chosen as the Primary Street.

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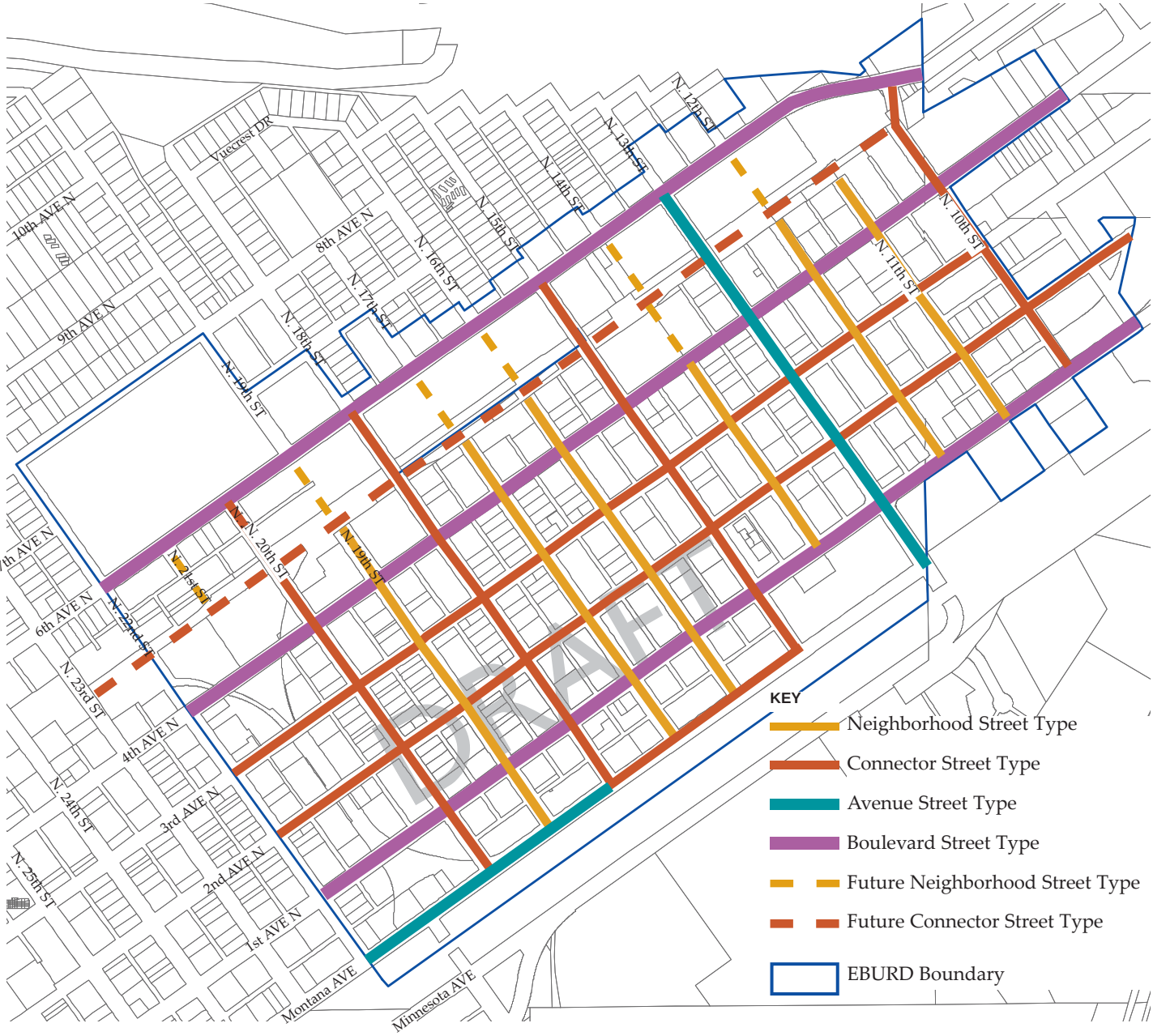

Figure 27-1817(e)-1: Map of Street Types.

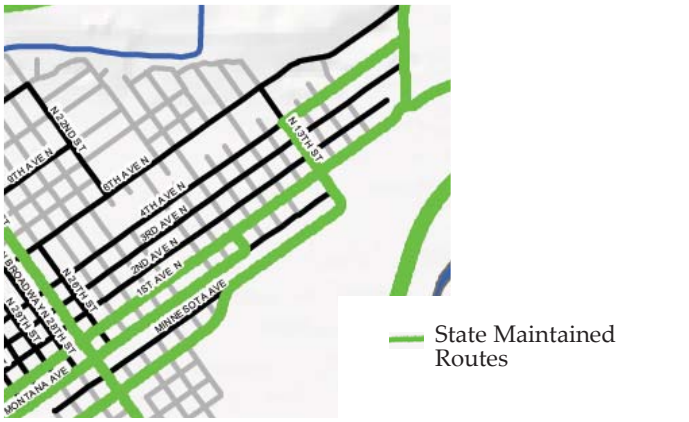

Figure 27-1817(e)-2. Map of State Maintained Routes as of February 2012, for Reference Only..

Figure 27-1817(e)-3: Map of Primary Street Priority.

	Vehicular Realm					
	Typical Right-of-Way Width (feet)	**Travel Lanes**	**Lane Width (feet)**	**Allowable Turn Lanes**	**Parking Lanes**	**Pavement Width (feet)** Back of Curb to Back of Curb
Alley	20′	1 yield lane	16′ (yield)	None	Prohibited	Minimum 16′, Maximum 20′
Neighborhood Street	80′	1 yield lane	20′ (yield)	None	Parallel or back-in diagonal both sides	37′-48′
Connector	80′	1 lane in each direction	11′	Permitted in place of parking at intersections	Parallel or back-in diagonal both sides	39′-52′
Avenue	80′	Per the Department of Public Works, Engineering Division, or Montana Department of Transportation	12′	Permitted in place of parking at intersections	Parallel or back-in diagonal both sides	41′-54′
Boulevard	80′	Per the Department of Public Works, Engineering Division, or Montana Department of Transportation	11′	Permitted in place of parking at intersections	Both sides, parallel only	50′-60′

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Table 27-1817(f)-1: Street Type Summary Table.

(f) Street Type Summary Table.
(1) Refer to Table 27-1817(f)-1 for a summary table of all Street Types requirements defined in 27-1817(g) through 27-1817(k).

Vehicular Realm			Pedestrian Realm	
Curbs	**Permitted Median**	**Bicycle Facilities**	**Pedestrian Facilities**	**Buffer**
None, ribbon or vertical	Prohibited	Shared	Shared	None required
Vertical	Prohibited	Shared	Minimum 5′ wide clear sidewalk on both sides	Minimum 11′ wide planting zone or furnishings zone, both sides
Vertical	Permitted	Shared, Designated Shared, Dedicated, or Cycle Track	Minimum 5′ wide clear sidewalk on both sides	Minimum 9′ wide planting or furnishings zone, both sides
Vertical	Permitted	Designated Shared, Dedicated, or Cycle Track	Minimum 5′ wide clear sidewalk on both sides	Minimum 8′ wide planting zone or furnishings zone, both sides
Vertical	Permitted	Designated Shared, Dedicated, or Cycle Track	Minimum 5′ wide clear sidewalk on both sides	Minimum 5′ wide planting zone or furnishings zone, both sides

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(g) **Alley.**

(1) Intent. The Alley is a very low capacity drive located at the rear of parcels. From the Alley, access to parking facilities, loading facilities, and service areas, such as refuse and utilities is possible without a curb cut or driveway interrupting a Street Type. Refer to the typical plan and section in Figure 27-1817(g)-1.

(2) General Requirements. Alleys shall be developed using the guidelines in Table 27-1817(g)-1.

a. The Department of Public Works, Engineering Division, may require additional right-of-way, pavement width, or street elements depending on specific site characteristics.

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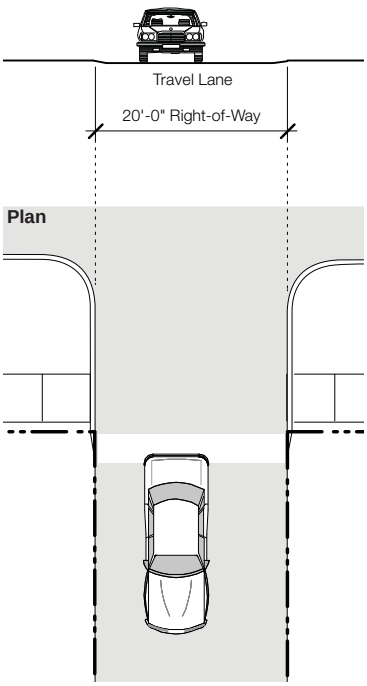


Figure 27-1817(g)-1: Typical Sample Alley.

Alley Guidelines	
Location	Permitted adjacent to all Zoning Districts
Typical Right-of-Way Width	20′
a. Vehicular Realm	
Travel Lanes	1 yield lane
Lane Width	Minimum 16′ (two way yield lane)
Allowable Turn Lanes	Not applicable
Parking Lanes	Not applicable
Pavement Width	Minimum 16′ Maximum 20′
Curbs	None, ribbon, or vertical
Median	Prohibited
Bicycle Facilities[1]	Shared
b. Pedestrian Realm	
Pedestrian Facilities	Shared; travel lanes are shared among drivers, pedestrians and bicyclists
Buffer	None required

[1] Reference BMCC Sec. 27-1817(c)(5) for bicycle facility types and requirements

Table 27-1817(g)-1: Alley Guidelines.

(h) **Neighborhood Street.**

(1) Intent. The Neighborhood Street is a low capacity street designed for slow speeds with a standard right-of-way. It primarily serves those residences or businesses directly adjacent to it. Refer to the typical plan and section, Figure 27-1817(h)-1.

(2) General Requirements. The Neighborhood Street shall be developed using the guidelines in Table 27-1817(h)-1.

a. The Department of Public Works, Engineering Division, may require additional right-of-way, pavement width, or street elements depending on specific site characteristics.

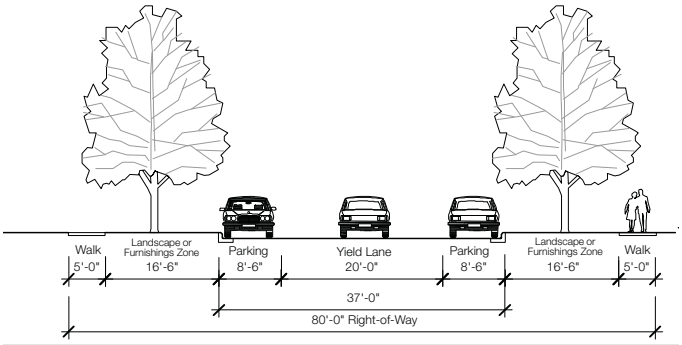


Figure 27-1817(h)-2: Alternative Sample Neighborhood Street.

Section

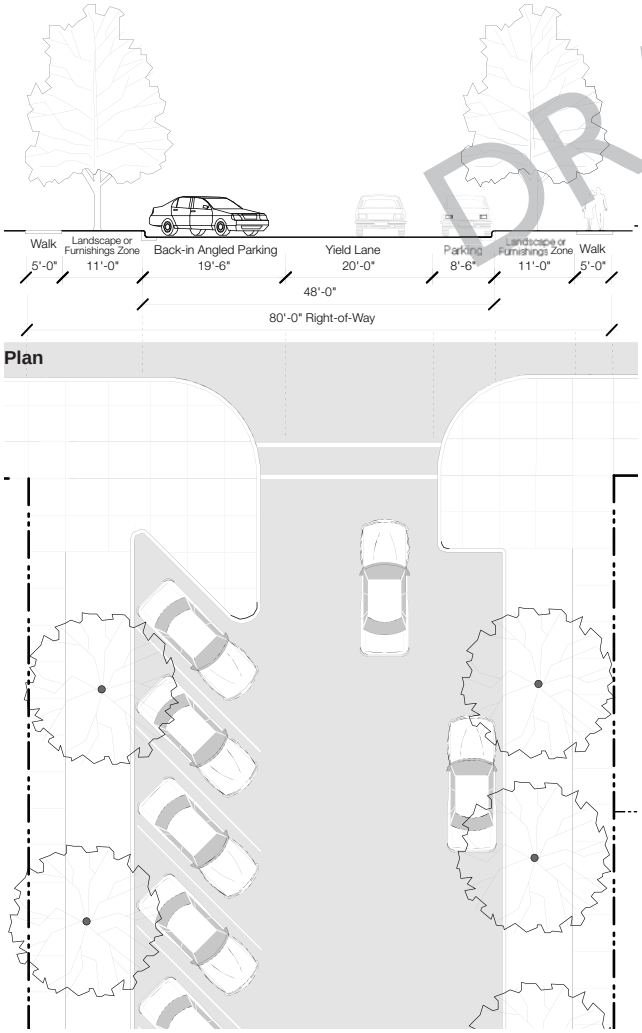


Figure 27-1817(h)-1: Typical Sample Neighborhood Street.

DRAFT

Neighborhood Street Guidelines	
Location	Permitted adjacent to all districts
Typical Right-of-Way Width	80′
a. Vehicular Realm	
Travel Lanes	1 yield lane
Lane Width	20′ (two way yield)
Allowable Turn Lanes	Permitted in place of parking and bulb out at intersections
Parking Lanes[1]	Parallel or back-in diagonal on both sides
Pavement Width	37′-48′
Curbs	Vertical
Median	Prohibited
Bicycle Facilities[2]	Shared
b. Pedestrian Realm	
Pedestrian Facilities	Minimum 5 feet wide clear sidewalk on both sides with bulbouts
Buffer	Minimum 11′ wide Planting Zone or Furnishings Zone both sides (refer to BMCC Sec. 27-1817((b)(4)b).

[1]Reference BMCC Sec. 27-1817(c)(7) for on-street parking requirements
[2]Reference BMCC Sec. 27-1817(c)(5) for bicycle facility types and requirements

Table 27-1817(h)-1: Neighborhood Street Guidelines.

(i) Connector Street.

(1) Intent. The Connector Street is a medium capacity Street for slow speeds with a standard right-of-way. It primarily serves as a through street within the neighborhood and connects Neighborhood Streets to Avenues or Boulevards. Refer to the typical plan and section, Figure 27-1817(i)-1.

(2) General Requirements. Connectors shall be developed using the guidelines in Table 27-1817(i)-1.

a. The Department of Public Works, Engineering Division, may require additional right-of-way, pavement width, or street elements depending on specific site characteristics.

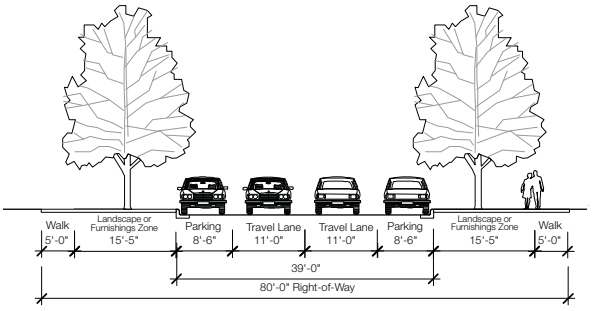
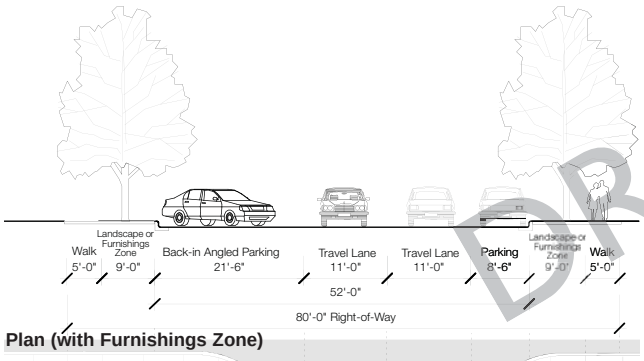
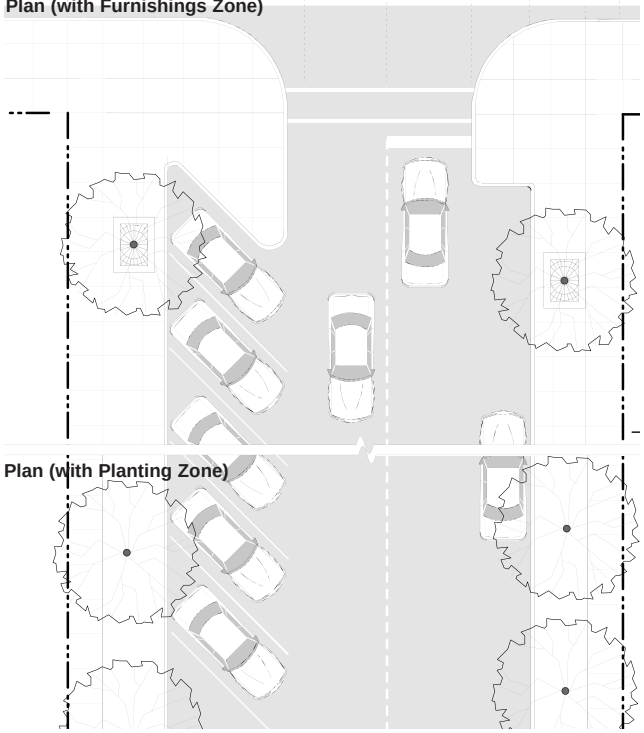


Figure 27-1817(i)-2:. Alternative Sample Connector

Section



Plan (with Furnishings Zone)



Plan (with Planting Zone)

Figure 27-1817(i)-1: Typical Sample Connector.

Connector Street Guidelines	
Location	Permitted adjacent to all districts
Typical Right-of-Way Width	80′
a. Vehicular Realm	
Travel Lanes	1 lane in each direction
Lane Width	11′
Allowable Turn Lanes	Permitted in place of parking and bulb out at intersections
Parking Lanes[1]	Parallel or back-in diagonal both sides
Pavement Width	39′-52′
Curbs	Vertical
Median	Permitted
Bicycle Facilities[2]	Shared, Designated Shared, Dedicated Lane, or Cycle Track
b. Pedestrian Realm	
Pedestrian Facilities	Minimum 5′ wide clear sidewalk on both sides with bulbouts
Buffer	Minimum 9′ wide landscape zone or furnishings zone, both sides (refer to BMCC Sec. 27-1817((b)(4)b)

[1]Reference BMCC Sec. 27-1817(c)(7) for on-street parking requirements
[2]Reference BMCC Sec. 27-1817(c)(5) for bicycle facility types and requirements

Table 27-1817(i)-1: Connector Guidelines.

DRAFT

(j) **Avenue**.

(1) Intent. The Avenue is a high capacity street for higher speeds with a wider right-of-way. It serves all types of development and provides crosstown connections. Refer to the typical plan and section in Figure 27-1817(j)-1.

(2) General Requirements. Avenues shall be developed using the guidelines in Table 27-1817(j)-1.

a. The Department of Public Works, Engineering Division, or Montana Department of Transportation, may require additional right-of-way, pavement width, or street elements depending on specific site characteristics.

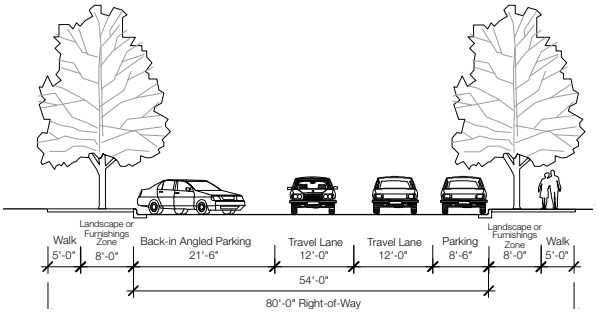
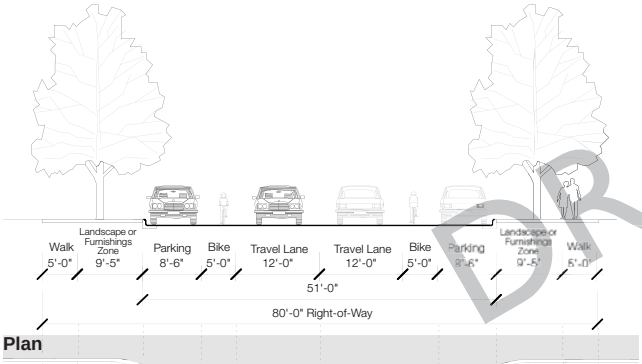


Figure 27-1817(j)-2:. Alternative Sample Avenue.

Section



Plan

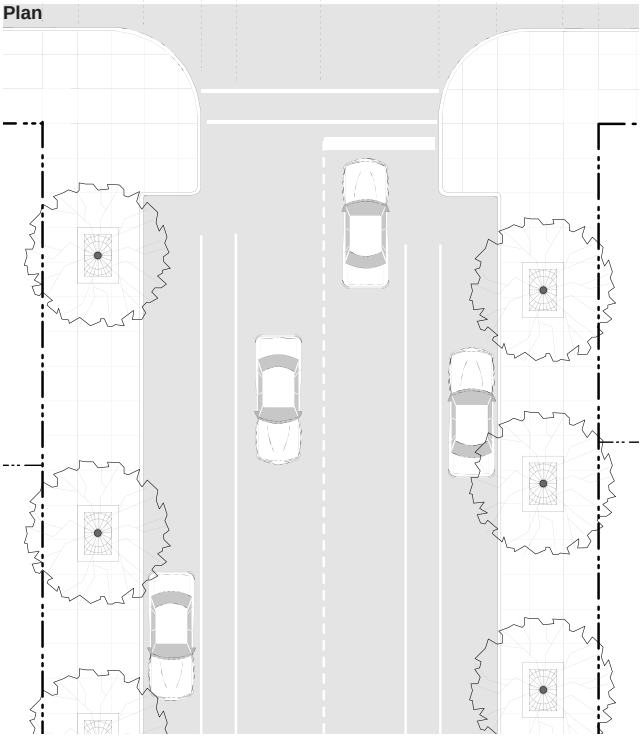


Figure 27-1817(j)-1: Typical Sample Avenue.

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Avenue Guidelines	
Location	Permitted adjacent to all districts
Typical Right-of-Way Width	80′
a. Vehicular Realm	
Travel Lanes	Per the Department of Public Works, Engineering Division, or Montana Department of Transportation
Lane Width	Maximum 12′
Allowable Turn Lanes	Permitted in place of parking at intersections
Parking Lanes[1]	Parallel or back-in diagonal both sides
Pavement Width	41′-54′
Curbs	Vertical
Median	Permitted
Bicycle Facilities[2]	Designated Shared, Dedicated Lane, or Cycle Track
b. Pedestrian Realm	
Pedestrian Facilities	Minimum 5′ wide clear sidewalk on both sides with bulbouts
Street Buffer	Minimum 8′ wide landscape or furnishings zone, both sides (refer to BMCC Sec. 27-1817((b)(4)b)

[1]Reference BMCC Sec. 27-1817(c)(7) for on-street parking requirements
[2]Reference BMCC Sec. 27-1817(c)(5) for bicycle facility types and requirements

Table 27-1817(j)-1: Avenue Guidelines.

(k) **Boulevard**.

(1) Intent. The Boulevard is a high capacity street for higher speeds with a wider right-of-way, one way only in this case. It serves all types of development and provides crosstown connections. Refer to the typical plan and section, Figure 27-1817(k)-1.

(2) General Requirements. Boulevards shall be developed using the guidelines in Table 27-1817(k)-1.

a. The Department of Public Works, Engineering Division, or Montana Department of Transportation, may require additional right-of-way, pavement width, or street elements depending on specific site characteristics.

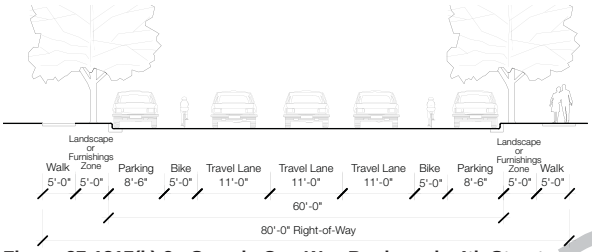

Figure 27-1817(k)-3:. Sample One Way Boulevard - 4th Street

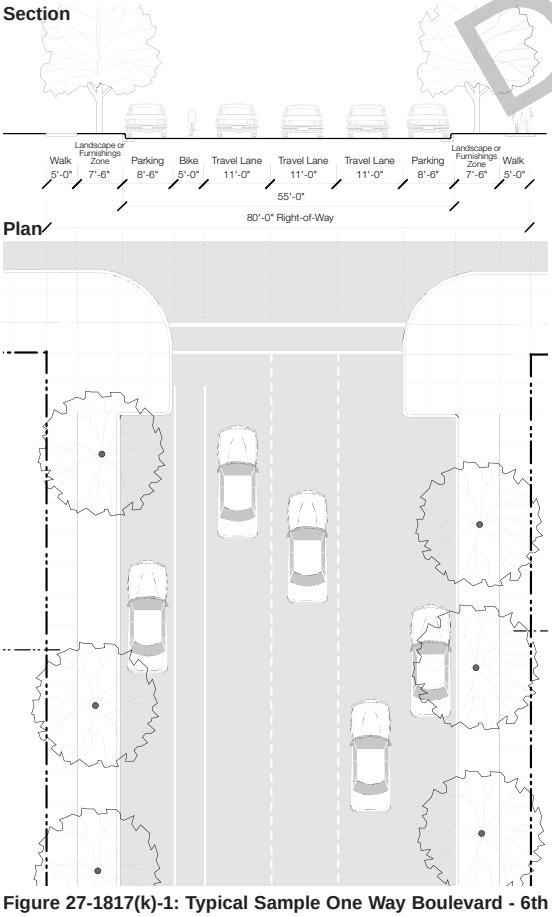

Figure 27-1817(k)-1: Typical Sample One Way Boulevard - 6th Street & Portions of 1st Street

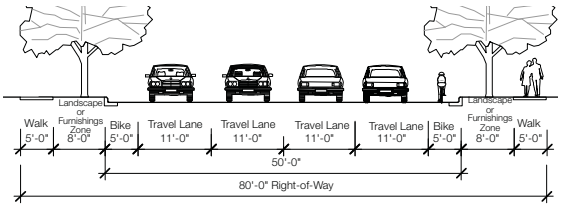

Figure 27-1817(k)-2:. Sample Two Way Boulevard

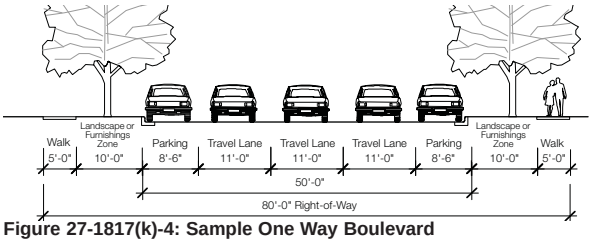

Figure 27-1817(k)-4: Sample One Way Boulevard

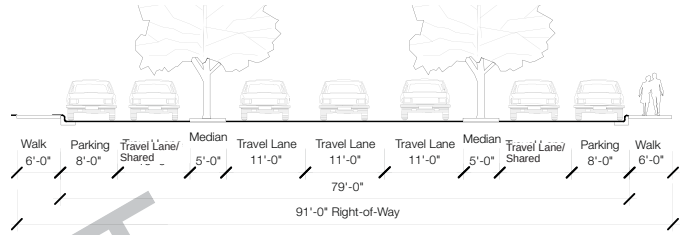

Figure 27-1817(k)-5:. Sample One Way Blvd w/Access Rd

DRAFT

Boulevard Guidelines	
Location	Permitted adjacent to all districts
Typical Right-of-Way Width	80′
a. Vehicular Realm	
Travel Lanes	Per the Department of Public Works, Engineering Division, or Montana Department of Transportation
Lane Width	11′
Allowable Turn Lanes	Permitted in place of parking and bulb out at intersections
Parking Lanes[1]	Both sides, parallel only
Pavement Width	50′-60′
Curbs	Vertical
Median	Permitted, minimum 5′ wide, preferably 9′ wide
Bicycle Facilities[2]	Designated Shared, Dedicated Lane, or Cycle Track
b. Pedestrian Realm	
Pedestrian Facilities	Minimum 5′ wide clear sidewalk on both sides with bulbouts
Buffer	Minimum 5′ wide landscape zone or furnishings zone, both sides (refer to BMCC Sec. 27-1817((b)(4)b)

[1]Reference BMCC Sec. 27-1817(c)(7) for on-street parking requirements
[2]Reference BMCC Sec. 27-1817(c)(5) for bicycle facility types and requirements

Table 27-1817(k)-1: Boulevard Guidelines.

CITY ZONING COMMISSION
CITY OF BILLINGS, MONTANA
TUESDAY, AUGUST 7, 2012

SUBJECT: Zone Change #901, EBURD Code Zone Change

THROUGH: Candi Beaudry, AICP, Planning Director

PRESENTED BY: Steve Zeier, TIF Coordinator

UPDATE FOR AUGUST 7, 2012

At the July 3rd meeting of the City of Billings Zoning Commission, the Commission voted to keep the public hearing open and delay action on Zone Change #901 for 30 days to August 7, 2012. Multiple concerns were brought to the Commission by several property owners that own property in the affected area and the Zoning Commission voted to continue the hearing to allow for more dialogue between those who testified and city staff.

Over the last thirty days, staff has had multiple meetings with property owners in the Rail Spur Village Main Street corridor and the 13th Main Street Corridor. The property owners and the BIRD, Inc. Board of Directors have also held multiple meetings to make their concerns known and all parties are currently working on proposed changes to the draft document. These changes will be provided at the August 7th meeting and are outlined below:

LISTING OF PROPOSED CHANGES

Page 7, Under Vehicle Service add "permitted" to Rail Spur Village Main Street and 13th Street Main Street.

Page 7, Under General Manufacturing add "permitted" to 13th Street Main Street.

Page 7, Under Warehousing & Distribution add "permitted" to Rail Spur Village, Central Works, and 13th Main Street.

Page 7, Under Outdoor Storage of Material, add "permitted" to Rail Spur Village, Central Works, and 13th Main Street.

Page 11, Strike Section (s) subsection (1) & (2)

(1) Corner Lots. A corner lot shall not be used as a parking lot.
(2) Adjacent Parking Lots. Two (2) parking lots cannot be located directly adjacent to one another.

Page 55, Strike "Shall not project beyond the front edge of the canopy" from the Canopy Mounted Sign Table under the Placement on the Building or Site heading.

Page 57, Strike Section (2) (a)

"a. Multiple Tenants. Multiple tenant buildings on a lot with a width of greater than 300' feet, measured across the front property line, may have signage with the following parameters:"

Page 57, Strike Section (2) (b)

"Pole-mounted Signs. monument signs may not be pole-mounted", replace with "Display's structure shall be monolithic and fully enclosed.**"**

Page 59, Strike (2) (c) (i)

"i. Residential District. "The sign may not be visible from any residential district."

Page 59, Strike (2) (c) (ii)

"ii (1st Avenue North or 4th Avenue North)

Page 59, Under the Pole Mounted Sign Requirements Table Strike "40 sq ft maximum area per opposite sign additional 10 sq ft area (for a total of up to 50 sq ft) per sign face permitted by Special Review.**"**

Page 59, Under the Pole Mounted Sign Requirements Table Strike "6' minimum clearance from bottom of sign to ground; Each pole shall have a maximum diameter of 6 inches"

REQUEST

This is a City initiated zone change which includes a map amendment and a text amendment for a 400-acre urban renewal area known as the East Billings Urban Renewal District (EBURD). The zoning amendment includes a change from the existing districts of Controlled Industrial (CI), Heavy Industrial (HI), Neighborhood Commercial (NC), Community Commercial (CC), Residential 6,000 (R-60) and Highway Commercial (HC) to EBURD Railspur Village (EBURD RSV), EBURD Rail Spur Village Main Street (EBURD RSVMS), EBURD Central Works (EBURD CW), EBURD 13th Main Street (EBURD 13th), and EBURD Industrial Sanctuary (EBURD IS). The amendment will add a new section to the Zoning Regulations that specifies the land uses, building types, signage allowances, landscaping requirements and location specific street improvements for these new districts.

RECOMMENDATION

The Planning Division is recommending approval.

APPLICATION DATA

OWNER:	Varied
AGENT:	None
LEGAL DESCRIPTION:	See Attachment D for Full Legal Description
ADDRESS:	East Billings Urban Renewal District
CURRENT ZONING:	Controlled Industrial, Heavy Industrial, Highway Commercial, NC, CC, R-60

PROPOSED ZONING:	EBURD RSV, EBURD RSVMS, EBURD CW, EBURD 13th. EBURD IS
EXISTING LAND USE:	Varied
SIZE OF PARCEL:	Approximately 400 acres

APPLICABLE ZONING HISTORY

Subject Property

Approximately 400 acres of CI, HI, HC, R60, NC, & CC

CONCURRENT APPLICATIONS

None

SURROUNDING LAND USE & ZONING

NORTH:	Zoning:	NC & R-60
	Land Use:	Residential & Commercial north of 6th Ave n
SOUTH:	Zoning:	HI & CI
	Land Use:	Railroad Corridor
EAST:	Zoning:	CI in the county & Public
	Land Use:	MetraPark & Commercial
WEST:	Zoning:	CBD
	Land Use:	Commercial & Residential

BACKGROUND

Form-based codes replace conventional zoning, which is focused on uses and numerical standards, and instead focuses on the physical form of a property to encourage compatibility of the structures. Form–based code is a more flexible tool to shape the character and composition of a community. In the EBURD, this code is proposed to be the foundation for revitalization as called for in the EBURD Master Plan. As this is a tool used only in the EBURD at this point, the name of EBURD Code is to be used.

Definition of a Form-Based Code

Form-based codes foster quality public and private spaces by physical form rather than separation of uses as the organizing principle for the code. They are regulations, not mere guidelines, adopted into a designated area of a city. Form-based codes offer an effective alternative to conventional zoning. Form-based codes address the relationship between building facades and the public right-of-way, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes are presented in both words and clearly drawn diagrams and visuals. They are keyed to a regulating plan that designates the appropriate form and scale, and therefore, character of development.

This approach contrasts with conventional zoning's focus on the segregation of land uses. Not to be confused with design guidelines or general statements of policy, form-based codes are regulatory, not advisory. They are drafted to implement a community plan. They try to achieve a community vision based on time-tested urban forms. Ultimately, a form-based code is a tool; the quality of development outcomes depends on the quality and objectives of the community plan that a code implements.

Form-based codes include the following elements:
• Regulating Plan. A plan or map of the regulated area designating the locations where different building form standards apply based on clear community intentions regarding the physical character of the area being coded.
• Public Space Standards. Specifications for the elements within the public realm (e.g., sidewalks, travel lanes, on-street parking, street trees, street furniture, etc.).
• Building Form Standards. Regulations controlling the configuration, features, and functions of buildings that define and shape the public realm.
• Administration. A clearly defined application and project review process.
• Definitions. A glossary to ensure the precise use of technical terms.

Form-based codes may also include:
• Architectural Standards -regulations controlling external architectural materials and quality.
• Landscaping Standards - regulations controlling landscape design and plant materials on private property as they impact public spaces.
• Signage Standards - regulations controlling allowable signage sizes, materials, illumination, and placement.
• Infrastructure Standards - regulations controlling issues such as storm water drainage and infiltration, development on slopes, tree protection, solar access, etc.

Example of how this Form Based Code could be used for the EBURD
Under form-based code, all of the scenarios below would be required to conform to the form decided by the landowners, stakeholders, and community during the drafting of code. . The form includes provisions for setback and height primarily, with some consideration for the façade of a building and the lighting of the building as it relates to the public right of way.

Expansion of an Existing Industrial Land Use
A light manufacturer and retail business wants to expand its current facility that is zoned Controlled Industrial. The expansion would entail a doubling of the current work space and the addition of residential units to allow for a live-work environment. Under the current zoning this expansion would not be allowed. Form-based code would allow for this use as the control is the form of the property as opposed to the proposed land use.

Heavy Industrial Transition
A local scrap yard and recycling facility has been a legacy land use for many years. Market forces have gotten to the point that this property has been sold to a local developer for the purposes of a mixed use development that will include retail, commercial, office, and residential uses. The current zoning of the property would prohibit any other land use other than heavy industrial. Only a wholesale rezoning of the area would solve the problem. Under a form-based code this property could be developed if it met the prescribed form and not use.

Existing Business Expansion
A local transmission shop is currently located in a facility and it would like to expand its operation to increase capacity. The EBURD Master Plan contemplates this area to be a part of a residential type development. The property is in the transition zone from industrial land uses to a more mixed use type. Form-based code would allow for this expansion to fit the character of the surrounding development since the form-based code dictates how it will look as opposed to the

activity or use that is occurring. The code regulates the form making the project more compatible with neighboring structures and maintaining neighborhood character.

Residential Development Scenario
A vacant piece of property that has languished for decades in the EBURD is now seen as a good location for residential housing. The development would consist of a mix of housing types including small lot single family detached, duplexes, and multifamily town home or apartment buildings. It is important to note that under the current zoning code new multi-family residential development is NOT allowed and single family residential development must go through a Special Review. Any residential uses currently in the EBURD are classified as non-conforming use and cannot be replaced if destroyed or if a change of use occurs. Form-based code would allow for a mixed-use type of development. Form-based code allows for construction to occur with much less stringent setback requirements as well as a height restriction that has been agreed upon by the community of surrounding landowners during the drafting of the code. In addition, the façade of the building would be consistent in design to allow for more consistency and predictability in the design of all properties, not merely the residential.

RECOMMENDATION

The Planning Division is recommending approval.

ATTACHMENTS
Attachment A: Surrounding Zoning Map & Proposed Zoning Map & Aerial Photo
Attachment B: Zoning Commission Determinations
Attachment C: Site Photographs
Attachment D: Complete Legal Description
Attachment E: Draft Zoning Regulations EBURD Code

Attachment A: Surrounding Zoning

Zone Change #901 – East Billings Urban Renewal District

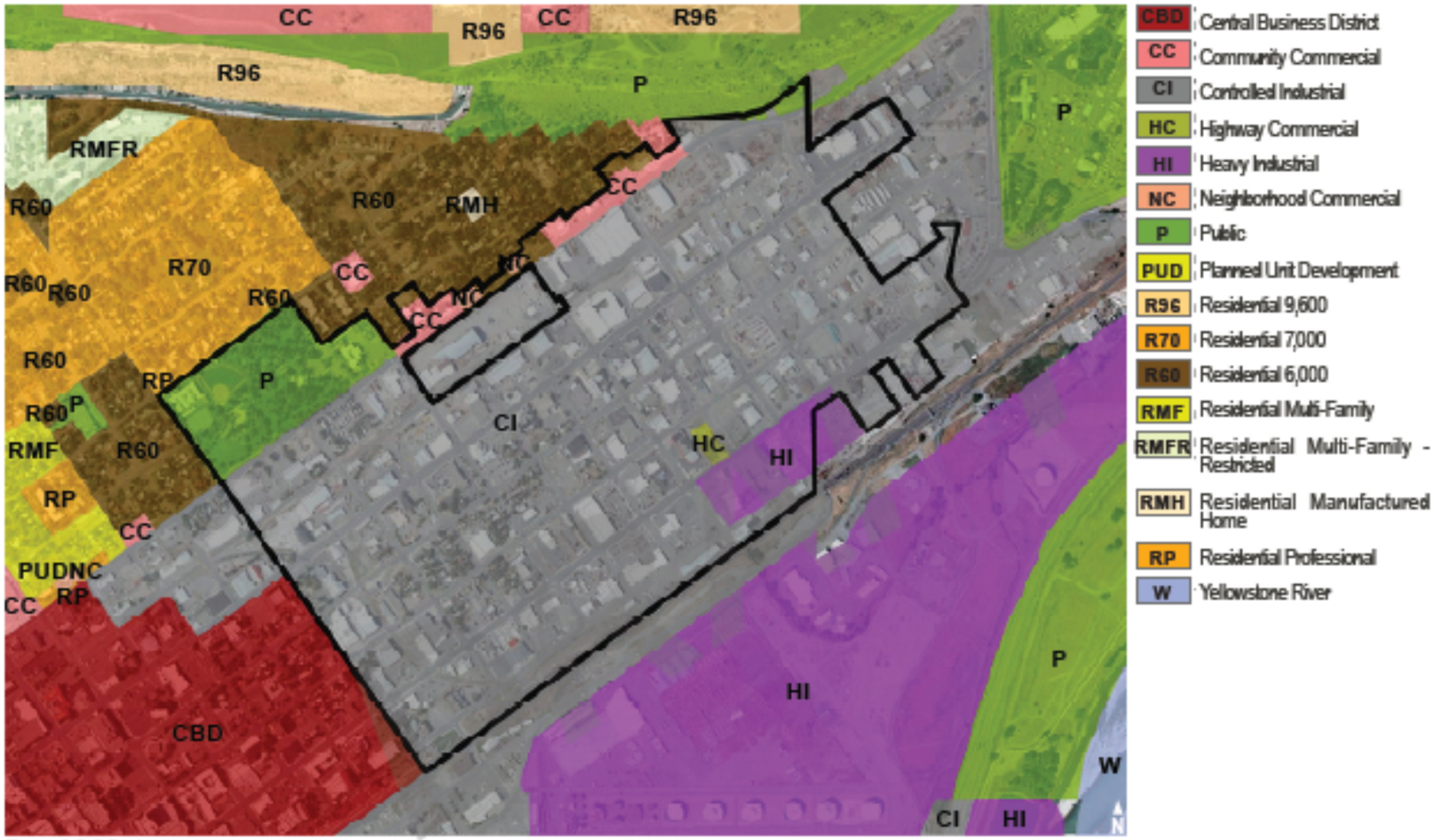

Figure 2.2-3 Zoning

EBURD DISTRICT ZONING MAP
Rail Spur Village
Central Works
Industrial Sanctuary
Rail Spur Village Main Street
13th Main Street
15 April 2012
City of Billings
Montana
North Park
Land in County
Land in County
East Billings Urban Renewal District

Attachment B
Zoning Commission Determinations
Zone Change #901 – EBURD Code

Prior to any recommendation to the City Council, the Zoning Commission shall consider the following:

1. *Is the new zoning designed in accordance with the Growth Policy?*
   The proposed zone change is consistent with the following goals of the Growth Policy:
   - *Predictable land use decisions that are consistent with neighborhood character and land use patterns. (Land Use Element Goal, page 6)*

The proposed zoning would permit more land to be used for mixed use development and this is consistent with the neighborhood character and the planned development and redevelopment of the area. The proposed zoning is compatible with the existing uses adjacent in all directions.

- *More housing and business choices with each neighborhood. (Land Use Element Goal, page 6)*
  The existing zoning is restrictive of the type of uses that can be allowed. The proposed zoning will allow more housing and commercial uses in the area as well as provide some protection for the land uses that are currently in place.

2. Is *the new zoning is designed to secure from fire and other dangers?*
   The new zoning requires minimum setbacks in a buildable area, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers. The City Fire Department will ensure safe access to the site and provision for minimum water fire flow to the new buildings.

3. *Whether the new zoning will promote public health, public safety and general welfare?*
   Public health and public safety will be promoted by the proposed zoning. Lower density subdivisions increase response times by police and emergency service providers and stretch service delivery for other City services. The proposed zoning will increase the availability and variety of housing, commercial, retail and services options for Billings's residents in an area that is accessible near the downtown core.

4. *Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?*

Transportation:	The proposed zoning may have some impact on the surrounding streets depending on the nature of the development. New development that generates 500+ new vehicle trips per day will require a Traffic Accessibility Study (TAS).
Water and Sewer:	The City provides water, storm water, and sewer to many of the properties in the EBURD at this time. Additional infrastructure improvements are needed to foster expansion and redevelopment in the area.
Schools and Parks:	There may be impacts to schools from the proposed zone change. The property is in SD#2 and it will serve any students in the EBURD.
Fire and Police:	The subject property is currently served by the City Public Safety Services.

5. *Will the new zoning provide adequate light and air?*
   The proposed zoning provides for sufficient setbacks in the buildable area to allow for adequate separation between structures and adequate light and air.

6. *Will the new zoning effect motorized and non-motorizsed transportation?*

The proposed zoning may have some impact on the surrounding non-motorized transportation depending on the nature of the development. It should be noted that the Streets Section of the code has provisions for on street bike lanes and boulevard sidewalks to provide for greater safety and protection for non-motorized transportation. New development that generates 500+ new vehicle trips per day will require a Traffic Accessibility Study (TAS).

7. *Will the new zoning will promote compatible urban growth?*
   The new zoning promotes compatibility with urban growth and promotes urban style growth and development. Lower density development is inefficient and ineffective in recovering the costs to extend city services. Higher densities of development, such as the proposed zoning, will allow the city to grow in a better urban pattern and form.

8. *Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?*
   The proposed zoning does consider the character of EBURD and the suitability of the property for various uses. The Growth Policy and the EBURD Master Plan both encourage higher density housing in conjunction with a mixed use character that protects the current land use while still allowing for greater flexibility.

9. *Will the new zoning conserve the value of buildings?*
   Yes, the new zoning will conserve the value of the properties in that it will allow for more flexible mixed used development, by right, than is currently allowed under the existing code.

10. *Will the new zoning encourage the most appropriate use of land throughout the City of Billings?*
    The proposed zoning will permit denser development and allow more housing choices in the area. The new zoning will also help protect current land uses.

Attachment C, continued

Site Photographs, Zone Change #901 - EBURD Code

View south and west form 6th Ave N & N 10th

View North Park Posting at 6th Ave N & N 19th

Attachment C, continued

Site Photographs, Zone Change #901 – EBURD Code

View North & East at 3rd Ave N & N 22nd

View North at 1st Ave N & N 20th

Attachment D
Complete Legal Description

Railspur Village (EBURD RSV) on North Park Sub Block 1 - Lots 1-4 & 79-80; Billings 1st Add Block 275 - Lots 1-4 & 18-24; Billings 1st Add Block 274 - Lots 1-12 & 23-24; Billings 1st Add Block 273 - All Lots; Billings Original Town (BOT) Block 260 - All Lots & Abandoned Alley; BOT Block 261 - Lots 2 - 12 and Vacated N 19th St & East 1/2 Vacated Alley; BOT Block 262 - Lots 11-23 and West 1/2 Vacated Alley; BOT Block 263 - All Lots & Vacated N 21st between Blocks 262 & 263; MRL Land in S33, T01 N, R26 E between N 20th and N 22nd - West 900 feet; BOT Block 14 - All Lots and Vacated Alley and East 1/2 Vacated N 22nd; BOT Block 37 Lots 17A & 18A; C/S 1513; BOT Block 38 - All Lots & Vacated Alley; BOT Block 64 - All Lots; MRL Property in S33, T01 N, R26 E Between 2nd Ave N and 3rd Ave N & N 20th & N 22nd; BOT Block 65 - Lots 13-24; BOT Block 66 - Lots 1-12; BOT Block 67 - Lots 13-24; BOT Block 83 - Lots 13-24; BOT Block 84 - Lots 1-12; BOT Block 85 Lots 13-24; BOT Block 86 - All Lots; MRL Property in S33, T01 N, R26 E Between 1st Ave N and 2nd Ave N & N 20th & N 22nd; MRL Property in S33, T01 N, R26E Between 1st Ave N and Montana Ave & N 20th & N 22nd; BOT Block 115 - Lots 13-24; BOT Block 117 - Lots 19-24; and BOT Block 118 - Lots 13-18.

Railspur Village Main Street (EBURD RSVMS) on MRL Land in S33, T01 N, R26 E South of Montana Avenue & North of the Rail Tracks Between N 17th and N 22nd; BOT Block 115 - Lots 1-12; S33, T01 N, R26 E, MRL LEASE #501,406; Abandoned Portion of N 21st Between Blocks 115 & 116 South of MRL Land; BOT Block 116 - All Lots; S33, T01 N, R26 E, MRL LEASE # 501,252; S33, T01 N, R26 E, MRL LEASE #500256; BOT Block 117 - Lots 1 – 18; BOT Block 118 - Lots 1-12; BOT Block 119 - Lots 1-12; BOT Block 84 - Lots 13-24; BOT Block 85 - Lots 1-12; BOT Block 65 - Lots 1-12; BOT Block 66 - Lots 13-24; BOT Block 36 - Lots 13-24; BOT Block 37 - Lots 1-12; BOT Block 15 - All Lots, Vacated Alley and Vacated N 21st St; BOT Block 16 - All Lots & Vacated Alley; MRL Property S33, T01 N, R26 E Between N 18th and N 20th West 150 feet; BOT Block 261 - Lots 13-23 & West 1/2 of Vacated Alley; BOT Block 262 - Lots 2-10 & East 1/2 of Vacated Alley; and MRL Land in S33, T01 N, R26 E between N 20th and N 22nd - East 150feet.

Central Works (EBURD CW) on C/S 2124 Tr 2; Billings 1st Add Block 354; C/S 141 Lots 1 & 2; North Park Sub Block 5 Lots 1-3; North Park Sub Block 4 - Lots 1-8 & 23 – 32; North Park Sub Block 3 - Lots 1-4 & 44-47; North Park Sub Block 2 - Lots 1-6 & 61-66; Billings 1st Add Block 255, Lots 13-23 & West 1/2 of Vacated Alleys; C/S 326 and vacated N 14th Street; Billings 1st Add Block 256 & Vacated Alleys; MRL Land in S33, T01 N, R26 E BETWEEN N 13TH & N 15TH ST - West 530 feet; S33, T01 N, R26 E, MRL LEASE #233364 - West 250 feet; S33, T01 N, R26 E, MRL LEASE #229442; BOT Block 17 - All Lots; MRL Property S33, T01 N, R26 E Between N 18th and N 20th except West 150 feet; S33, T01 N, R26 E, MRL LEASE #501,277; BOT Block 18 - All Lots; BOT Block 19 - All Lots; BOT Block 20 - All Lots; BOT Block 21 - All Lots; MRL Land North of Blocks 18-20 to the City Limits; Vacated N 14th Street; BOT Block 22 - Lots 13A – 24; BOT Block 30 - Lots 13-24; BOT Block 31 - All Lots; BOT Block 32 - All Lots; BOT Block 33 - All Lots; BOT Block 34 - All Lots; BOT Block 35 - All Lots; BOT Block 36 - Lots 1-12; BOT Block 67 - Lots 1-12; BOT Block 68 - All Lots; BOT Block 69 - All Lots; BOT Block 70 - All Lots; BOT Block 71 - All Lots; BOT Block 72 - Lots 13-24; BOT Block 78 - Lots 13-24; BOT Block 79 - All Lots; BOT Block 80 - All Lots; BOT Block 81 - All Lots; BOT Block 82 - All Lots; BOT Block 83 - Lots 1-12; BOT Block 118 - Lots 19-24; BOT Block 119 - Lots 1A-2A & 19-24; BOT Block 120 - All Lots; BOT Block 121 - All Lots; and MRL Land in S33, T01 N, R26 E South of Montana Avenue & North of the Rail Tracks Between N 15th and N 17th.

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14-24; S33, T01 N, R26 E, MRL LEASE #501230 West 150 feet; and West 150 feet of MRL Property between N 13th and N 12th.

Industrial Sanctuary (EBURD IS) on C/S 1680; Billings 1st Add Block 353 - All Lots & Vacated Alleys; Billings 1st Add Block 352 - Lots 2-12 & East 1/2 of Abandoned Alley; Abandoned N 12th Street; S33, T01 N, R26 E, MRL LEASE #501230 East ½; East 900 feet of MRL Property between N 13th and N 12th; Billings Original Town (BOT) Block 23, Lots 1-11; BOT Block 24 - All Lots; BOT Block 25 - All Lots; BOT Block 27 - All Lots; LOTS 1-6 & 8-12 BLK 10 INDUSTRIAL SUB 2ND FILING; LOTS 7-11 BLK 10 INDUSTRIAL SUB 4TH FIL; BOT Block 28 - All Lots and Vacated Alley; BOT Block 29 - Lots 1-12; BOT Block 73 - Lots 1-12; BOT Block 74 - All Lots; LOTS 1-9 BLK 8 INDUSTRIAL SUBD 2ND AMEND; BOT Block 77 Lots 1-12; UNPLT FRAC ADJ 1ST & 12TH BLK 77; Industrial Sub 2nd Filing, Block 7 - All Lots; Industrial Sub 1st Filing, Block 3 - All Lots; Industrial Sub 1st Filing, Block 4 - All Lots; Industrial Sub 5th Filing, Block 4- All Lots; C/S 384; BOT Block 76 - All Lots; C/S 229; C/S 1758; S34, T01 N, R26 E, 73'X 140'N OF 1ST AV IN SWSWNW4; Exchange Sub, Block 1, Lots 1,2,4, and Lot 5 (portion within City Limits); BOT, Block 122 - All Lots & Vacated Alley; BOT, Block 123 - All Lots & Vacated Alley; S33, T01 N, R26 E, MRL LEASE #500099; and Vacated N 14th Between 1st Ave N & Montana Ave.

Attachment E
Draft Zoning Regulations EBURD Code

Steve Zeier
TIFD coordinator
EBURD Renewal District
Candi Beaudry
Planning Director
510 E. Broadway
Billings MT 59101

Dear Steve;

Thanks for speaking with me yesterday regarding the proposed zone change of our properties at 1701 & 1700 Montana Ave. to Rail Spur Village Main Street. As you may recall I have expressed my concern at the EBURD meeting in July and at various times to both you and Candi Beaudry that this Zoning will have an adverse effect on our property. The RSVMS Zoning per the district code is intended to create continuous, walkable, shopping and dining corridors with upper floor residential and office uses. Our building are warehouses and used as such. RSVMS does not allow warehouses.

It is my understanding that at one point N18th was designated as the North /South connector between Montana & 6th ave. This designation was later moved to N.20th Street and changed to RSVMS Zoning. Our property is left isolated at the end of a finger of RSVMS zoning when clearly the intent was to move Main Street to N.20th. No one has been able to explain why this happened or how this Zoning will have any value to us if the design for Main Street is three blocks to the West of us. My assumption is this was an over site during design changes as all of my adjoining neighbors are zoned Central Works. I believe it is highly doubtful that we will ever see any walkable, shopping or dining corridors in this area.

I believe a Central Works classification is the correct Zoning for our property which matches our adjoining neighbors and our current uses.

I request the Zoning of our properties be reclassified as Central works which allows warehouses or allow warehousing in the RSVMS classification.

Thank you for your time & efforts

Max & Janine Griffin
Griffin Properties
1010 Central Ave. Ste.1
Billings MT. 59102
869-1060 office
690-2070 c

CITY ZONING COMMISSION

CITY OF BILLINGS, MONTANA

TUESDAY, AUGUST 8, 2012

SUBJECT: Zone Change #901, EBURD Code Zone Change

THROUGH: Candi Beaudry, AICP, Planning Director

PRESENTED BY: Steve Zeier, TIF Coordinator

GRIFFIN FAMILY PARTNERSHIP RAIL SPUR VILLAGE MAIN STREET REQUEST

The Rail Spur Village Main Street District is the district that includes North 20th that extends north from Montana Avenue to 6th Avenue North. The RSVMS also extends to the east to include the 1900, 1800, and 1700 blocks of Montana Avenue. The intent of this designation is to extend the Montana Avenue corridor as far east as possible.

The Griffin Family Partnership has requested that the properties on the 1700 & 1800 block of Montana Avenue that is currently in the Rail Spur Village Main Street (RSVMS) district be changed to be in the Central Works (CW) District.

The subject properties are currently utilized as warehouses with associated office uses. The situation is unique in that N 18th is the corridor that connects Montana Avenue traffic to 1st Ave North where 1st Ave North becomes a two way street. Given this natural barrier and the desire of the property owner to be included in a different District, the BIRD and City Planning feel that the changing of the Zoning District does not interfere with the intent of the EBURD Code and therefore the request should be granted.

August 6, 2012

Steve Zeier
TIF Coordinator
510 N Broadway 4th Floor
Billings, MT 59101
406/247-8666 Office
406/670-6969 Cell
zeiers@ci.billings.mt.us

R.E. The East Billings Urban Renewal District (EBURD) Code Final Draft

Dear Steve,

As per our letter dated July 20, 2012, JEM LLC requested The East Billings Urban Renewal District (EBURD) code to permit in the Rail Spur Village; General Manufacturing, Warehouse & Distribution.

It is our understanding that these changes are driven by the EBURD and the property owners, we attended the July 24, 2012 EBURD meeting and stated our concerns. There was no resistance at that meeting to permit in the Rail Spur Village; General Manufacturing, Warehouse & Distribution it was also discussed to permit these in the 13th Street Main Street.

As per your email received August 3, 2012, The East Billings Urban Renewal District (EBURD) code will permit in the Rail Spur Village; Warehouse & Distribution but will not permit General Manufacturing?

The definition of General Manufacturing as per the code is, "A manufacturing use involving the assembly, production, and distribution of goods resulting in limited negative external efforts. This use may involve the production of goods from raw materials or the assembly of finished products that can result in some noise and other non-noxious by-products. Associated facilities may also be included such as offices, limited warehousing, limited bays and maintenance facilities. Fuel pumps and outdoor storage of goods are defined by the permitted accessory uses. General Manufacturing uses include all craftsman industrial uses and such used as those found in Table 27-1806-4 without size limitation.

JEM LLC currently owns the following properties, located in the EBURD;

Property within the EBURD RSVMS
220 North 20th (Vacant Lot- Used for overflow parking for the 2nd & 3rd Ave Tenants)

Properties within the EBURD RSV
2021 2nd Ave. North (Warehouse-Current Tenant -Thermax Insulation)
2015 2nd Ave. North (Warehouse / Retail- Current Tenant – One Stop Automotive)
2024 3rd Ave. North (Office – Current Tenant – Residential Support Services)
2023 3rd Ave. North (Fenced Lot- Current Tenant- Air Controls)
2024 4th Ave North (Office / Retail – Current Tenant- Labor Ready)
2030 4th Ave. North (Office / Retail/Warehouse- Current Tenant Community Home Oxygen)
2018 4th Ave. North (Fenced Lot- Currently Vacant)

Please see the attached list (photos and business cards) of current commercial properties that currently can accommodate General Manufacturing, Warehouse & Distribution in the Rail Spur Village.

Many of these commercial properties are currently being used for General Manufacturing, Warehouse & Distribution whereas others are Warehouse & Distribution or vise versa either way **the property owners will be restricted if General Manufacturing is not permitted as these facilities can accommodate that type of business use.**

Again, JEM LLC would request that The East Billings Urban Renewal District (EBURD) code to permit in the Rail Spur Village; General Manufacturing, Warehouse & Distribution.

Please contact our office with any questions or concerns, thank you.

JEM LLC
Jerry T. Ray, Manager
Jennifer E. Ray-Junkert, Assistant Manager
2646 Grand Ave Suite #1
Billings, MT. 59102
406-252-9400 Office
406-238-9900 Fax

VEMCO
PROFESSIONAL SALES AGENTS

MARK HOOPER

Phone (406) 281-7555
Fax: (406) 248-8396
markh@vemcoinc.com

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mbailey@baileydoors.com

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Fax: 406-256-0523
Toll Free: 1-888-561-3667

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Heating and Cooling

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BILLINGS, MT 59108-1034

Gene Decker
Business: 254-0101

Jerry "Opy" Opheim
Fax: 254-0175

207 NORTH 22ND

Proper Supply
INCORPORATED

Northwest Distribution of Thermal Insulation

David Harmala
Regional Distributor

Cell: 406 690 8242
Office: 406 259 2003
propersupply.com
email: dharmala@propersupply.com

P.O. Box 30333
Billings, MT 59107

RUSS METCALF
BRANCH MANAGER
EMAIL: russ.metcalf@motion-ind.com

MOTION INDUSTRIES, INC.
340 NORTH 22ND STREET
BILLINGS, MT 59103-0489

BUS: 800/824-6361
BUS: 406/245-7361
CELL: 406/672-1361
FAX: 406/259-4170

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CELL 406.861.1593
EMAIL j.ochsner@bargreen.com

TOLL FREE 800.736.5295
FAX 406.259.7511

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CENEX
Zip Trip

Karina Serrano
Eastern District Office

Cenex Zip Trip
2120 3rd Ave. N., Suite #2
Billings, MT 59101

Direct: 406.248.9074
Fax: 406.248.9104

A BRAND OF CHS

karina.serrano@chsinc.com
chsinc.com

THERMAX INSULATION LLC
Industrial • Commercial • Mechanical Insulation
Safety Quality Production

Tony Achten
Owner

Fax (406) 656-0002
Cell (406) 690-8241
tachten@bresnan.net

P.O. Box 30333
Billings, MT 59107

Duff-Norton
Air

BOSSMAN

Tamara Kraft
Administrative/Sales

TamaraLKraft@duffnortonjack.com
406-252-4294 • 1-866-999-4294
Fax: 406-252-4812
2111 4th Avenue North • Billings, MT 59101

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TENT & TIPI

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PRESIDENT
DAVE@RELIABLETENT.COM

501 N. 23RD ST.
P.O. BOX 1271
BILLINGS, MT 59103
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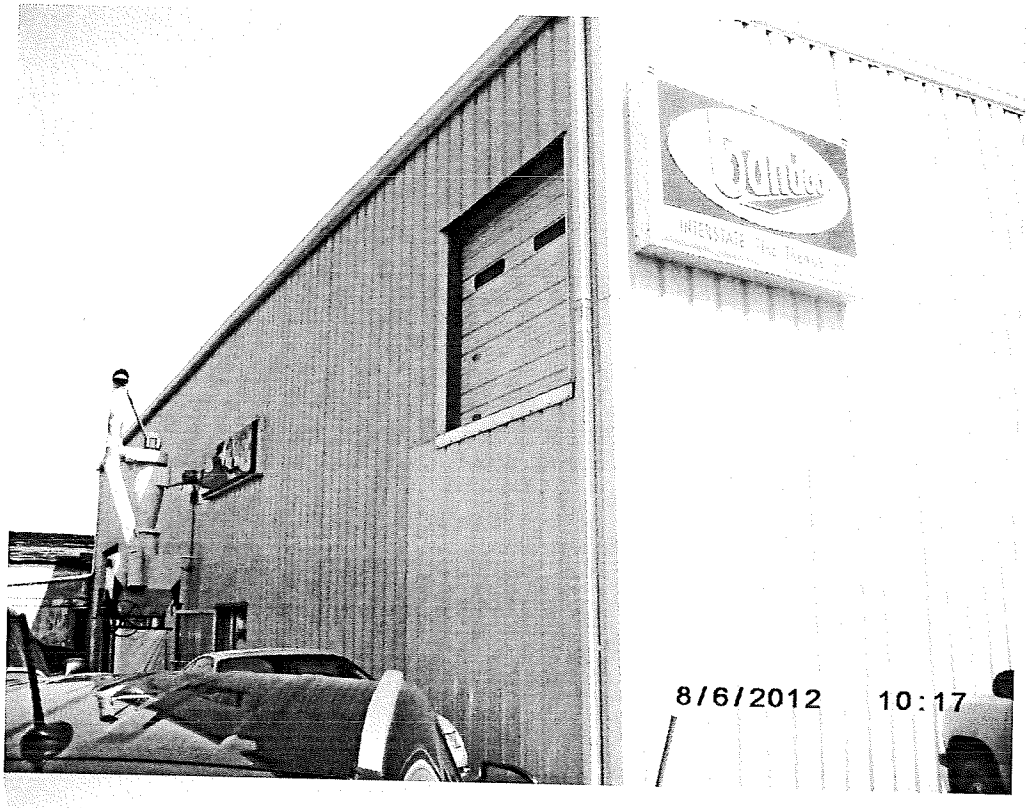
1-800-544-1039
FAX: 406-252-6508
WWW.RELIABLETENT.COM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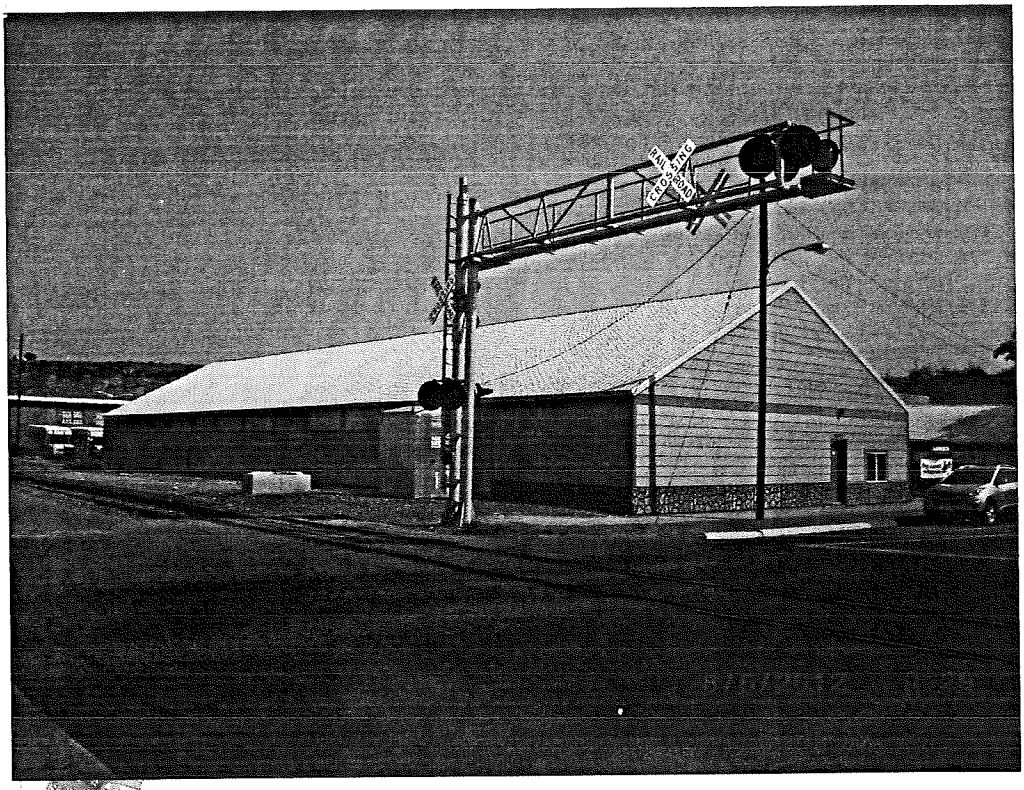
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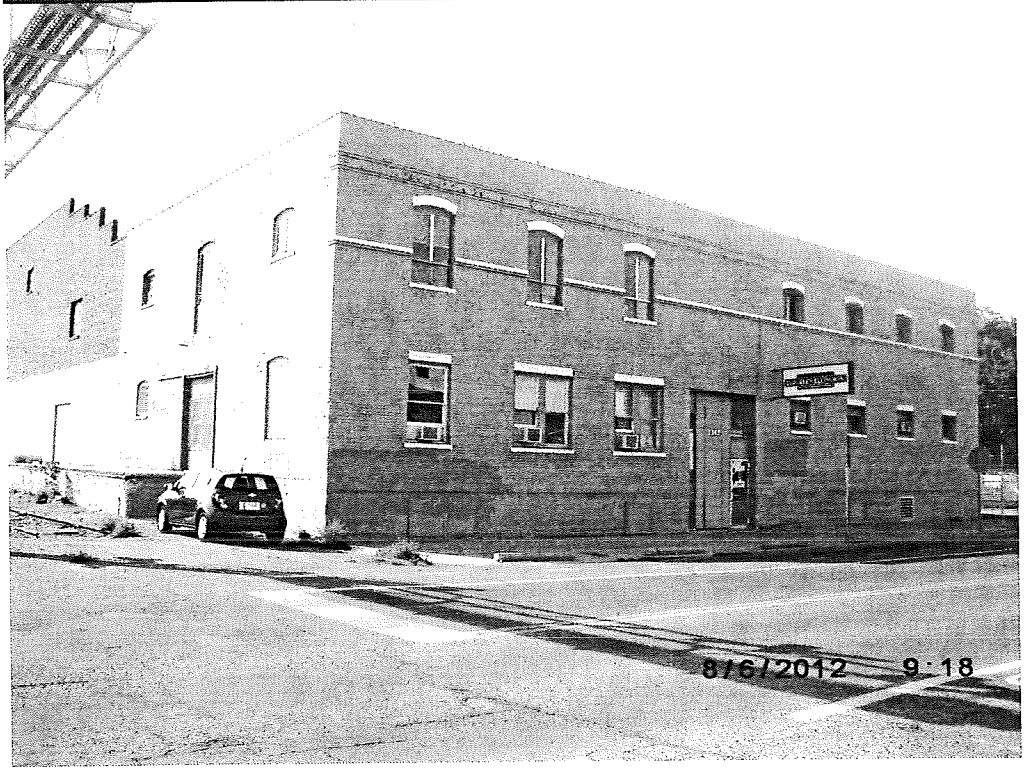
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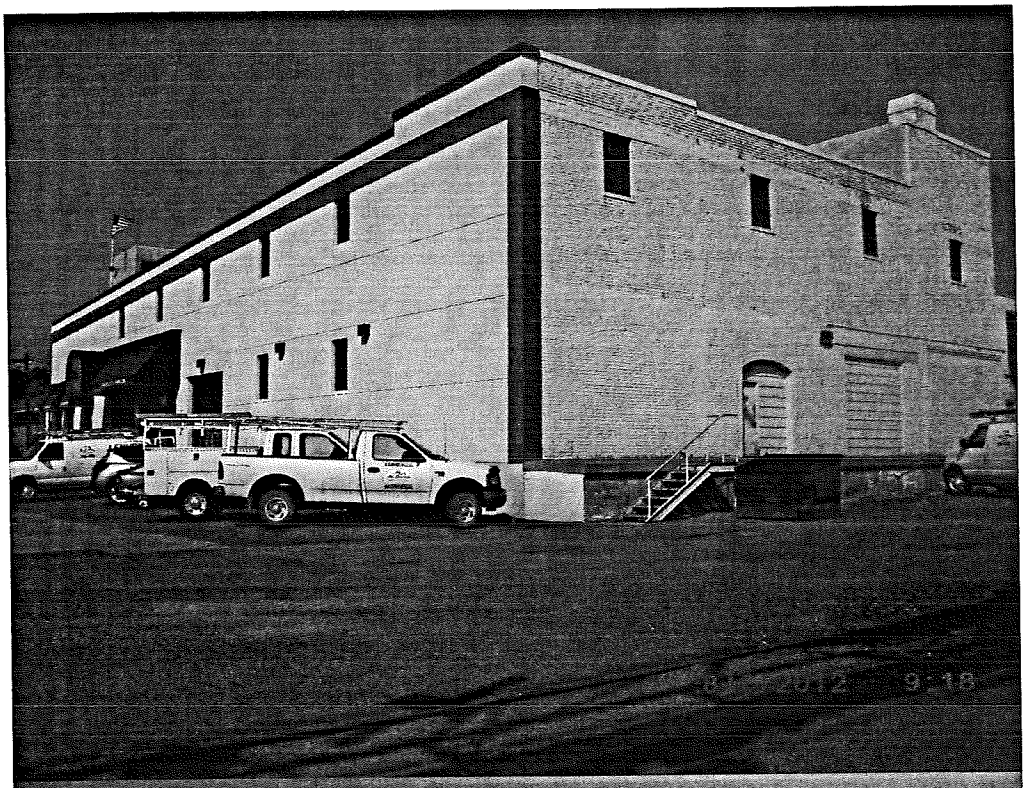

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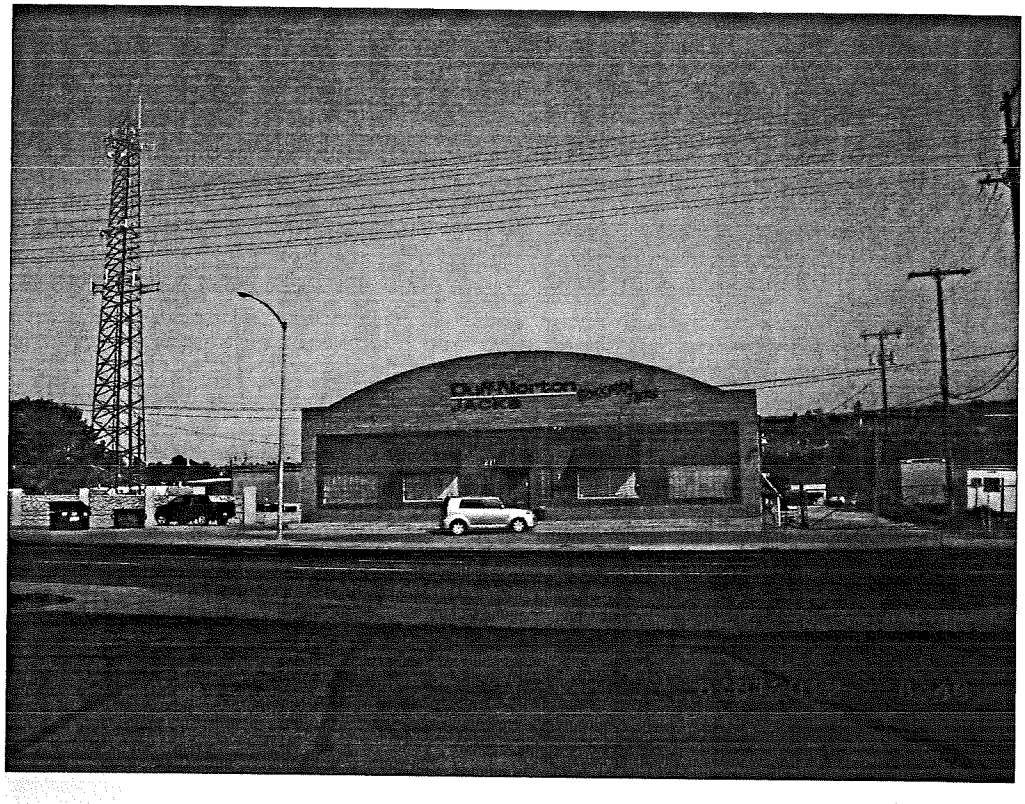

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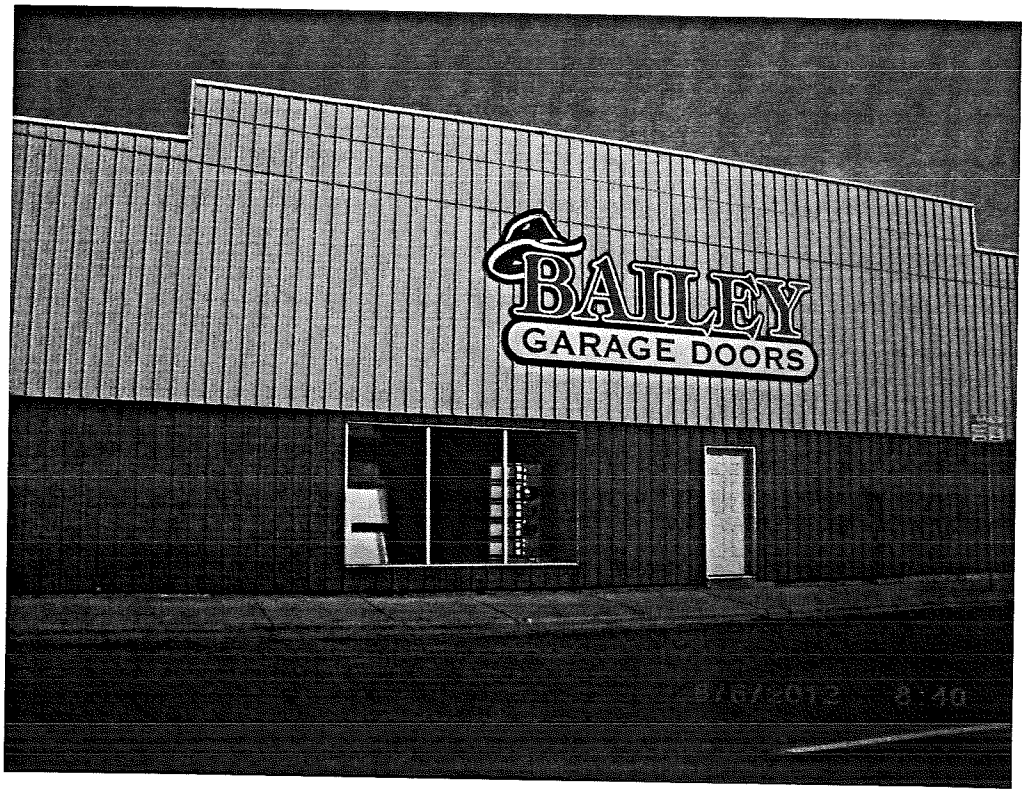
BAILEY
GARAGE DOORS

CITY ZONING COMMISSION
CITY OF BILLINGS, MONTANA
TUESDAY, AUGUST 8, 2012

SUBJECT: Zone Change #901, EBURD Code Zone Change

THROUGH: Candi Beaudry, AICP, Planning Director

PRESENTED BY: Steve Zeier, TIF Coordinator

ANALYSIS OF GENERAL MANUFACTURING IN RAIL SPUR VILLAGE

A list of businesses was presented on August 7th, 2012 by Jerry T. Ray & Company. It was their position that these businesses were categorized as General Manufacturing in nature. See the analysis below per the General Manufacturing definition and table as provided by EBURD Code July Draft Table 27-1806-4.

Vemco, Inc.	Bargreen Ellingson
Bailey Garage Doors	CHS / Mountain Mudd
Project Sheet Metal	Thermax Insulation
Proper Supply	Duff Norton Jacks
Motion Industries	Reliable Tent & Awning
Skyline Stainless	Bandag Tire
Community Home Oxygen	

4 businesses are not in the EBURD and therefore will not be affected by the EBURD Code.
- Bailey Garage Doors
- Reliable Tent & Awning
- Bandag Tire
- Proper Supply

7 businesses are categorized as Warehouse/Distribution, therefore not affected.
- Vemco, Inc
- Motion Industries
- Community Home Oxygen
- Bargreen Ellingson
- CHS/Mountain Mudd
- Thermax Insulation
- Duff Norton Jacks

2 businesses are categorized as Fabricated Metal Products under the EBURD code they would be classified as Craftsman Industrial Use and permitted and are therefore not adversely affected.
- Project Sheet Metal
- Skyline Stainless/Air Controls

Conclusion: It is the conclusion of City Planning that none of the business listed by Mr. Ray are affected adversely under the new EBURD proposed code.

ORDINANCE NO. 12-_____

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR the East Billings Urban Renewal District (EBURD) a 400+/- acre area as described below from Controlled Industrial, Heavy Industrial, Highway Commercial, Neighborhood Commercial, Community Commercial and Residential 6,000 to **Railspur Village (EBURD RSV) on** North Park Sub Block 1 - Lots 1-4 & 79-80; Billings 1st Add Block 275 - Lots 1-4 & 18-24; Billings 1st Add Block 274 - Lots 1-12 & 23-24; Billings 1st Add Block 273 - All Lots; Billings Original Town (BOT) Block 260 - All Lots & Abandoned Alley; BOT Block 261 - Lots 2 - 12 and Vacated N 19th St & East 1/2 Vacated Alley; BOT Block 262 - Lots 11-23 and West 1/2 Vacated Alley; BOT Block 263 - All Lots & Vacated N 21st between Blocks 262 & 263; MRL Land in S33, T01 N, R26 E between N 20th and N 22nd - West 900 feet; BOT Block 14 - All Lots and Vacated Alley and East 1/2 Vacated N 22nd; BOT Block 37 Lots 17A & 18A; C/S 1513; BOT Block 38 - All Lots & Vacated Alley; BOT Block 64 - All Lots; MRL Property in S33, T01 N, R26 E Between 2nd Ave N and 3rd Ave N & N 20th & N 22nd; BOT Block 65 - Lots 13-24; BOT Block 66 - Lots 1-12; BOT Block 67 - Lots 13-24; BOT Block 83 - Lots 13-24; BOT Block 84 - Lots 1-12; BOT Block 85 Lots 13-24; BOT Block 86 - All Lots; MRL Property in S33, T01 N, R26 E Between 1st Ave N and 2nd Ave N & N 20th & N 22nd; MRL Property in S33, T01 N, R26E Between 1st Ave N and Montana Ave & N 20th & N 22nd; BOT Block 115 - Lots 13-24; BOT Block 117 - Lots 19-24; and BOT Block 118 - Lots 13-18.

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of Blocks 18-20 to the City Limits; Vacated N 14th Street; BOT Block 22 - Lots 13A – 24; BOT Block 30 - Lots 13-24; BOT Block 31 - All Lots; BOT Block 32 - All Lots; BOT Block 33 - All Lots; BOT Block 34 - All Lots; BOT Block 35 - All Lots; BOT Block 36 - Lots 1-12; BOT Block 67 - Lots 1-12; BOT Block 68 - All Lots; BOT Block 69 - All Lots; BOT Block 70 - All Lots; BOT Block 71 - All Lots; BOT Block 72 - Lots 13-24; BOT Block 78 - Lots 13-24; BOT Block 79 - All Lots; BOT Block 80 - All Lots; BOT Block 81 - All Lots; BOT Block 119 - Lots 1-12; BOT Block 82 - All Lots; BOT Block 83 - Lots 1-12; BOT Block 118 - Lots 19-24; BOT Block 119 - Lots 1A-2A & 19-24; BOT Block 120 - All Lots; BOT Block 121 - All Lots; and MRL Land in S33, T01 N, R26 E South of Montana Avenue & North of the Rail Tracks Between N 15th and N 18th.

13th Street Main Street (EBURD 13th) on Billings 1st Add Block 352, Lots 13 - 23 & West 1/2 of Vacated Alleys; Billings 1st Add Block 255, Lots 2-12 & East 1/2 of Vacated Alleys; MRL Land in S33, T01 N, R26 E BETWEEN N 13TH & N 15TH ST - East 150 feet; S33, T01 N, R26 E, MRL LEASE #233364 - East 150 feet; BOT Block 22 - Lots 1-12; BOT Block 30 - Lots 1-12; BOT Block 72 - Lots 1-12A1; BOT Block 78 - Lots 1-12; BOT Block 77 - Lots 13-24; BOT Block 73 - Lots 13-24; BOT Block 29 - Lots 13-24; BOT Block 23 - Lots 14-24; S33, T01 N, R26 E, MRL LEASE #501230 West 150 feet; and West 150 feet of MRL Property between N 13th and N 12th.

Industrial Sanctuary (EBURD IS) on C/S 1680; Billings 1st Add Block 353 - All Lots & Vacated Alleys; Billings 1st Add Block 352 - Lots 2-12 & East 1/2 of Abandoned Alley; Abandoned N 12th Street; S33, T01 N, R26 E, MRL LEASE #501230 East ½; East 900 feet of MRL Property between N 13th and N 12th; Billings Original Town (BOT) Block 23, Lots 1-11; BOT Block 24 - All Lots; BOT Block 25 - All Lots; BOT Block 27 - All Lots; LOTS 1-6 & 8-12 BLK 10 INDUSTRIAL SUB 2ND FILING; LOTS 7-11 BLK 10 INDUSTRIAL SUB 4TH FIL; BOT Block 28 - All Lots and Vacated Alley; BOT Block 29 - Lots 1-12; BOT Block 73 - Lots 1-12; BOT Block 74 - All Lots; LOTS 1-9 BLK 8 INDUSTRIAL SUBD 2ND AMEND; BOT Block 77 Lots 1-12; UNPLT FRAC ADJ 1ST & 12TH BLK 77; Industrial Sub 2nd Filing, Block 7 - All Lots; Industrial Sub 1st Filing, Block 3 - All Lots; Industrial Sub 1st Filing, Block 4 - All Lots; Industrial Sub 5th Filing, Block 4- All Lots; C/S 384; BOT Block 76 - All Lots; C/S 229; C/S 1758; S34, T01 N, R26 E, 73'X 140'N OF 1ST AV IN SWSWNW4; Exchange Sub, Block 1, Lots 1,2,4, and Lot 5 (portion within City Limits); BOT, Block 122 - All Lots & Vacated Alley; BOT, Block 123 - All Lots & Vacated Alley; S33, T01 N, R26 E, MRL LEASE #500099; and Vacated N 14th Between 1st Ave N & Montana Ave.

And add a **new Section 27-1800** to the Unified Zoning Regulations titled East Billings Urban Revitalization District (EBURD) code.

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

1. RECITALS. *Title 76, Chapter 2, Part 3, MCA,* and *Sections 27-302 and 27-1502, BMCC,* provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10)

criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

2. DESCRIPTION That a 400+/- acre area as described below is currently zoned Heavy Industrial, Highway Commercial, Neighborhood Commercial, Community Commercial and Residential 6,000 and is shown on the official zoning maps within these zones: North Park Sub Block 1 - Lots 1-4 & 79-80; Billings 1st Add Block 275 - Lots 1-4 & 18-24; Billings 1st Add Block 274 - Lots 1-12 & 23-24; Billings 1st Add Block 273 - All Lots; Billings Original Town (BOT) Block 260 - All Lots & Abandoned Alley; BOT Block 261 - Lots 2 - 12 and Vacated N 19th St & East 1/2 Vacated Alley; BOT Block 262 - Lots 11-23 and West 1/2 Vacated Alley; BOT Block 263 - All Lots & Vacated N 21st between Blocks 262 & 263; MRL Land in S33, T01 N, R26 E between N 20th and N 22nd - West 900 feet; BOT Block 14 - All Lots and Vacated Alley and East 1/2 Vacated N 22nd; BOT Block 37 Lots 17A & 18A; C/S 1513; BOT Block 38 - All Lots & Vacated Alley; BOT Block 64 - All Lots; MRL Property in S33, T01 N, R26 E Between 2nd Ave N and 3rd Ave N & N 20th & N 22nd; BOT Block 65 - Lots 13-24; BOT Block 66 - Lots 1-12; BOT Block 67 - Lots 13-24; BOT Block 83 - Lots 13-24; BOT Block 84 - Lots 1-12; BOT Block 85 Lots 13-24; BOT Block 86 - All Lots; MRL Property in S33, T01 N, R26 E Between 1st Ave N and 2nd Ave N & N 20th & N 22nd; MRL Property in S33, T01 N, R26E Between 1st Ave N and Montana Ave & N 20th & N 22nd; BOT Block 115 - Lots 13-24; BOT Block 117 - Lots 19-24; and BOT Block 118 - Lots 13-18. C/S 2124 Tr 2; Billings 1st Add Block 354; C/S 141 Lots 1 & 2; North Park Sub Block 5 Lots 1-3; North Park Sub Block 4 - Lots 1-8 & 23 – 32; North Park Sub Block 3 - Lots 1-4 & 44-47; North Park Sub Block 2 - Lots 1-6 & 61-66; Billings 1st Add Block 255, Lots 13-23 & West 1/2 of Vacated Alleys; C/S 326 and vacated N 14th Street; Billings 1st Add Block 256 & Vacated Alleys; MRL Land in S33, T01 N, R26 E BETWEEN N 13TH & N 15TH ST - West 530 feet; S33, T01 N, R26 E, MRL LEASE #233364 - West 250 feet; S33, T01 N, R26 E, MRL LEASE #229442; BOT Block 17 - All Lots; MRL Property S33, T01 N, R26 E Between N 18th and N 20th except West 150 feet; S33, T01 N, R26 E, MRL LEASE #501,277; BOT Block 18 - All Lots; BOT Block 19 - All Lots; BOT Block 20 - All Lots; BOT Block 21 - All Lots; MRL Land North of Blocks 18-20 to the City Limits; Vacated N 14th Street; BOT Block 22 - Lots 13A – 24; BOT Block 30 - Lots 13-24; BOT Block 31 - All Lots; BOT Block 32 - All Lots; BOT Block 33 - All Lots; BOT Block 34 - All Lots; BOT Block 35 - All Lots; BOT Block 36 - Lots 1-12; BOT Block 67 - Lots 1-12; BOT Block 68 - All Lots; BOT Block 69 - All Lots; BOT Block 70 - All Lots; BOT Block 71 - All Lots; BOT Block 72 - Lots 13-24; BOT Block 78 - Lots 13-24; BOT Block 79 - All Lots; BOT Block 80 - All Lots; BOT Block 81 - All Lots; BOT Block 119 - Lots 1-12; BOT Block 82 - All Lots; BOT Block 83 - Lots 1-12; BOT Block 118 - Lots 19-24; BOT Block 119 - Lots 1A-2A & 19-24; BOT Block 120 - All Lots; BOT Block 121 - All Lots; and MRL Land in S33, T01 N, R26 E South of Montana Avenue & North of the Rail Tracks Between N 15th and N 18th; Billings 1st Add Block 352, Lots 13 - 23 & West 1/2 of Vacated Alleys; Billings 1st Add Block 255, Lots 2-12 & East 1/2 of Vacated Alleys; MRL Land in S33, T01 N, R26 E BETWEEN N 13TH & N 15TH ST - East 150 feet; S33, T01 N, R26 E, MRL LEASE #233364 - East 150 feet; BOT Block 22 - Lots 1-12; BOT Block 30 - Lots 1-12; BOT Block 72 - Lots 1-12A1; BOT Block 78 - Lots 1-12; BOT Block 77 - Lots 13-

24; BOT Block 73 - Lots 13-24; BOT Block 29 - Lots 13-24; BOT Block 23 - Lots 14-24; S33, T01 N, R26 E, MRL LEASE #501230 West 150 feet; and West 150 feet of MRL Property between N 13th and N 12th; C/S 1680; Billings 1st Add Block 353 - All Lots & Vacated Alleys; Billings 1st Add Block 352 - Lots 2-12 & East 1/2 of Abandoned Alley; Abandoned N 12th Street; S33, T01 N, R26 E, MRL LEASE #501230 East ½; East 900 feet of MRL Property between N 13th and N 12th; Billings Original Town (BOT) Block 23, Lots 1-11; BOT Block 24 - All Lots; BOT Block 25 - All Lots; BOT Block 27 - All Lots; LOTS 1-6 & 8-12 BLK 10 INDUSTRIAL SUB 2ND FILING; LOTS 7-11 BLK 10 INDUSTRIAL SUB 4TH FIL; BOT Block 28 - All Lots and Vacated Alley; BOT Block 29 - Lots 1-12; BOT Block 73 - Lots 1-12; BOT Block 74 - All Lots; LOTS 1-9 BLK 8 INDUSTRIAL SUBD 2ND AMEND; BOT Block 77 Lots 1-12; UNPLT FRAC ADJ 1ST & 12TH BLK 77; Industrial Sub 2nd Filing, Block 7 - All Lots; Industrial Sub 1st Filing, Block 3 - All Lots; Industrial Sub 1st Filing, Block 4 - All Lots; Industrial Sub 5th Filing, Block 4- All Lots; C/S 384; BOT Block 76 - All Lots; C/S 229; C/S 1758; S34, T01 N, R26 E, 73'X 140'N OF 1ST AV IN SWSWNW4; Exchange Sub, Block 1, Lots 1,2,4, and Lot 5 (portion within City Limits); BOT, Block 122 - All Lots & Vacated Alley; BOT, Block 123 - All Lots & Vacated Alley; S33, T01 N, R26 E, MRL LEASE #500099; and Vacated N 14th Between 1st Ave N & Montana Ave.

3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcels** is hereby changed from Heavy Industrial, Highway Commercial, Neighborhood Commercial, Community Commercial and Residential 6,000 **to Railspur Village (EBURD RSV), Railspur Village Main Street (EBURD RSVMS), Central Works (EBURD CW), 13th Street Main Street (EBURD 13th), Industrial Sanctuary (EBURD IS)** as shown in Exhibit A attached hereto and a new section is added to Chapter 27 BMCC (**27-1800 et seq)** titled East Billings Urban Revitalization District (EBURD) code as shown in Exhibit B attached hereto and all land described shall be subject to these new regulations as set out in the Billings Montana City Code.

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

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 August 27, 2012.

PASSED, ADOPTED AND APPROVED on second reading September 10, 2012.

CITY OF BILLINGS:

BY:_____
Thomas W. Hanel, Mayor

ATTEST:
BY: Cari Martin, City Clerk
Zone Change #901 – EBURD Code and Map

EBURD DISTRICT ZONING MAP
Rail Spur Village
Central Works
Industrial Sanctuary
Rail Spur Village Main Street
13th Main Street
15 April 2012
City of Billings
Montana
North Park
Land in County
Land in County
East Billings Urban Renewal District

Exhibit B
EBURD Code
(see staff memo Attachment 1)

Regular City Council Meeting

Meeting Date: 08/27/2012

TITLE: Zone Change #902 - Public Hearing and 1st Reading - 807, 821 and 823 Bench Boulevard

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

This is a zone change request from Neighborhood Commercial (NC) and Residential Multi-Family-Restricted (RMF-R) to Community Commercial on a 4.189- acre parcel described as Lots 1 through 5 of Brittain Acres Subdivision, located on the north east corner of the intersection of Hilltop Road and Bench Boulevard. The property is owned by Big Sky Floral Supply (Gainan's) and Chuck and Mick Gainan are the agents. The owners conducted a pre-application neighborhood meeting on June 20, 2012. The pre-application meeting notes are included as Attachment C. The Zoning Commission conducted a public hearing on August 7, 2012, and is forwarding a recommendation of approval on a 3-0 vote.

ALTERNATIVES ANALYZED

State law at MCA 76-2-304 requires that all zone changes be reviewed in accordance with 10 criteria. Using the 10 criteria to determine the appropriateness of the zone change request, the City Council may:

1. Approve the zone change request
2. Deny the zone change request
3. Allow withdrawal of the application
4. Delay action for up to thirty (30) days

FINANCIAL IMPACT

There should be no immediate financial impact to the city from the zone change. Service fees for the proposed zoning will increase in the next tax year. When development occurs, the taxable market value of the property will increase.

BACKGROUND

The applicant is requesting to rezone a 4.189 acre parcel described as Lots 1 -5 Brittain Acres Subdivision. The property was re-zoned from R-70 to its current zoning of NC and RMF-R in 2007. The original plan for re-development of the property included a mixture of small commercial uses on the street frontage with apartments or condominiums on the eastern half of the property. The re-development plan was never implemented. The current application would allow development of the other commercial uses that are currently limited by the NC zone. The owners have stated the potential for higher density residential uses will be limited by the expected traffic increases when Bench Boulevard is improved to a full arterial street in the near future.

The lots to the north and east are zoned Residential-7,000 and are developed as single family homes. The property west across Bench Boulevard is zoned Residential-6,000 and is developed

as Gainan's Heights Greenhouse. Property to the south is zoned Neighborhood Commercial and Residential Multi-family and is currently vacant. Southeast of the subject property there are two apartment buildings. Southwest of the subject property is Residential-7,000 zoning and the lots are developed as single family homes. Bench Boulevard and Hilltop Road are both arterial streets and currently handle a large volume of traffic – approximately 18,000 vehicle trips per day. Bench Boulevard will be developed in the near future to handle a greater volume of traffic. The Billings Heights Neighborhood Plan indicates the intersection should be used for a mixture of commercial and residential dwellings. The 2008 Growth Policy encourages the location of commercial uses at intersections of arterial streets to avoid "stripping" commercial zones narrowly along arterial streets. The practice of commercial strip zoning is evident in the traffic congestion and accessibility problems along Main Street, Grand Avenue, and 24th Street West.

The property is located at an intersection and could have access points on both Bench Boulevard and Yellowstone River Road (Hilltop Road is re-named east of the Bench Boulevard intersection). All three of the existing residences enter from Bench Boulevard. The storage yard on the east half of the property has an access point on Yellowstone River Road. A large commercial re-development would generate additional traffic at this intersection. A traffic analysis will likely be required to ensure the proper location of any new access points and for determining any mitigation necessary for the additional traffic. Bench Boulevard and Hilltop Road have the capacity to handle any additional traffic.

The CC zone requires a maximum building height of 45 feet and a front property line minimum setback of 20 feet. The arterial street setback is 60 feet to the centerline of the right-of-way for any new building and 50 feet from the centerline for any required parking. The properties are configured to accommodate this additional setback if needed. The CC zone could allow the addition of a restaurant with alcoholic beverage service with special review approval. Any alcoholic beverage service on the property would also require a waiver of the 600 foot separation from Billings Heights Park, west across Bench Boulevard. Any liquor license with gaming attached would also require a special review approval. The proposed CC zone does allow residential use to the same density allowed by the current RMF-R zone.

The applicant conducted a pre-application neighborhood meeting on June 20, 2012. Four surrounding property owners attended and concerns were voiced about the existing RMF-R zone and the safety hazard of the ditch that runs on the east property line. The applicant states all attendees were in favor of the proposed change to CC. A synopsis of the meeting, list of attendees, and the agents answer to the above questions is in Attachment D. No surrounding property owners contacted the Planning Division staff prior to the Zoning Commission public hearing.

The Heights Neighborhood Plan adopted by the City in 2006 states the purpose of the plan is to guide the long-term growth of Billings Heights. A preferred land use map was developed locating and encouraging the retention of most commercial uses along Main Street and to locate a mixture of uses between Main Street and the parallel streets of Lake Elmo Drive and Bench Boulevard. The 2008 Growth Policy encourages the compatibility of adjacent zoning to new zoning especially is established neighborhoods. The proposed zoning is compatible with the adjacent zoning and existing land uses.

STAKEHOLDERS

The Zoning Commission held a public hearing on August 7, 2012, and received the staff report and recommendation and testimony from the applicant, Chuck Gainan. No other testimony was received. Mr. Gainan stated the pre-application meeting was well received and the only concern voiced was about the ditch that runs along the east property line. The neighbor wanted assurance the ditch would be fenced so it prevented people accessing the area.
The Zoning Commission is forwarding a recommendation of approval on a 3-0 vote.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

The Planning Division reviewed the application and recommended approval based on the ten (10) criteria for zone changes (below). The Zoning Commission concurred with this recommendation. The subject property is adjacent to commercial uses to the west and higher density residential uses to the south. Full development of the adjacent property will likely occur at the same time Bench Boulevard is improved by the City and the Montana Department of Transportation. The uses allowed within the CC zoning are compatible with the surrounding zoning and neighborhood character. Some uses in the CC zone would only be allowed by special review approval such as on-premise service of alcoholic beverages. Any development of the property requires compliance with the new zoning and the ability to meet site development requirements and traffic safety standards. The 2008 Growth Policy and the Billings Heights Neighborhood Plan encourage predictable land use decisions that are consistent with neighborhood character and land use patterns. The existing use and proposed zoning are consistent with this neighborhood and land use pattern.
Prior to any making a decision on the proposed zone change, the City Council shall consider the following 10 criteria:
1. Is the new zoning designed in accordance with the Growth Policy?
The proposed zone change is consistent with the following goals of the Growth Policy:
• Predictable land use decisions that are consistent with neighborhood character and land use patterns. (Land Use Element Goal, page 6)
The proposed zoning would permit more land uses than currently allowed by the NC and RMF-R zones and this is consistent with the neighborhood character and the planned development of Bench Boulevard. The proposed zoning is compatible with the existing uses on Bench Boulevard and Hilltop Road.
• More housing and business choices with each neighborhood. (Land Use Element Goal, page 6)
The existing zoning is restrictive of the types of businesses that could be located at this arterial intersection. The proposed zoning will allow more businesses and services to be located near existing residents.

2. Is the new zoning designed to secure from fire and other dangers?
The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers. The City Fire Department will ensure safe access to the site and provision for minimum fire flow to the new buildings.

3. Whether the new zoning will promote public health, public safety and general welfare?
Public health and public safety will be promoted by the proposed zoning. Re-development of the property will consolidate access points and greater building setbacks than current exist. This will improve public health and safety at this intersection.

4. Will the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?

Transportation: The proposed zoning may have some impact on the surrounding streets, and a traffic impact study may be required depending on the development that is built on the property in the future. New development that generates 500+ new vehicle trips per day will require a Traffic Accessibility Study (TAS).
Water and Sewer: The City will be able to provide water and sewer to the property by extension of those utilities from Bench Boulevard.
Schools and Parks: There should not be any impact to schools from the proposed zone change. However, any residential development in the future could affect the schools in the area.
Fire and Police: The subject property is currently served by the city Public Safety Services. Commercial re-development of the site may increase calls for service and change the nature of those calls for service.
5. Will the new zoning provide adequate light and air?
The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

6. Will the new zoning effect motorized and non-motorized transportation?
Traffic generation from a commercial is dependent on the specific uses within the development. A development plan has not yet been finalized so prediction on effects at the intersection is not possible at this time. Street improvements for Bench Boulevard are planned and will include sidewalks and/or multi-use paths. Pedestrian safety will be enhanced at this location. The 2011 Bikeway and Trail Master Plan includes a short-range on-street bike lane for both Bench Boulevard and Hilltop Road.

7. Will the new zoning will promote compatible urban growth?
The new zoning does promote compatibility with urban growth. Lower density development is inefficient and ineffective in recovering the costs to extend city services.

8. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?
The proposed zoning does consider the character of district and the suitability of the property for commercial uses including neighborhood and commuter service businesses. The level of existing traffic along with the number of existing and planned residential developments in the area will likely support the types of businesses likely to locate at this corner.

9. Will the new zoning conserve the value of buildings?
The existing homes and structures on the lot should be conserved with the new zoning. All of the existing uses are conforming to the proposed CC zoning. Surrounding buildings should be conserved when re-development occurs on the site by adding property value to the market.

10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?
The proposed zoning will permit a greater variety of uses on the property and is the most appropriate use of the property at this intersection.

RECOMMENDATION

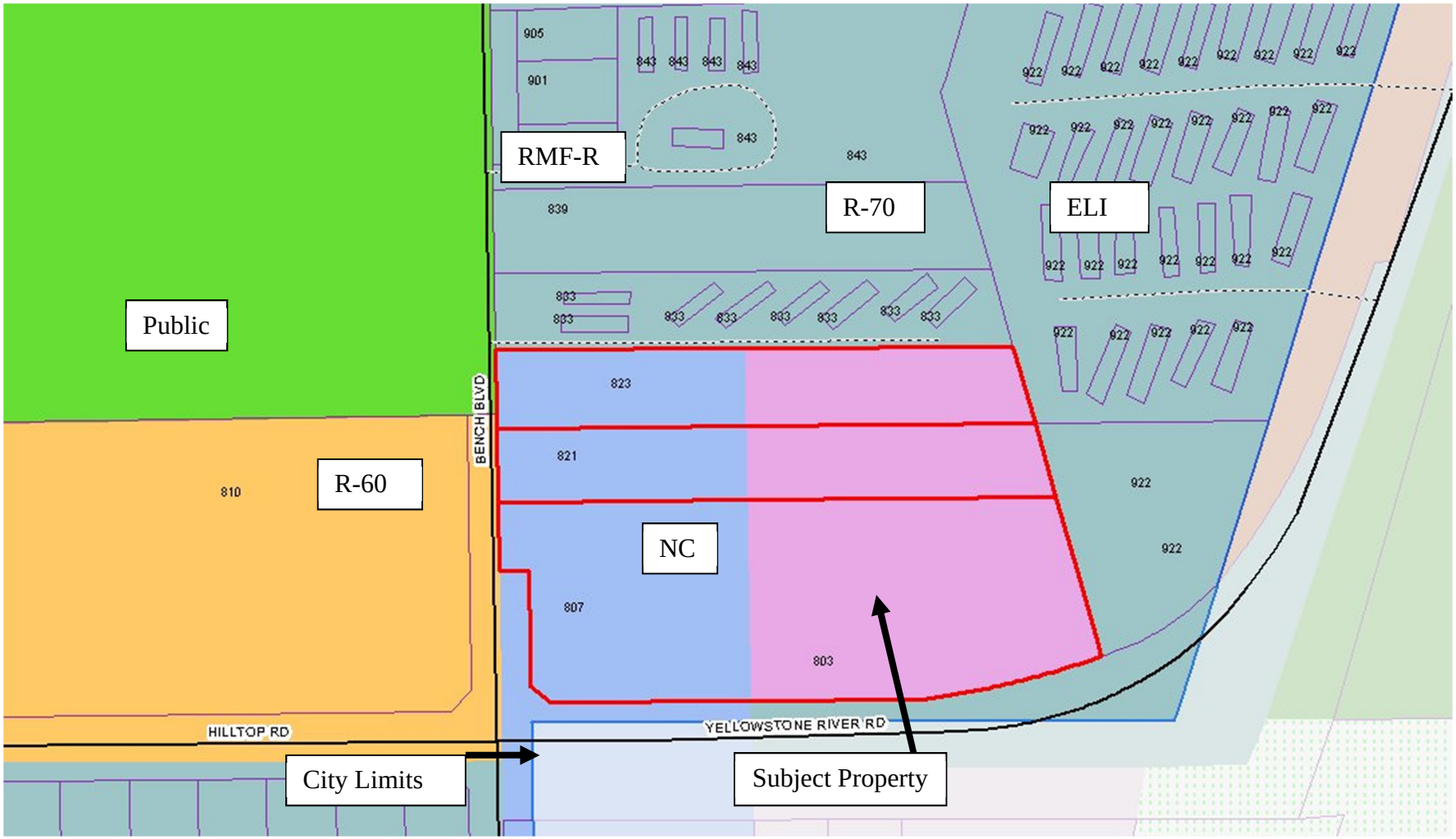
The Zoning Commission is forwarding a recommendation of approval on a 3-0 vote.

APPROVED BY CITY ADMINISTRATOR

Attachments

Zoning Map
Site photos
Applicant Letter and Pre-app notes
Ordinance

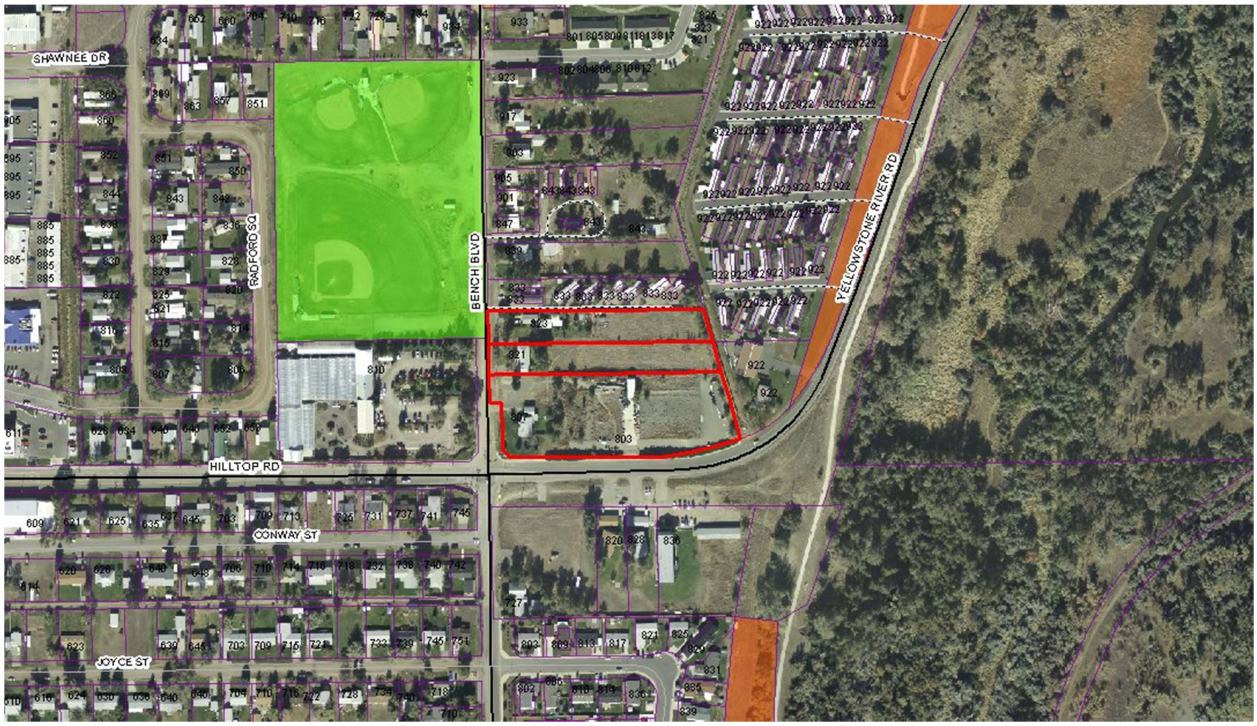
Attachment A: Surrounding Zoning
Zone Change #902 – 807, 821 and 823 Bench Boulevard



Attachment B

Site Photographs, Zone Change #902 – 807, 821 and 823 Bench Boulevard

807 Bench Boulevard



Aerial Map

Attachment B, continued

Site Photographs, Zone Change #902 – 807, 821 and 823 Bench Boulevard

View north along Bench Boulevard

View south west to Bench Boulevard and Hilltop Road intersection

Attachment B, continued

Site Photographs, Zone Change #902 – 807, 821 and 823 Bench Boulevard

View south on Bench Boulevard to intersection with Hilltop Road

View west across Bench Boulevard to Gainan's Garden Center

Attachment C
Applicant's Letter

In what ways is your proposal consistent with the goals and policies of the adopted growth policy?

Land use element issue #6 states "There is a desire for more mixed use neighborhoods".

By changing this 4+ acre site to community commercial zoning it will allow for a more diverse mixed use zoning. It is our understanding that by the time the Bench Blvd connector project is complete, this arterial will be the second busiest street in the Billings Heights. In order for this to be a viable alternative route for accessing the heights, then there needs to be an opportunity for some of similar amenities that are currently found on Main Street. A Community Commercial site on the corner of this intersection would be one area along the Bench corridor that would be considered "a centrally located site" for potential commercial amenities for commuters along this corridor.

Economic Development Element issue #9 states "The economic development of Billings Heights is overlooked"

Changing this site to Community Commercial will open this area up to a wider variety of potential businesses. If commercial development is concentrated onto the Main St. corridor it will limit the number of potential businesses (new job opportunities), that will look at the Billings Heights as a viable location for their business.

Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.

Currently approximately 2/3 of this property is zoned RMF. We don't believe that this site, with the expected traffic counts and the noise associated with that traffic, will be a desirable location for new high density residential construction. There are currently 2 parcels on this intersection that are zoned neighborhood commercial, one being the westerly 1/3 of the described parcels. The proposed change would be one level above the existing neighborhood commercial zoning. From the limited attendance at our neighborhood meeting, the only concerns that came up pertained to residential development and the safety factor of the existing ditch that runs along the east border of the properties.

ATTENDANCE List

Tom Zurbuchen

Don Vanica

Clarence Klein

CB Clearwood

Meeting started at 7:10 with 4 attendees other than 3 members of the Gainan Family.

Non-family members included:

Tom Zurbuchen from the Heights Community Development Task Force

Don Vanica from MDT

Clearance Klein immediate neighbor to the East on Yellowstone River Rd.

CB Clearwood from MDT

Questions from the attendees:

When do we foresee the houses being removed?

Response: We would keep them there until we saw a need to remove them for development, the one exception maybe the house located at 803 Bench. That house may be removed by the development of the roundabout at the intersection.

Clarence Klein expressed a concern with the potential development, under the existing zoning, developing high density housing complex. His biggest concern with that type of development was the safety issue with having a potential large number of young kids being near the ditch that runs along the East border of the property

All attendees stated they were in favor of the proposed zone change.

Meeting adjourned at 7:40.

The following day Mrs. Frank Griep called Chuck Gainan and said that they were in favor of the proposed zone change.

ORDINANCE NO. 12-_____

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR a 4.189 acre parcel described as Lots 1 through 5, Brittain Acres Subdivision generally located at 807, 821 and 823 Bench Boulevard

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

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

2. DESCRIPTION That 4.189 acre parcel described as Lots 1 through 5, Brittain Acres Subdivision is presently zoned **Residential Multi-family-Restricted (RMF-R) and Neighborhood Commercial (NC)** and is shown on the official zoning maps within these zones.

3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcels** is hereby changed from **Residential Multi-family-Restricted (RMF-R) and Neighborhood Commercial (NC) to Community Commercial (CC)** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Community Commercial (CC)** as set out in the Billings, Montana City Code.

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

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 August 27, 2012.

PASSED, ADOPTED AND APPROVED on second reading September 10, 2012.

CITY OF BILLINGS:

BY:_____
Thomas W. Hanel, Mayor

ATTEST:

BY: Cari Martin, City Clerk

Zone Change #902 – Lots 1 through 5, Brittain Acres Subdivision

Regular City Council Meeting

Meeting Date: 08/27/2012

TITLE: Zone Change #904 - Public Hearing and 1st reading - 1026, 1032 and 1040 Bench Boulevard

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

This is a zone change request from Residential Manufactured Home (RMH) to Community Commercial (CC) on a 4.77- acre parcel described as Tract 1, C/S 2537 and the North 2 acres of the South 10.41 acres East of the lateral and a Fraction of the S1/2NESE1/4 (73.42 X 890 feet) in the NESE1/4 of Section 22, Township 1 North, Range 26 East. The property is owned by Lee Steffanich and Sanderson Stewart is the agent. The owners conducted a pre-application neighborhood meeting on June 25, 2012. The pre-application meeting notes are included as Attachment C. The Zoning Commission conducted a public hearing on August 7, 2012, and is forwarding a recommendation of approval on a 3-0 vote.

ALTERNATIVES ANALYZED

State law at MCA 76-2-304 requires that all zone changes be reviewed in accordance with 10 criteria. Using the 10 criteria to determine the appropriateness of the zone change request, the City Council may:

1. Approve the zone change request
2. Deny the zone change request
3. Allow withdrawal of the application
4. Delay action for up to thirty (30) days

FINANCIAL IMPACT

There should be no immediate financial impact to the city. Service fees will increase under the proposed zoning and taxable market value will increase when the property is developed.

BACKGROUND

The applicant is requesting to rezone a 4.77 acre parcel located generally at 1026, 1032 and 1040 Bench Boulevard. The site is the former golf course associated with the Circle Inn. The Circle Inn has been closed and a new AutoZone retail parts store has been constructed on the Main Street property. The golf course was re-zoned from R-60 to its current zoning of RMH in 2003. At the time, the owner was considering developing a manufactured home park on the golf course property. The original plan for re-development of the property was never implemented. The current application would allow development of commercial uses such as retail businesses, office spaces and personal storage (mini-storage). The prospective buyer intends to develop a mini-storage complex. Bench Boulevard north of Hilltop Road is slated for improvements to a full arterial street in the near future.

The property to the north is a vehicle wrecking yard and is a grandfathered non-conforming use. The lots to the south are zoned R-60 and are developed for residential uses. The property to the

east across Bench Boulevard is zoned R-70 and Planned Development and supports single family dwellings. Bench Boulevard is an arterial street and currently handles a large volume of traffic – approximately 9,000 vehicle trips per day. Bench Boulevard will be developed in the near future to handle a greater volume of traffic. The Billings Heights Neighborhood Plan indicates the property between Main Street and Bench Boulevard should develop with a mixture of uses including commercial, retail and higher density residential uses. The 2008 Growth Policy encourages the location of commercial uses at intersections of arterial streets to avoid "stripping" commercial zones narrowly along arterial streets. The practice of commercial strip zoning is evident in the traffic congestion and accessibility problems along Main Street, Grand Avenue, and 24th Street West. The property is not located at an arterial intersection but is adjacent to commercial zoning on Main Street. Traffic generation from the proposed personal storage facility should not affect the current traffic flow on Bench Boulevard.

There is one existing single family residential structure at 1040 Bench Boulevard (north side of property) and one storage building on 1026 Bench Boulevard. The prospective buyer intends to re-use the residential home for an on-site manager of the personal storage facility. A complete re-development of the property will occur with the proposed mini-storage. The development will need to meet all of the required site development standards for commercial uses adjacent to residential zones. A traffic analysis will likely be required to ensure the proper location of any new access points and for determining any mitigation necessary for the additional traffic. Bench Boulevard has the capacity to handle the projected additional traffic.
The CC zone allows a maximum building height of 45 feet and requires a front property line minimum setback of 20 feet. The arterial street setback is 60 feet to the centerline of the right-of-way for any new building and 50 feet from the centerline for any required parking. The properties are configured to accommodate this additional setback if needed. The CC zone could allow the addition of a restaurant with alcoholic beverage service with special review approval, but this is not the intended use of the property. The proposed CC zone does allow residential use to the same density allowed by the current RMF-R zone.

The applicant conducted a pre-application neighborhood meeting on June 25, 2012. Several surrounding property owners attended and concerns were voiced about the potential for multi-family uses on the property. Many in attendance did not support any multi-family uses but were comfortable with the proposed mini-storage facility. The applicant states all attendees were in favor of the proposed change to CC. A list of attendees, and the agents answer to the above questions is in Attachment D. No surrounding property owners contacted the Planning Division staff prior to the Zoning Commission public hearing.

The Heights Neighborhood Plan adopted by the City in 2006 states the purpose of the plan is to guide the long-term growth of Billings Heights. A preferred land use map was developed locating and encouraging the retention of most commercial uses along Main Street and to locate a mixture of uses between Main Street and the parallel streets of Lake Elmo Drive and Bench Boulevard. The 2008 Growth Policy encourages the compatibility of adjacent zoning to new zoning especially is established neighborhoods. The proposed zoning is compatible with the adjacent zoning and existing land uses.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on August 7, 2012, and received the staff report and recommendation and testimony from the applicant's agent, Lauren Waterton of Sanderson Stewart. There was no testimony from surrounding property owners. Ms. Waterton stated the applicant has a potential buyer who is interested in developing personal storage units. She stated the applicant and potential buyer have met with various city agencies including the Fire Department. Ms. Waterton stated a second access to the property would not be required by the Fire Department. Ms. Waterton stated the potential traffic generation from personal storage facilities is very minimal and would not be noticeable. Ms. Waterton stated the overall response from the neighborhood has been good.
The Zoning Commission is forwarding a recommendation of approval on a 3-0 vote.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

The Planning Division reviewed the application and recommended approval based on the ten (10) criteria for zone changes (below). The Zoning Commission concurred with this recommendation. The subject property is adjacent to commercial uses to the west. Uses allowed in the CC zoning are compatible with the surrounding zoning and neighborhood character. Some uses in the CC zone would only be allowed by special review approval such as on-premise service of alcoholic beverages. Any development of the property requires compliance with the new zoning and the ability to meet site development requirements and traffic safety standards. The 2008 Growth Policy and the Billings Heights Neighborhood Plan encourage predictable land use decisions that are consistent with neighborhood character and land use patterns. The existing use and proposed zoning are consistent with this neighborhood and land use pattern.

Prior to any making a decision on the proposed zone change, the City Council shall consider the following 10 criteria:
1. Is the new zoning designed in accordance with the Growth Policy?
The proposed zone change is consistent with the following goals of the Growth Policy:
• Predictable land use decisions that are consistent with neighborhood character and land use patterns. (Land Use Element Goal, page 6)
The proposed zoning would permit commercial and retail uses adjacent to HC zoning on Main Street. The previous golf course was heavily used with limited access on Bench Boulevard. Property to the north is a non-conforming vehicle wrecking yard and other adjacent uses are residential. Development standards are in place to require screening, buffering and mitigation of any potential conflicts with adjacent residential uses. The proposed zoning is compatible with the existing uses on Bench Boulevard.
• More housing and business choices with each neighborhood. (Land Use Element Goal, page 6)
The existing zoning is restricted to residential uses. The proposed zoning will allow the development of service businesses located near existing residents. The proposed use for personal storage is in demand for the Billings area.
• Business development and rejuvenation in the Heights.(Economic Development Goal, Page 8)
The proposed zoning will allow the re-use of land for new business development.

2. Is the new zoning designed to secure from fire and other dangers?
The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers. The City Fire Department will ensure safe access to the site and provision for minimum fire flow to the new buildings.

3. Whether the new zoning will promote public health, public safety and general welfare?

Public health and public safety will be promoted by the proposed zoning. Re-development of the property will provide a single access to Bench Boulevard and new construction will meet current standards for public health and safety. This will improve public health and safety at this intersection.

4. Will the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?
Transportation: The proposed zoning may have some impact on the surrounding streets, and a traffic impact study may be required depending on the development that is built on the property in the future. New development that generates 500+ new vehicle trips per day will require a Traffic Accessibility Study (TAS).
Water and Sewer: The City will be able to provide water and sewer to the property by extension of those utilities from Bench Boulevard.
Schools and Parks: There should not be any impact to schools from the proposed zone change. However, any residential development in the future could affect the schools in the area.
Fire and Police: The subject property is currently served by the city Public Safety Services. Commercial re-development of the site may increase calls for service and change the nature of those calls for service.

5. Will the new zoning provide adequate light and air?
The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

6. Will the new zoning effect motorized and non-motorized transportation?
Traffic generation from a commercial site is dependent on the specific uses within the development. A development plan has not yet been finalized so prediction on effects on Bench Boulevard cannot be fully understood at this time. As a general traffic rule, mini-storage facilities will generate 2 vehicle trips for each 1,000 square feet in storage or 30 trips per acre per day. On a per acre basis, the proposed use would generate about 145 vehicle trips per day or about the same amount of traffic as a 10-lot residential subdivision. If developed as a manufactured home park, the traffic generated would be closer to 280 vehicle trips per day. Street improvements for Bench Boulevard are planned and will include sidewalks and/or multi-use paths. Pedestrian safety will be enhanced at this location. The 2011 Bikeway and Trail Master Plan include a short-range on-street bike lane for Bench Boulevard.

7. Will the new zoning will promote compatible urban growth?
The new zoning does promote compatibility with urban growth. Lower density development is inefficient and ineffective in recovering the costs to extend city services.

8. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?
The proposed zoning does consider the character of district and the suitability of the property for commercial uses including neighborhood and commuter service businesses. The level of existing traffic along with the number of existing and planned residential developments in the area will likely support the types of businesses likely to locate on this property.

9. Will the new zoning conserve the value of buildings?
The existing home and structures on the lot should be conserved with the new zoning. All of the existing uses are conforming to the proposed CC zoning. Surrounding buildings should be conserved when re-development occurs on the site by adding property value to the market.

10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?
The proposed zoning will permit a greater variety of uses on the property and is the most appropriate use of the property.

RECOMMENDATION

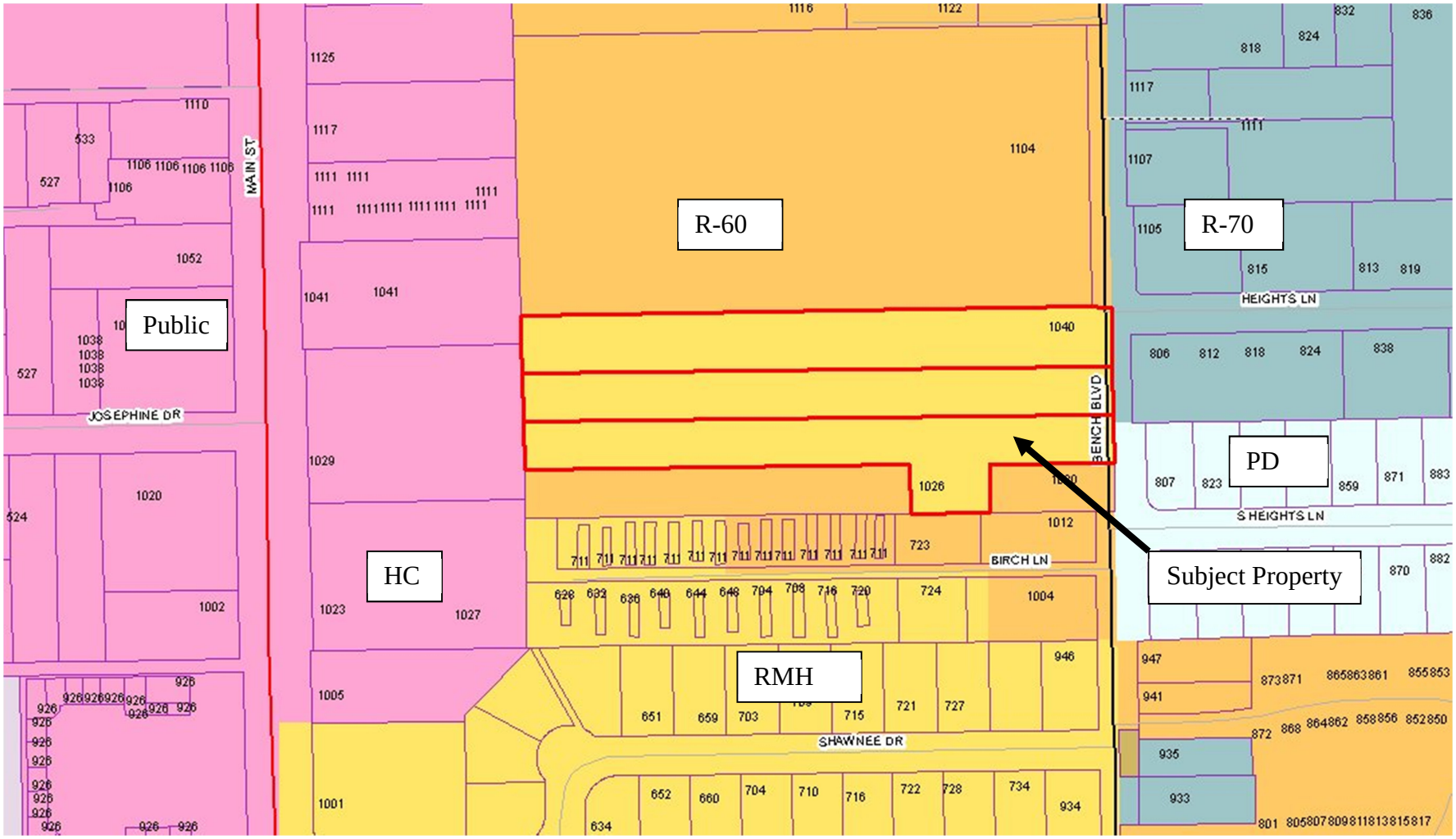
The Zoning Commission is forwarding a recommendation of approval on a 3-0 vote.

APPROVED BY CITY ADMINISTRATOR

Attachments

Zoning Map
Site photos
Applicant Letter and pre-app notes
Ordinance

Attachment A: Surrounding Zoning
Zone Change #904 – 1026, 1032 & 1042 Bench Boulevard



Attachment B

Site Photographs, Zone Change #904 – 1026, 1032 & 1042 Bench Boulevard

1032 Bench Boulevard

Aerial Map

Attachment B, continued

Site Photographs, Zone Change #904 – 1026, 1032 & 1042 Bench Boulevard

View south west to 1026 Bench Boulevard

View south east across Bench Boulevard

Attachment B, continued

Site Photographs, Zone Change #904 – 1026, 1032 & 1042 Bench Boulevard

View north and east across Bench Boulevard

View east across Bench Boulevard

Attachment C
Applicant's Letter

Zone Change Information

Tract 1, COS No 2537
North 2 AC of the S 10.41 acres, E of lateral in NESE4
Fraction of the South 1/2NESE1/4 (73.42 X 890 FT) of Section 22, T01N, Range 26E, P.M.M, Yellowstone County, Montana

Statement of Proposal

The applicant and contract purchaser of the properties identified above intends to construct a mini-storage complex within the site. The property is located to the west of Bench Blvd, just east of the recently constructed AutoZone. The site is approximately 4.8 acres. The site will contain approximately 440 units, varying in size from 5x10 up to 10x40. The units will be accessed from one driveway entrance off Bench Blvd. This driveway will serve as access to a small parking lot for an office to be located within the existing residence on the northeast corner of the property. This structure will also serve as the residence for the on-site manager of the storage units.

A security gate will limit access to the storage units to renters, management and emergency personnel, as needed. All the units will be accessed internally within the site. Security fencing will be placed as necessary to secure the site and landscaping will be provided to meet City zoning requirements.

The existing zoning is Residential Manufactured Housing. The applicant is requesting a zone change to Community Commercial. The current zoning does not permit the development of mini storage on this property.

Accompanying Responses to Questions in Zoning Application Form

1A. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?

LAND USE GOALS

Goal 1. Predictable land use decisions that are consistent with neighborhood character and land use patterns.

This zone change to Community Commercial is consistent with the Billings Heights Neighborhood Plan, which identifies the area between Main Street and Bench Blvd as a mixed use area. This area is indeed a mix of commercial and residential uses. While the site is currently zoned residential (RMH), it has previously been used as for commercial enterprises. The intent of the zone change is to develop the site for mini storage. While commercial in nature, its low intensity use will be consistent with the neighborhood patterns

Goal 2. New developments that are sensitive to and compatible with the character of adjacent City Neighborhoods and County Townsites.

This area of the City has a variety of uses, and the character is somewhat disjointed. The intent of the zone change request to allow for mini storage rental units will be compatible with the

surrounding uses. Single story buildings will be used on the site, minimizing off site impacts and blending with the adjacent neighborhoods.

Goal 4. Contiguous development focused in and around existing population centers separated by open space.

This zone change will permit and existing vacant lot to be used as infill for commercial development. The site is surrounded by existing development and the requested zone change will allow for use of this site that is currently underutilized.

Goal 6: More housing and business choices with each neighborhood.

The future land use map for the Billings Heights Neighborhood Plan calls for the area between Main Street and Bench Blvd to be mixed uses. The zone change request to Community Commercial continues that variety of choices within the neighborhood.

ECONOMIC DEVELOPMENT GOALS

Goal 9: Business development and rejuvenation in the Heights.

The zone change will permit an existing vacant property to be developed for commercial properties. The mini storage will be a new facility with security and a full time care taker. It will be a business that will benefit the Heights.

1B. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses in the immediate area.

The applicant desires to develop this property for mini storage rental units. It is an ideal location within the City for such a use and will not conflict with adjacent uses. The current zoning - Residential Manufactured Housing - does not accommodate any type of commercial development.

The site consists of three properties, each with frontage along Bench Blvd of approximately 75 feet, and a length of 890 feet. A 30-foot wide sewer easement runs the length of the site along one of the internal property lines. This creates a unique challenge for the development of residential units. Previous owners have reviewed options and determined it is not financially feasible for residential development.

The long narrow shape of the site lends itself well to development for mini storage. The minimal street frontage will mean that the storage units will not be highly visible from the street and the one-story structures will fit into the existing neighborhood. It is the intent of the applicant to retain the

existing house located on the northeast corner of the site. This will be used as housing for an on-site manager and office for the rental units.

The land uses adjacent to the site include housing to the south and east, an auto salvage yard on the north and commercial development on the west. The proposed use of mini storage can aid as a transitional area between the commercial/salvage yard and the residential area.

CERTIFICATE OF SURVEY NO. 2537
NEIGHBORHOOD MEETING
JUNE 25, 2012
6:00 P.M.

NAME	ADDRESS	PHONE NUMBER
Richard A Klein	Hts Line	696-5286
Stanley Stahl	111 Main	248-1649
Charles R Bryan	723 Birch Ln.	256-1514
Linda Shelton	724 Birch Ln.	534 1337
Tom Zurbuchen	1747 Mich	252 3270
Bob-Judy Skaggs	1020 Bench	256-0856
Evelyn Taylor	P.O. Box 50875	259-5051
Earl Taylor	"	"
Patty Dietz	352 Meadowlark Cir 1104 Bench	248-1124
Ken Dietz	1104 Bench Blvd.	697-6540
Chris Lowe	PO Box 31793	697-3262
Rex Leistiner	PO Box 269, 59714	570-6414
Lee Stethem	PO Box 50777 Bzn 404-585-7051	

ORDINANCE NO. 12-_____

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR a 4.77 acre parcel described as Tract 1, C/S 2537 and the North 2 acres of the South 10.41 acres East of the lateral and a Fraction of the S1/2NESE1/4 (73.42 X 890 feet) in the NESE1/4 of Section 22, Township 1 North, Range 26 East generally located at 1026, 1032 and 1040 Bench Boulevard

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

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

2. DESCRIPTION That a 4.77 acre parcel described as Tract 1, C/S 2537 and the North 2 acres of the South 10.41 acres East of the lateral and a Fraction of the S1/2NESE1/4 (73.42 X 890 feet) in the NESE1/4 of Section 22, Township 1 North, Range 26 East is presently zoned **Residential Manufactured Home (RMH)** and is shown on the official zoning maps within these zones.

3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcels** is hereby changed from **Residential Manufactured Home (RMH) to Community Commercial (CC)** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Community Commercial (CC)** as set out in the Billings, Montana City Code.

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

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 August 27, 2012.

PASSED, ADOPTED AND APPROVED on second reading September 10, 2012.

CITY OF BILLINGS:

BY:_____
Thomas W. Hanel, Mayor

ATTEST:

BY: Cari Martin, City Clerk

Zone Change #904 – 1026, 1032 and 1040 Bench Boulevard

Regular City Council Meeting

Meeting Date: 08/27/2012

TITLE: Public Hearing for Proposed Amendments to Sec 22-901 and 22-902 Authorizing Sale, Donation or Other Disposal of City-Owned Real Property and Buildings

PRESENTED BY: Brent Brooks

Department: Legal

Information

PROBLEM/ISSUE STATEMENT

Pursuant to a previous Council Initiative, the City Administrator appointed an internal staff committee consisting of Tom Binford, Aviation and Transit Director, Dave Mumford, Public Works Director, Mike Whitaker, Parks, Recreation and Public Lands Director and Brenda Beckett, Community Development Manager, to review the City's policies and methods of selling, donating or otherwise disposing of city-owned property. This committee reviewed the current version of City Code sections 22-901 and 22-902. These ordinances authorize the Council to sell, donate or otherwise dispose of property owned by the City. The internal committee made recommended revisions to the Ordinances to clarify Council's authority and to also include the sale of buildings or other structures. These proposed amendments were presented to the Mayor and Council during the August 16, 2010, Work Session. Changes requested by the Mayor and Council during that Work Session have been incorporated into the attached draft ordinance for First Reading and Public Hearing included here as Attachment A. These proposed revisions including those requested by the Council are shown by strikethroughs and underlines in Attachment A. During the Work Session, staff recommended that these revisions be postponed until a series of complex land exchanges occurred between the City, Billings Clinic and Underriner Motors which was completed in mid-2011. These land exchanges also required significant analysis and concurrence by various utility companies who had equipment and service lines within the affected properties.

ALTERNATIVES ANALYZED

The Council may approve or disapprove of the proposed amendments, provide additional amendments or postpone a decision on the amendments.

FINANCIAL IMPACT

There is no significant financial impact if the proposed amendments to Ordinance Sections 22-901 and 22-902 are adopted.

RECOMMENDATION

Staff recommends that the City Council approve the proposed amendments to Sections 22-901 and 22-902 authorizing sale, donation or other disposal of City-owned real property and buildings.

APPROVED BY CITY ADMINISTRATOR

Attachments

Ordinance

ORDINANCE NO. 12-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA, CITY CODE BE AMENDED BY REVISING ARTICLE 22-900; PROVIDING THE METHOD FOR THE SALE OR DONATION OF CITY-OWNED REAL PROPERTY

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

Section 1. That Article 22-900 of the Billings, Montana City Code be amended so that such Article shall read as follows:

"ARTICLE 22-900. SALE~~,~~ OR DONATION ~~DISPOSAL OR LEASE~~ OF CITY REAL PROPERTY

Sec. 22-901. State law superseded.

Pursuant to the city's self-government powers, Section 7-8-4201, MCA, of the state law dealing with the disposal, donation, lease or sale of city property is hereby superseded.

Sec. 22-902. Sale~~,~~ or donation ~~disposal or lease~~ of city real property .

(1) Subject to the provisions of subsections (~~1~~a) and (~~2~~b) below, the ~~c~~City ~~c~~Council may sell~~,~~ or donate ~~dispose of, or lease~~ any real property belonging to the city, including property held in trust for a specific purpose, by a resolution passed by six (6) of the ~~c~~City ~~c~~Council members present. The City Council shall advertise for competitive bids on any real property prior to sale or donation. Other local, state or federal governmental entities expressing interest shall be exempt from competitive bidding, and the City Council may sell or donate specific real property to such governmental entities without a competitive bidding process. However, the Council shall proceed as provided in subsections (a) and (b) and approve the Resolution described above when considering the sale or donation to another governmental entity.

In its discretion, the City Council may consider and impose deed restrictions relating to the use or subsequent sale of the property as a condition of the sale or donation of land.

Prior to selling~~,~~ or donating ~~leasing or disposing of~~ said real property, the city administrator or his/her designee shall:

~~(1)~~ (a) Publish notice in the legal newspaper of the city of the intention to sell~~,~~ or donate such property and requesting competitive bids prior to the sale or donation ~~lease or dispose~~ of such lands, giving the public the opportunity to be heard regarding such action. Said notice shall be published no less than fifteen (15) days in advance of the date of the public hearing.

~~(2)~~ (b) Notify~~,~~ by mail~~,~~ all property owners within three hundred (300) feet of the exterior boundaries of the real property subject to sale ~~lease~~ or ~~disposal~~ donation fifteen (15) calendar days in advance of the time, date, place of the public hearing and the existing and proposed use.

(2) Leases of city-owned real property shall be excluded from this section and will be approved in the same manner as all other contracts submitted to the city for approval.

(3) The City Administrator is hereby authorized to establish procedures to implement this section including establishment of a minimum sale price and the preparation of appropriate documents for signature by the Mayor."

Section 2. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 3. REPEALER. All resolutions, ordinances, and sections of the Billings, Montana City Code inconsistent herewith are hereby repealed.

Section 4. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

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

PASSED, ADOPTED and APPROVED on second reading this _____ day of _____, 2012.

CITY OF BILLINGS

By_____
Mayor

ATTEST:

By _____
City Clerk

Regular City Council Meeting
Meeting Date: 08/27/2012
TITLE: 2009 Billings Urban Area Transportation Plan Amendment
PRESENTED BY: Candi Beaudry
Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

In June of 2010, the Policy Coordinating Committee approved an update to the Billings Urban Area Long-Range Transportation Plan. Identified in this plan was the Billings Bypass Project that constructs a 2-lane highway from approximately the I-90/I-94 interchange to Highway 312. This construction includes a new Yellowstone River crossing. At the time of plan approval, the estimated cost of the bypass was $63 million. The current cost of the project is estimated to be $89 million. With the increased cost and the need to fiscally constrain the project, additional funding needs to be identified.

An amendment to the Transportation Plan is needed to show the updated cost of the Billings Bypass project as well as the redirection of all future Surface Transportation Program (Urban Funds) and Montana Air & Congestion Program (MACI) funding to fiscally constrain the project. The future redirection of all Urban and MACI funds will impact other long and short term projects identified in the Transportation Plan now and in the future. The funding sources of long and short range transportation projects currently allocated with Urban and MACI dollars will be redirected to the Billings Bypass project and therefore could delay construction of these projects. Further, consideration of new projects not yet identified also could be affected by allocation of Urban and MACI dollars to complete the Billings Bypass project.

The City Council may recommend to the Policy Coordinating Committee to redirect future Urban and MACI funding to fiscally constrain the Billings Bypass project which would require the Billings Urban Area Transportation Plan amendment, or the Council may recommend a “no build” of the project and not commit local funding through 2020.

ALTERNATIVES ANALYZED

The City Council may:
1. Recommend approval of the Transportation Plan amendment to the Policy Coordinating Committee.
2. Recommend a “no build” of the North Bypass project therefore recommending denial of the Transportation Plan amendment to the Policy Coordinating Committee.

FINANCIAL IMPACT

There may be significant financial impacts to other identified short and long term transportation projects during the time frame of obtaining the necessary financing for the Billings Bypass. The future redirection of all Surface Transportation Program (Urban Funds) and Montana Air & Congestion Program (MACI) dollars towards the bypass project until approximately the year 2020 could delay construction of other identified transportation projects.

BACKGROUND

The Billings Bypass project has evolved over the course of more than 10 years from a larger project of national significance for transportation infrastructure to a project to provide an additional river crossing and access in and out of the Billings Heights area and the potential to redirect some truck traffic around downtown Billings. The Billings North Bypass Feasibility Study, completed in 2001, investigated a bypass in the Billings area as part of the Camino Real International trade corridor connecting Canada to Mexico. The study used a five-mile wide corridor north of Billings in order to assess the feasibility of a bypass route connecting the I-90/94 interchange area east of Billings with N-53 (MT 3) west of Billings. This study area was selected by a consultant team and approved by the project steering committee. The study concluded that a bypass was feasible from an economic and engineering perspective, and should be advanced for environmental analysis and refinement.

MDT in cooperation with the FHWA initiated the preparation of an EIS for a proposed bypass route north of Billings. The proposed project involved the development of a bypass route connecting the I-90/94 interchange area east of Billings with MT 3 northwest of Billings. Subsequently, the project team completed scoping, developed preliminary alternatives, and met with the general public twice to obtain input.

In 2010, due to concerns from several land owners about the long-term plan to create a road corridor across private property between Highway 87 and Highway 3, and due to Federal requirements to fiscally constrain projects, the Policy Coordinating Committee decided to truncate the project and move forward with a local road connection between the I-90/94 interchange area east of Billings and Highway 312 in the Billings Heights.

Funding

The project initially received $21 million in earmark dollars and approximately $3 million has been spent to complete the Environmental Impact Statement (EIS). The remaining $18 million is available for engineering, right-of-way acquisition, and construction. The Federal Highway Administration (FHA) and the Montana Department of Transportation (MDT) are requesting a firm decision of commitment from the Metropolitan Planning Organization (MPO) for the completion of this project.

It is currently estimated that approximately $89 million is needed to construct the entire project. Due to FHA's need for a fiscally constrained project (all funding in place), additional funds need to be identified and allocated prior to construction. Working with MDT, it has been determined that a redirection of all future allocations of Surface Transportation Program (Urban Funds) and Montana Air & Congestion Initiative Guaranteed Program (MACI) until approximately the year 2020 may fiscally constrain the project. The break-down of funding is as follows to fiscally constrain the project using Urban and MACI funds:

$18,000,000 (Remaining Secured Earmarks)
$46,500,000 (National Highway, Interstate Maintenance, Highway Bridge Funds)
$25,000,000 (Urban, MACI, Local funding)*
$89,500,000 Total**

* $2.6 million annual Urban Fund allocation, $1.0 million annual MACI allocation – local commitment of funding through 2020 after funding Bench Boulevard Phase II project (2014).

** This funding summary does not account for the possibility of funds from grants or other sources that could develop in the future for the community. This funding summary addresses

only known funding sources that are expected to exist into the future.

The City Council may recommend to the Policy Coordinating Committee to redirect future Urban and MACI funding to fiscally constrain the Billings Bypass project which would require the Billings Urban Area Transportation Plan amendment, or the Council may recommend a “no build” of the project and not commit local funding through 2020.

STAKEHOLDERS

A public hearing is scheduled for the August 28, 2012 Planning Board meeting to receive public input on the Transportation Plan amendment. The City Council is not required to conduct a public hearing but may accept public comments at its meetings.

RECOMMENDATION

Staff recommends that the City Council review and discuss the amendment to the Transportation Plan at the August 27, 2012 meeting with a recommendation either to commit funding for this project or not continue with the project to the Policy Coordinating Committee made at the September 10, 2012 Council meeting. The Policy Coordinating Committee will consider this plan amendment at its September 18, 2012 meeting.

APPROVED BY CITY ADMINISTRATOR

Attachments

Transportation Plan Amendments

Table 4.2 Long-Range Plan Project Table (Fiscally Constrained)

Priority Rank	Project	Description	Project Type	Estimated Cost	Potential Funding Sources
Non-intersection Projects					
~~NR~~	~~Lake Elmo Drive – Hansen to Wicks Lane~~	~~Intersection improvements and multi-use facilities added~~	~~Reconstruction~~	~~$1,689,497~~	~~8~~
~~NR~~	~~6th Avenue North/Bench Blvd – Phase I~~	~~New construction of nonexisting segment/bridge~~	~~New Construction~~	~~$8,078,000~~	~~2, 8, 5~~
MDT	6th Avenue North/Bench Boulevard – Phase II Preliminary Design	Reconstruct to 4-lane (divided with auxiliary lanes at interchange), new signals	Reconstruction	$18,475,000	~~2,~~ 8, 5
NR	Bench Boulevard North Phase I – Lincoln Lane to Hilltop Road ROW – Construction 2013	Phase I – Reconstruction to 3 lanes (two-way left-turn lane)	Reconstruction	$7,863,000	~~1, 2,~~ 8, 5
NR	Bench Boulevard North Phase II – Hilltop Road to Highway 87 When fully funded - 2016	Reconstruction to 3 lanes (two-way left-turn lane)	Reconstruction	$14,927,000	~~1, 2,~~ 8, 5
~~NR~~	~~Rimrock Road – 17th Street West to Forsythia~~	~~Widen for capacity & safety~~	~~Reconstruction~~	~~$4,500,000~~	~~1, 5, 8~~
NR	Grand Ave – 17th Street West to 24th Street West MDT safety 17th/19th	Capacity Improvements	Reconstruction	$9,200,000	~~1,~~ 5, 8, 10
1	32nd Street West Next Arterial Project - Design	Widen from King Avenue West to Gable Road	Reconstruction	$4,000,000	8, 9, 10
2	Central Avenue – BBWA Canal to 48th Street West Arterial project after 32nd Street West	Widen for capacity & safety	Reconstruction	$7,300,000	~~1,~~ 5, 8, 9, 10
3	Grand Avenue – Rehberg Lane to Shiloh Road Prelim Design, mostly dev. driven, not priority	Widen for capacity & safety	Reconstruction	$3,600,000	~~1,~~ 8, 9, 10
~~4~~	~~Rimrock Road – Clear View Drive to 54th Street West~~	~~Widen for capacity & safety~~	~~Reconstruction~~	~~$5,100,000~~	~~1, 8~~
5	Rimrock Road – Forsythia to Shiloh Design phase – construction 2013	Widen for capacity & safety	Reconstruction	$3,000,000	~~1,~~ 5, 8
5	Pemberton Road – BBWA to Lake Elmo Drive Long range – not programmed	Widen for capacity & safety	Reconstruction	$2,600,000	8
6	Wicks Lane – Governors Boulevard to High Sierra (part of Inner Belt Loop)	Widen for capacity & safety	Reconstruction	$1,500,000	8, 10

Priority Rank	Project	Description	Project Type	Estimated Cost	Potential Funding Sources
7	1st Ave South – 21st Street to N 13th Street Long range – not programmed	Widen for capacity & safety	Reconstruction	$750,000	~~1,~~ 15
Co	Old Hardin Road – Lockwood Interchange to Johnson Lane	Widen to 3 lanes	Reconstruction	$5,100,000	~~1,~~ 8
~~MDT~~	~~Pinehills Interchange S.E.~~	~~Overlay~~	~~Overlay~~	~~$6,800,000~~	~~4~~
~~MDT~~	~~Mossmain Intch-East~~	~~Slope flattening, guardrail~~	~~Slope flatten, guardrail~~	~~$7,244,100~~	~~4~~
*	Zimmerman Trail	Add climbing lane for portion of roadway and straighten curve	Reconstruction	$7,000,000	5
Intersection Projects					
1	North 27th Street/Rimrock Road	Intersection Capacity & Safety Improvements	Reconstruction	$4,200,000	~~1,~~ 8, 10
New Links					
1	Billings Bypass	New highway construction from I90/I94 to Highway 312	New construction	~~$63,000,000~~ $89,000,000	~~8,9,15,19~~ 8,9,5,1,2,6,4,11
1	Inner Belt Loop ROW/preliminary design	2-lanes from Wicks Lane at High Sierra to Zimmerman Trail with future capacity added as development occurs	New construction	$14,000,000	8, 10
1	Montana Avenue – North 18th Street to Main Street; 1st North Couplet	Improvement to capacity, flow and safety	New construction	$5,500,000	6, 7, 8, 10
2	36th Street West – Mt. Rushmore to Central Avenue	New construction of nonexistent segment	New construction	$750,000	8, 9
Co	Old Hardin Road – Johnson Lane to Becraft	New connection south of existing to eliminate "double intersection"	New construction	$2,500,000	8
Total				**~~$208,676,597~~** **$201,265,000**	

Source: City/County Planning Department, Montana Department of Transportation.

Notes: "NR" = Not rated because project is underway; "MDT" = Montana Department of Transportation project; "Co" = Yellowstone County project; "*" = this project is contingent on receipt of congressionally allocated funds.

Funding projections are based on best available information and are subject to change given current funding uncertainties and unknown impacts of future congressional or other Federal actions. Federal program funding availability may impact the scheduling of projects. Funding beyond 2010 will be subject to the obligation limitation set by the annual appropriations process.

Table 4.3 Long-Term Potential Funding Sources

Index	Funding Source
1	STPU – Surface Transportation Program – Urban Funds
2	MACI – Montana Air & Congestion Initiative Guaranteed Program
3	STPS – Surface Transportation Program – Secondary Funds
4	IM – Interstate Maintenance Funds
5	Congressionally Directed Funds (Earmarks)
6	NHS – National Highway System Funds
7	RRX – Highway-Rail Crossing Program
8	State Fuel Tax Funds – City and County
9	Developer Construction
10	Arterial Fee
11	HBRRP – Highway Bridge Replacement and Rehabilitation Program

Source: City/County Planning Department, Montana Department of Transportation.

Table 4.4 Short-Term and TSM Potential Funding Sources

Index	Funding Source
1	STPU– Surface Transportation Program – Urban Funds
2	MACI– Montana Air & Congestion Initiative Guaranteed Program
3	MDT Discretionary– Air & Congestion Program
4	CTEP– Community Transportation Enhancement Program
5	IM – Interstate Maintenance Funds
6	HSIP – Highway Safety Improvement Program
7	NHS – National Highway System Funds
8	RRX – Highway Rail Crossing
9	State Fuel Tax Funds – City and County
10	Arterial Fee
11	UPP – Urban Pavement Preservation

Source: City/County Planning Department, Montana Department of Transportation.

Note: Funding projections are based on best available information and are subject to change given current funding uncertainties and unknown impacts of future congressional or other Federal actions. Federal program funding availability may impact the scheduling of projects. Funding beyond 2010 will be subject to the obligation limitation set by the annual appropriations process.

Table 4.5 Short-Range Projects (Intersection Projects)

Priority Rank	Project	Description	Project Type	Estimated Cost	Potential Funding Sources
~~NR~~	~~13th Street West/Parkhill Drive~~	~~Reconstruct to eliminate "jog"~~	~~Reconstruction~~	~~$759,400~~	~~6,9~~
NR	Citywide Signal Priority Program*	Biennial new signal installation program	Signals	$225,000	~~2,~~9, 10
1	Main Street/6th Avenue North	Striping on SB approach to improve right-turn capacity and geometry	Reconstruction, striping	$50,000	~~1,2,~~3,7,9, 10
2	Main Street/Hilltop Road	Intersection Capacity Improvements	Reconstruction	$500,000	~~1,2,~~3,7,9, 10
3	Hilltop Road/Nutter Boulevard	Reconstruction, signs, and markings	Reconstruction, signs	$13,500	~~1,~~9, 10
4	North 18th Street/1st Avenue North	Improve turn radius for NB to EB turns	Reconstruction	$100,000	~~1,~~6,9, 10
5	South 27th Street/I-90 EB Ramps	Reconstruction, signs, and markings	Reconstruction, signs	$15,300	5,7,9, 10
6	Lewis Avenue/8th Street West	Study alternatives to signalization	Study	$12,000	6,9
Co	Blue Creek Road, South of Jellison	Intersection auxiliary lanes	Reconstruction	$200,000	~~1,~~9, 10
Co	Highway 312/Dover-Bitterroot Drive	Reconstruction	Reconstruction, signs	$18,000	~~1,9~~
Co	Highway 87E/North Frontage Road	Reconstruction	Reconstruction, signs	$177,500	7,9
~~MDT~~	~~Signal Frontage Road & Zoo Drive~~	~~Signal~~	~~Signal~~	~~$834,000~~	~~6~~
~~MDT~~	~~State Avenue – 1st Avenue South to 27th Street~~	~~Restripe to 3 lanes~~	~~Striping~~	~~$695,000~~	~~6~~
MDT	Hardin Road/Lockwood	4-way stop islands	Intersection modifications	$102,000	6
MDT	I-90	Lockwood interchange	Ramp modifications	$143,000	6
MDT	Signal-N Frontage Road	Intersection upgrade, signal	Signal	$787,000	6
MDT	Billings-Grand-17th Signal	Intersection upgrade, signal	Signal	$120,000	6
Total				**~~$4,751,700~~** **$2,403,300**	

Source: City/County Planning Department, Montana Department of Transportation.

Notes: "NR" = Not rated because project is underway; "MDT" = Montana Department of Transportation project; "Co" = Yellowstone County project.

Table 4.6 Short-Range Projects (Non-intersection Projects and New Links)

Priority Rank	Project	Description	Project Type	Estimated Cost	Potential Funding Sources
1	King Avenue West – 20th to 32nd Street West	Provide coordinated signal system for corridor	Signal System	$430,000	~~1,2,~~3,9
2	Main Street – 1st Ave N to Wicks Lane	Signal Timing & Coordination – to be completed AFTER Bench Blvd is extended to Hilltop Rd	Signal System	$100,000	~~1,2,~~3,6,7,9
3	Lake Elmo Drive – Robertson to Rolling Hills	Widen for capacity & safety	Widen, reconstruction	$750,000	~~2,~~4,9
4	North 13th Street – 1st Avenue North to 4th Avenue North	Reconfigure to 3 lanes, remove parking, signs, signals	Reconstruction, signal	$50,000	~~1,~~9,10
5	Wicks Lane – Main Street to Bench Boulevard	Traffic study	Traffic study	$15,000	~~1~~
6	19th Street West – Central Avenue to Grand Avenue	Restripe and add bike lanes	TSM	$100,000	~~2,~~4,9
7	24th Street West – King Avenue West to Grand Avenue	Access management plan	Signal System	$400,000	~~1,2,~~9, 10
8	Division Street – Grand Avenue to Montana Avenue	Capacity Improvements	Signal System	$300,000	~~1,2,~~6,9, 10
8	Grand Ave – Division Street to 24th Street West	Capacity Improvements	Signal System	$634,000	~~1,2,~~6,9, 10
8	Broadwater Avenue – Division Street to 24th Street West	Capacity Improvements	Signal System	$200,000	~~1,2,~~9, 10
8	Central Avenue – 6th Street West to Stewart Park Road	Capacity Improvements	Signal System	$350,000	~~1,2,~~9, 10
8	15th Street West – Central Avenue to Grand Avenue	Capacity Improvements	Signal System	$200,000	~~2,~~9, 10
8	1st Avenue South – State Avenue to Minnesota Avenue	Capacity Improvements	Signal system	$200,000	~~1,2,~~9, 10

Priority Rank	Project	Description	Project Type	Estimated Cost	Potential Funding Sources
NR	Citywide Sidewalk Installation	Annual construction program	New construction	$300,000	~~2,~~4,9
NR	Citywide ADA Ramp Installation	Annual retrofit program – various locations	New Construction	$500,000	9, 10
~~MDT~~	~~Billings North~~	~~Pavement Preservation~~	~~Overlay, S&C~~	~~$2,700,000~~	~~7~~
MDT	Railroad Crossing – 1st Avenue South – Billings	Circuitry upgrade	Circuitry upgrade	$113,000	8
MDT	Railroad Crossing – Hesper Road	Circuitry upgrade	Signals	$156,000	8
~~MDT~~	~~Flasher/Guardrail – South Billings~~	~~Flasher/guardrail~~	~~Safety~~	~~$166,000~~	~~6~~
~~MDT~~	~~SF079 Billings District~~	~~Spot Safety Improvements~~	~~Miscellaneous~~	~~$23,000~~	~~6~~
~~MDT~~	~~Grand-Division to 8th – Billings~~	~~Pavement preservation~~	~~Mill, overlay~~	~~$533,000~~	~~5~~
Total				**$8,220,000**	

Source: City/County Planning Department, Montana Department of Transportation.

Notes: "NR" = Not rated because project is underway; "MDT" = Montana Department of Transportation project; "Co" = Yellowstone County project

Federal/State Funding

SAFETEA-LU was signed into law in August 2005 replacing Transportation Equity Act for the 21st Century (TEA-21) of 1998. SAFETEA-LU and the Surface Transportation Extension Acts of 2009 include the continuation of many successful TEA-21 and ISTEA programs. SAFETEA-LU included approximately $244 billion over the six-year authorization period. Congress is currently considering a re-authorization. As the impacts of re-authorization cannot be determined at this time, Federal funding estimates in this plan based on continuance of SAFETEA-LU programs in the Surface Transportation Extension Acts of 2010.

Montana has received an average apportionment of about $355 million per year for highways over the six-year SAFETEA-LU period. MDT has estimated the amounts of Federal/state funding that are anticipated to be available for transportation improvements in the Billings Urban Area during the timeframe of this plan based on current funding levels. Billings has had a favorable history receiving federal earmarks. The funding package for the Billings Bypass project includes earmarks, IM, NH, HBRRP, STP-Urban, MACI and local funding sources. To ensure a complete funding package for the Billings Bypass project, the MPO will continue to seek funding and prioritize Surface Transportation Program Urban (STPU) and MACI funds over the next several years until the project is constructed. These estimates are detailed in Table 10.4.

Table 10.4 Levels Estimated Federal and State Revenue

Funding Source	Carryover (from 2009)	Annual Allocation (STPU, CMAQ, STPE)	Estimated 20-Year Allocation	Total Available
Surface Transportation Program (Urban) – STPU	-$1,459,630	$2,587,036	$51,740,720	$50,281,090
MDT MACI Guaranteed Program (CMAQ)	$1,937,149	$835,170	$16,703,400	$18,640,549
National Highway System	N/A	N/A	~~$2,600,000~~ $16,000,000	~~$2,600,000~~ $16,000,000
Interstate Maintenance	N/A	N/A	~~$14,100,000~~ $21,000,000	~~$14,100,000~~ $21,000,000
STP Enhancements - STPE(City & County)	$446,897	$628,270	$12,565,400	$13,012,297
Highway Bridge Replacement/Rehabilitation	N/A	N/A	~~$0~~ $3,000,000	~~$0~~ $3,000,000
Highway Safety Program	N/A	N/A	$3,400,000	$3,400,000
Earmarks (All Categories)	$40,978,959	$6,800,000	$68,000,000	$108,978,959
Total	**$41,903,375**	**$10,850,476**	**~~$169,109,520~~ $192,409,520**	**~~$211,012,895~~ $234,312,895**

Source: Montana Department of Transportation.

Notes: The earmark annual allocation is based on earmarks received for the period 2000 to 2009, less rescinded amounts and obligation limitation. This can only be used for the first 10 years of the plan.

Funding projections are based on best available information and are subject to change given current funding uncertainties and unknown impacts of future congressional or other Federal actions. Federal program funding availability may impact the scheduling of projects. Funding beyond 2010 will be subject to the obligation limitation set by the annual appropriations process.

Summary of Funding Opportunities/Constraints

The total funding opportunities available for this fiscally constrained plan and the candidate list of transportation system (highway, bike, and pedestrian) capital projects is summarized in Table 10.5.

Table 10.5 Summary of Funding Opportunities

Funding Source	Average Annual Funding	20-Year Estimated Funding
Federal and State Funding	$10,850,476	~~$169,109,520~~ $192,409,520
City and County Funding	$5,600,000	$112,000,000
Total	**$16,450,476**	**~~$281,109,520~~ $304,409,520**

Source: City/County Planning, Montana Department of Transportation.

Note: Funding projections are based on best available information and are subject to change given current funding uncertainties and unknown impacts of future congressional or other Federal actions. Federal program funding availability may impact the scheduling of projects. Funding beyond 2010 will be subject to the obligation limitation set by the annual appropriations process.

This total does not include potential developer contributions that may be available for various transportation system improvements. Projects which are expected to receive developer contributions for design and/or construction have been identified, and project costs for those elements have been reduced by 25 percent to recognize this potential contribution. Further, it should be emphasized that other funding sources are possible, typically as discretionary grants that must be applied for, but the above listed sources reflect the most probably sources for typical projects at this time.